

Code Ordinance

By: Planning Department
Introduced: March 23, 2020
Public Hearing: April 13, 2020
Amended: April 13, 2020
Adopted: April 13, 2020

Yes: Burney, Graham, Harvey, Ledford, Velock
No: None
Absent: Dryden

**City of Wasilla
Ordinance Serial No. 20-11(AM)**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code (WMC) 16.04.070, Definitions, To Add A Definition For “Mobile Food Vendor”; Amending 16.16.060, Specific Approval Criteria, To Add Subsection L, Mobile Food Vendor, Containing Regulations For Mobile Food Vendors; Amending 16.20.020, District Use Chart, To Add The Permit Approval Required For Mobile Food Vendors; And Amending 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule, To Add Fines For Mobile Food Vendor Violations

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of Section. WMC 16.04.070, Definitions, is hereby amended to read as follows:

When used in this title, the following words and phrases shall have the meanings set forth in this section:

“Mobile Food Vendor” means a temporary outdoor food and/or beverage service use that may be non-motorized and self-propelled by the operator or is a vehicle that is either motorized or trailered. This term is inclusive of food trucks, trailers, and/or food carts and trailers.

Section 3. Amendment of Section. WMC 16.16.060, Specific approval criteria, is hereby amended to add subsection (L) Mobile Food Vendor, as follows:

16.16.060 Specific approval criteria.

The following uses are subject to the preceding general approval criteria and these additional approval standards:

Bold & Underline, added. Strikethrough, deleted

L. Mobile Food Vendor. A mobile vendor may be allowed on private property, subject to reasonable conditions, provided that it meets the following:

1. General. A mobile food vendor is a temporary food service operation.

2. Exemptions. Mobile food vendors do not require a land use permit for the following locations:

a. City-owned parks (appropriate vendor permits must be obtained from the city);

b. One-day events on private residential property where the food is not sold to the general public (e.g. catering a private party);
or

c. Temporary special events on private property when the event has obtained a temporary use permit.

d. Activities and vendors not requiring a City business license, such as garage sales and lemonade stands, are exempt.

3. Annual permit application and fee. Except as provided above, a land use permit is required for a mobile food vendor operating throughout the year or a portion thereof. An annual land use permit is required for each calendar year and is issued on or after January 1 and expires on December 31 of the year in which it was issued. If an application is submitted in the month of December, the permit will be issued for the remainder of the current year and the following calendar year. The application must be submitted on forms provided by the city with the appropriate fee and must include all of the following information:

Bold & Underline, added. Strikethrough, deleted

a. Owner/Applicant Information. The name, address, mailing address, email address, and telephone number of the mobile food vendor owner and the owner of the property.

b. Site plan. A site plan showing the proposed location(s) of the mobile food vendor and indicate safe ingress/egress from right-of-way to mobile vendor location. Additional locations may be added to the permit throughout the year without additional permit fees. However, each additional location must meet all of the requirements in this subsection.

c. Physical description, dimensions, and photographs of the mobile food vendor cart/vehicle and information regarding water supply, fuel supply, and waste disposal.

d. Insurance. A certificate of insurance for a general liability insurance policy, in the minimum coverage amount of \$100,000 personal injury per occurrence and \$50,000 property damage, naming the City of Wasilla as additional insureds. The certificate shall provide that the city will be notified at least 30 days before the policy is modified or terminated.

e. Licensing. Proof of applicable licenses or permits required by city, borough, and state agencies must be submitted to the city planner prior to operation.

f. Acknowledgement. Notarized acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a mobile food vendor within the city limits.

g. Other information. Any other information deemed reasonably necessary by the city planner to administer this section.

Bold & Underline, added. Strikethrough, deleted

4. Approval Criteria – New and Renewal

a. The applicant has the burden of proof to demonstrate compliance with each of the applicable criterion for approval or renewal of the mobile food vendor permit. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted with the permit application and the applicant shall cooperate fully in any investigation. To receive approval, an applicant must demonstrate that all approval criteria listed below have been satisfied:

i. Zoning. The zoning for the property is in compliance with the requirements of WMC Title 16.

ii. Site. The site upon which the mobile food vendor is to be located is adequate in size and shape to safely accommodate said use.

iii. Setbacks. Mobile food vendors must be located a minimum of 15 feet from fire hydrants and building entrances and a minimum of five feet from above ground utility boxes and facilities.

iv. Parking. Mobile food vendor vehicles and/or equipment (e.g. grills, tables/chairs, generators) may not occupy any parking spaces needed to meet the minimum required parking for the approved primary use on the lot.

v. Utilities. Connections to public utilities (e.g. water, sewer, electric, gas) and/or installation of an approved on-site well and septic system are prohibited.

Bold & Underline, added. Strikethrough, deleted

vi. Signage. All signage and identification for the mobile food vendor must be attached to the vehicle. Sandwich boards may be used to display menu items when located within the approved area for the mobile food vendor. Sandwich boards may not exceed six square feet in sign area.

vii. Refuse. Vendor must provide a minimum of one waste container for customer use and is responsible for all litter and garbage left by mobile food vendor customers. All trash and grease/waste must be removed from the site daily except when stored in on-site containers specifically designed for such waste and approved on the permit site plan.

viii. Generators. Generators must be oriented away from residences and commercial buildings to the greatest extent feasible to minimize negative impacts.

ix. Picnic tables. Picnic tables or other seating for customers is allowed if the mobile food vendor has obtained written approval for customer use of the restrooms in the business on the same lot. If restroom access is not available, the mobile food vendor must provide a port-a-potty with a handwashing station.

x. Maximum number of mobile food vendors per parcel. Sites less than one acre in area may only have one mobile food vendor at any time unless the vendor is participating in an organized event that has obtained the appropriate temporary use permit approval from the city planner.

xi. Hours of operation. The proposed hours of operation must be identified in the written approval from the property

Bold & Underline, added. Strikethrough, deleted

owner/property manager. The city planner may limit hours of operation when determined necessary to minimize impacts to adjacent residential uses.

xii. Exterior cooking. Vendor must take appropriate safety measures to protect the public from injury from exterior grills or cooking equipment.

xiii. Alcoholic beverages. Sale or service of alcohol beverages by the mobile food vendor is prohibited at all times.

xiv. Licenses. Required city, borough, state, and federal licenses must be posted visibly in/on the mobile food vendor vehicle.

6. Renewal and Transferability.

a. Renewal. The owner(s) must renew a mobile food vendor land use permit annually prior to January 1. The renewal permit must include the renewal fee and any changes to the requirements set forth in this section. The city planner shall have the authority to impose additional conditions on the renewal of any permit in the event of any violation of the conditions to the permit or the provisions of this section subject to compliance with the procedures specified in this section.

b. Transferability. Any transfer of a mobile food vendor permit issued under this section must be reviewed/approved by the city planner but does not require submittal of a new application and fee.

7. Denial, revocation, and suspension. Mobile food vendor permits may be denied, revoked, or suspended by the city planner for good cause. The city planner shall provide written notice describing the reasons for denial, revocation, or suspension of a mobile food vendor permit. The

Bold & Underline, added. Strikethrough, deleted

vendor may appeal the city planner’s decision utilizing the process in WMC 16.34. For purposes of this section, “good cause” includes, but is not limited to:

a. The manner, or proposed manner, of operating the mobile food cart or vehicle violates any federal, state, borough, or city law or regulation;

b. The manner of operation creates a public nuisance;

c. The vendor made omissions, deceptive statements, and/or false statements of material fact to city staff in the mobile food vendor permit application; or

d. The vendor failed to timely pay the required permit application fee or operated without the required permit.

8. Penalties. Penalties for violations of the section include revocation of the permit and/or fines as provided in WMC Chapter 1.20.

Section 4. Amendment of Section. WMC 16.20.020, District use chart, is hereby amended to read as follows:

16.20.020 District use chart.

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot; provided, that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

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| | | | | | | | |
|--|------------------------------|----------------------------------|---------------------------|---------------------------------|------------------------------|------------------------------|------------------------------|
| AA = Administrative approval UP = Use permit CU = Conditional use EX = Excluded Blank = No city approval necessary | | | | | | | |
| Districts | RR Rural | R1 Single- Family | R2 Residential | RM Multi- family | C Commercial | I Industrial | P Public |
| Uses | | | | | | | |
| <u>Mobile Food Vendor</u> | <u>UP</u>¹ | <u>EX</u> | <u>EX</u> | <u>EX</u> | <u>AA</u>¹ | <u>AA</u>¹ | <u>EX</u>² |

¹Must comply with specific approval criteria in Section 16.16.060.²**Only permitted with approved public vending license required in WMC 6.08.**

Section 5. Amendment of Section. WMC 1.20.030, Disposition of scheduled offenses –

Fine schedule, is hereby amended to read as follows:

1.20.030 Disposition of scheduled offenses – Fine schedule.

A. A person cited for an offense for which a fine is established in subsection (C) of this section may mail or personally deliver to the clerk of court the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating the person’s waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The citation with the fine shall be mailed or personally delivered on or before the thirtieth day after the date the citation was issued. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.

B. If a person cited for an offense for which a fine amount is established in subsection (C) of this section appears in court to contest the citation and is found guilty, the maximum sentence which shall be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below.

Bold & Underline, added. ~~Strikethrough, deleted~~

| CODE SECTION | DESCRIPTION OF OFFENSE | FINE |
|-------------------------------------|--------------------------------------|--------------|
| <u>WMC 16.16.060(L)(1) – (L)(8)</u> | <u>Mobile Food Vendor Violations</u> | <u>\$300</u> |

Section 6. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Wasilla City Council on April 13, 2020.


 Bert L. Cottle, Mayor

ATTEST:


 Jamie Newman, MMC, City Clerk

[SEAL]

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City of Wasilla
 Legislative Staff Report
 Ordinance Serial No. 20-11
 (Code Ordinance)

Amending Wasilla Municipal Code (WMC) 16.04.070, Definitions, To Add A Definition For "Mobile Food Vendor"; Amending 16.16.060, Specific Approval Criteria, To Add Subsection L, Mobile Food Vendor, Containing Regulations For Mobile Food Vendors; Amending 16.20.020, District Use Chart, To Add The Permit Approval Required For Mobile Food Vendors; And Amending 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule, To Add Fines For Mobile Food Vendor Violations.

Originator: Tina Crawford, AICP, City Planner *TC*
 Date: 3/6/2020

Agenda of: 3/23/2020

| Route to: | Department Head | Signature | Date |
|-----------|-----------------------|--------------------|-----------|
| X | Public Works Director | <i>[Signature]</i> | 3/11/20 |
| X | Finance Director | <i>[Signature]</i> | 3/11/20 |
| X | Deputy Administrator | <i>[Signature]</i> | 3/11/20 |
| X | City Attorney | <i>[Signature]</i> | 3-16-20 |
| X | City Clerk | <i>[Signature]</i> | 3/12/2020 |
| X | Mayor | <i>[Signature]</i> | 3/16/2020 |

Fiscal Impact: yes or no

- Attachments:** Ordinance Serial No. 20-11 (10 pages)
 Planning Commission Resolution Serial No. 20-04 (11 pages)
 Planning Commission Meeting Minutes – January 14, 2020 (7 pages)
 Food Truck Survey Responses – July 28, 2018 (1 page)

Summary Statement: Over the past few years, there has been an increased demand for permits to allow mobile food vendors within the city limits. However, when the current code was initially adopted in 1996, the code did not anticipate this type of use and does not contain regulations regarding mobile food vendors. The only option available to staff to approve mobile food vendors has been to approve a temporary use permit (TUP) that can be approved for a maximum length of six months and it is nonrenewable.

To address the need for mobile food vendor regulations, the Planning Commission held Committee of the Whole (COW) discussions throughout 2019 to work with staff and the community to determine the appropriate regulations. In addition to the COW discussions, Planning staff coordinated with the Wasilla Museum to invite 16 mobile food vendors to attend the 2018 Summer Block Party. Staff also had a booth at the event and conducted surveys of the attendees to see how they felt about allowing mobile food vendors within the city limits. We had 73 participants and all 73 indicated that they were in full support of mobile food vendors with some regulations (see survey). On January 14, 2020, the Planning Commission voted unanimously to adopt Resolution Serial No. 20-04 recommending that the City Council adopt mobile food vendor regulations.

Proposed Action: Introduce and set the Ordinance for public hearing.

By: Planning
Public Hearing: 01/14/20
Adopted: 01/14/20

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**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 20-04**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND WASILLA MUNICIPAL CODE SECTION 16.04.070, DEFINITIONS, TO ADD A DEFINITION FOR "MOBILE FOOD VENDOR"; AMEND SECTION 16.16.060, SPECIFIC APPROVAL CRITERIA, TO ADD SUBSECTION L, MOBILE FOOD VENDOR, CONTAINING REGULATIONS FOR MOBILE FOOD VENDORS; AMENDING SECTION 16.20.020, DISTRICT USE CHART, TO ADD THE PERMIT APPROVAL REQUIRED FOR MOBILE FOOD VENDORS; AND AMENDING SECTION 1.20.030, DISPOSITION OF SCHEDULED OFFENSES – FINE SCHEDULE, TO ADD FINES FOR MOBILE FOOD VENDOR VIOLATIONS.

WHEREAS, the Planning Commission is required to make recommendations to the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on January 14, 2020, the Wasilla Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate and is consistent with the goals and objectives of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council adopt the following:

Strikethrough indicates deleted language and **Underline** indicates new language

32 **Amendment of section.** WMC 16.04.070, Definitions, is hereby amended as
33 follows:

34 **16.04.070 Definitions.**

35 When used in this title, the following words and phrases shall have the meanings set forth
36 in this section:

37 “Mobile Food Vendor” means a temporary outdoor food and/or beverage service
38 use that may be non-motorized and self-propelled by the operator or is a vehicle that is
39 either motorized or trailered. This term is inclusive of food trucks, trailers, and/or food
40 carts and trailers.

41 **Amendment of section.** WMC 16.16.060, Specific approval criteria, is hereby
42 amended to add subsection L, Mobile Food Vendor, as follows:

43 **16.16.060 Specific approval criteria.**

44 The following uses are subject to the preceding general approval criteria and these
45 additional approval standards:

46 L. Mobile Food Vendor. A mobile vendor may be allowed on private property, subject
47 to reasonable conditions, provided that it meets the following:

48 1. General. A mobile food vendor is a temporary food service operation.

49 2. Exemptions. Mobile food vendors do not require a land use permit for the
50 following locations:

51 a. City-owned parks (appropriate vendor permits must be obtained
52 from the city);

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- 53 b. One-day events on private residential property where the food is not
54 sold to the general public (e.g. catering a private party); or
- 55 c. Temporary special events on private property when the event has
56 obtained a temporary use permit.
- 57 3. Annual permit application and fee. Except as provided above, a land use
58 permit is required for a mobile food vendor operating throughout the year or a
59 portion thereof. An annual land use permit is required for each calendar year and
60 is issued on or after January 1 and expires on December 31 of the year in which it
61 was issued. If an application is submitted in the month of December, the permit
62 will be issued for the remainder of the current year and the following calendar year.
63 The application must be submitted on forms provided by the city with the
64 appropriate fee and must include all of the following information:
- 65 a. Owner/Applicant Information. The name, address, mailing address,
66 email address, and telephone number of the mobile food vendor owner and
67 the owner of the property.
- 68 b. Site plan. A site plan showing the proposed location(s) of the mobile
69 food vendor and indicate safe ingress/egress from right-of-way to mobile
70 vendor location. Additional locations may be added to the permit
71 throughout the year without additional permit fees. However, each
72 additional location must meet all of the requirements in this subsection.

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73 c. Physical description, dimensions, and photographs of the mobile
74 food vendor cart/vehicle and information regarding water supply, fuel
75 supply, and waste disposal.

76 d. Insurance. A certificate of insurance for a general liability insurance
77 policy, in the minimum coverage amount of \$100,000 personal injury per
78 occurrence and \$50,000 property damage, naming the City of Wasilla as
79 additional insureds. The certificate shall provide that the city will be notified
80 at least 30 days before the policy is modified or terminated.

81 e. Licensing. Proof of applicable licenses or permits required by city,
82 borough, and state agencies must be submitted to the city planner prior to
83 operation.

84 f. Acknowledgement. Notarized acknowledgement of receipt and
85 inspection of a copy of all regulations pertaining to the operation of a
86 mobile food vendor within the city limits.

87 g. Other information. Any other information deemed reasonably
88 necessary by the city planner to administer this section.

89 4. Approval Criteria – New and Renewal

90 a. The applicant has the burden of proof to demonstrate compliance
91 with each of the applicable criterion for approval or renewal of the mobile
92 food vendor permit. The approval criteria also operate as continuing code

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93 compliance obligations of the owner. Staff may verify evidence submitted
94 with the permit application and the applicant shall cooperate fully in any
95 investigation. To receive approval, an applicant must demonstrate that all
96 approval criteria listed below have been satisfied:

97 i. Zoning. The zoning for the property is in compliance with the
98 requirements of WMC Title 16.

99 ii. Site. The site upon which the mobile food vendor is to be
100 located is adequate in size and shape to safely accommodate said
101 use.

102 iii. Setbacks. Mobile food vendors must be located a
103 minimum of 15 feet from fire hydrants and building entrances and a
104 minimum of five feet from above ground utility boxes and facilities.

105 iv. Parking. Mobile food vendor vehicles and/or equipment (e.g.
106 grills, tables/chairs, generators) may not occupy any parking spaces
107 needed to meet the minimum required parking for the approved
108 primary use on the lot.

109 v. Utilities. Connections to public utilities (e.g. water, sewer,
110 electric, gas) and/or installation of an approved on-site well and
111 septic system are prohibited.

Strikethrough indicates deleted language and **Underline** indicates new language

112 vi. Signage. All signage and identification for the mobile food
113 vendor must be attached to the vehicle. Sandwich boards may be
114 used to display menu items when located within the approved area
115 for the mobile food vendor. Sandwich boards may not exceed six
116 square feet in sign area.

117 vii. Refuse. Vendor must provide a minimum of one waste
118 container for customer use and is responsible for all litter and
119 garbage left by mobile food vendor customers. All trash and
120 grease/waste must be removed from the site daily except when
121 stored in on-site containers specifically designed for such waste and
122 approved on the permit site plan.

123 viii. Generators. Generators must be oriented away from
124 residences and commercial buildings to the greatest extent feasible
125 to minimize negative impacts.

126 ix. Picnic tables. Picnic tables or other seating for customers is
127 allowed if the mobile food vendor has obtained written approval for
128 customer use of the restrooms in the business on the same lot. If
129 restroom access is not available, the mobile food vendor must
130 provide a port-a-potty with a handwashing station.

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131 x. Maximum number of mobile food vendors per parcel. Sites
132 less than one acre in area may only have one mobile food vendor at
133 any time unless the vendor is participating in an organized event that
134 has obtained the appropriate temporary use permit approval from
135 the city planner.

136 xi. Hours of operation. The proposed hours of operation must
137 be identified in the written approval from the property
138 owner/property manager. The city planner may limit hours of
139 operation when determined necessary to minimize impacts to
140 adjacent residential uses.

141 xii. Exterior cooking. Vendor must take appropriate safety
142 measures to protect the public from injury from exterior grills or
143 cooking equipment.

144 xiii. Alcoholic beverages. Sale or service of alcohol beverages by
145 the mobile food vendor is prohibited at all times.

146 xiv. Licenses. Required city, borough, state, and federal licenses
147 must be posted visibly in/on the mobile food vendor vehicle.

148 6. Renewal and Transferability.

149 a. Renewal. The owner(s) must renew a mobile food vendor land use
150 permit annually prior to January 1. The renewal permit must include the

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151 renewal fee and any changes to the requirements set forth in this section.
152 The city planner shall have the authority to impose additional conditions on
153 the renewal of any permit in the event of any violation of the conditions to
154 the permit or the provisions of this section subject to compliance with the
155 procedures specified in this section.

156 b. Transferability. Any transfer of a mobile food vendor permit issued
157 under this section must be reviewed/approved by the city planner but does
158 not require submittal of a new application and fee.

159 7. Denial, revocation, and suspension. Mobile food vendor permits may be
160 denied, revoked, or suspended by the city planner for good cause. The city planner
161 shall provide written notice describing the reasons for denial, revocation, or
162 suspension of a mobile food vendor permit. The vendor may appeal the city
163 planner's decision utilizing the process in WMC 16.34. For purposes of this section,
164 "good cause" includes, but is not limited to:

165 a. The manner, or proposed manner, of operating the mobile food cart
166 or vehicle violates any federal, state, borough, or city law or regulation;

167 b. The manner of operation creates a public nuisance;

168 c. The vendor made omissions, deceptive statements, and/or false
169 statements of material fact to city staff in the mobile food vendor permit
170 application; or

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171 d. The vendor failed to timely pay the required permit application fee
 172 or operated without the required permit.

173 8. Penalties. Penalties for violations of the section include revocation of the
 174 permit and/or fines as provided in WMC Chapter 1.20.

175 **Amendment of section.** WMC 16.20.020, District use chart, is hereby amended
 176 as follows:

177 **16.20.020 District use chart.**

178 A. The following chart summarizes the uses allowed and the standard of review for
 179 each use. In the commercial and industrial districts, more than one building housing a
 180 permissible principal use may be erected on a single lot; provided, that each building and
 181 use shall comply with all applicable requirements of this chapter and other borough, state
 182 or federal regulations.

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| AA = Administrative approval UP = Use permit CU = Conditional use EX = Excluded Blank = No city approval necessary | | | | | | | |
|--|------------------------|-------------------------|-------------------|------------------------|------------------------|------------------------|------------------------|
| Districts | RR Rural | R1 Single- Family | R2 Residential | RM Multi- family | C Commercial | I Industrial | P Public |
| Uses | | | | | | | |
| <u>Mobile Food Vendor</u> | <u>UP</u> ¹ | <u>EX</u> | <u>EX</u> | <u>EX</u> | <u>AA</u> ¹ | <u>AA</u> ¹ | <u>EX</u> ² |

184 ¹Must comply with specific approval criteria in Section 16.16.060.

185 ²Only permitted with approved public vending license required in WMC 6.08.

Strikethrough indicates deleted language and **Underline** indicates new language

186 **Amendment of section.** WMC 1.20.030, Disposition of scheduled offenses – Fine
187 schedule, is hereby amended to read as follows:

188 1.20.030 Disposition of scheduled offenses – Fine schedule.

189 A. A person cited for an offense for which a fine is established in subsection (C) of
190 this section may mail or personally deliver to the clerk of court the amount of the fine
191 indicated on the citation for the offense plus any surcharge required to be imposed by AS
192 29.25.074, together with a copy of the citation signed by the person indicating the person's
193 waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The
194 citation with the fine shall be mailed or personally delivered on or before the thirtieth day
195 after the date the citation was issued. The payment of a fine under this subsection shall
196 be treated as a judgment of conviction. The fine paid is complete satisfaction for the
197 offense.

198 B. If a person cited for an offense for which a fine amount is established in subsection
199 (C) of this section appears in court to contest the citation and is found guilty, the maximum
200 sentence which shall be imposed is the scheduled fine amount plus any surcharge
201 required to be imposed by AS 29.25.074.

202 C. The following violations of this code are amenable to disposition without court
203 appearance upon payment of a fine in the amount listed below.

| CODE SECTION | DESCRIPTION OF OFFENSE | FINE |
|------------------------------|-------------------------------|-------|
| WMC 16.16.060(L)(1) – (L)(8) | Mobile Food Vendor Violations | \$300 |

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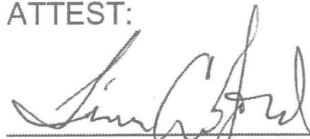
205 NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission
206 approves of these code amendments and enactment of the proposed new code and
207 hereby forwards their support for adoption to the Wasilla City Council and to take effect
208 upon adoption by the Wasilla City Council.

209 APPROVED by the Wasilla Planning Commission on January 14, 2020.

210 APPROVED:

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213 Eric Bushnell, Chairman 1-23-2020
214 Date

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216 ATTEST:

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219 Tina Crawford, AICP, City Planner
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VOTE: Passed Unanimously

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REGULAR MEETING

1. CALL TO ORDER

The regular meeting of the Wasilla Planning Commission was called to order at 6:00 PM on Tuesday, January 14, 2020, in Council Chambers of City Hall, Wasilla, Alaska by Eric Bushnell, Chair.

2. ROLL CALL

Commissioners present and establishing a quorum were:

Eric Bushnell, Seat A
Darrell Breese, Seat B (via teleconference)
Simon Brown, Seat D (arrived at 6:01 PM)
Alina Rubeo, Seat E

Commissioner absent and excused was:

Micah D. Weinstein, Seat C

Staff in attendance were:

Lyn Carden, Deputy Administrator
Tina Crawford, City Planner
Leslie Need, City Attorney (via teleconference)
Ashley Loyer, Finance Clerk

3. PLEDGE OF ALLEGIANCE

Commissioner Rubeo led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved, as amended.

5. REPORTS

5.1 City Deputy Administrator

Ms. Carden stated that each Commissioner was provided with a City of Wasilla challenge coin along with the City's mission statement as part of the Wasilla's 103rd birthday. She said that Mayor Cottle thanks each of the Commissioners for their service. She also reported on the progress of the Museum relocation, an updated website for the City, and that it is a census year and encourages everyone to participate.

5.2 City Public Works Director

No report given.

5.3 City Attorney

Ms. Needs stated there is no pending litigation. She also stated that the owner of the Transalaska building for Item 8.1.3 is a client of her firm and she wanted to make sure the applicant is aware and give them an opportunity to object to her participation.

5.4 City Planner
No report given.

6. PUBLIC PARTICIPATION (*Three minutes per person for items not on agenda*)

Mr. Stu Graham stated he that he is a City Council member but is speaking as a city resident. He stated that he appreciated that Commissioner Rubeo waited to begin the Pledge of Allegiance until everyone in the audience had time to stand.

Mr. Jordan Rausa, city resident, provided comments and concerns regarding the proposed short-term rental ordinance.

7. CONSENT AGENDA

7.1 Minutes of December 10, 2019, regular meeting

GENERAL CONSENT: Minutes were approved as presented.

8. NEW BUSINESS (*five minutes per person*)

8.1 Public Hearing

8.1 Public Hearing

1. Item: Conditional Use Permit #19-03 (Reso. #20-01)
Applicant: David Visker, Jr.
Owner: Legacy Ventures LLC
Request: Approval of pull tab sales business in an existing commercial building
Lot Area: 0.17 +/- acres
Location: 344 N. Main Street
Lot 3A, Block 7, Wasilla Townsite RSB Subdivision
Zoning: Commercial/Downtown Overlay District
 - a. City Staff

Ms. Crawford provided her staff report for the request.

b. Applicant

Mr. Visker provided information regarding the proposed pull tab business.

c. Private person supporting or opposing the proposal

Chair Bushnell opened the public comment portion of the public hearing.

Chair Bushnell closed the public comment portion of the public hearing as no one stepped forward to speak about the proposed business.

d. Applicant

The applicant did not provide any additional information.

MOTION: Commissioner Brown moved to approve Conditional Use Permit #19-03 (Resolution Serial #20-01), as presented.

VOTE: The motion to approve Conditional Use Permit #19-03 (Resolution Serial #20-01), passed unanimously.

2. Item: Elevated Administrative Approval Permit #19-207 (Reso. #20-02)
Applicant: True North Recovery and 4 A's (Alaska AIDS Assistance Association) Syringe Access Program
Owner: Goldman Global LLC
Request: An amendment to the approval for True North Recovery to allow 4 A's to park a mobile vehicle offering free needle exchange and blood testing services in the parking lot of the existing outpatient treatment and counseling center that provides one-on-one client services including initial assessment and case management sessions (Permit #AA19-103 approved in Planning Commission Reso. #19-08).
Lot Area: 0.64 +/- acres
Location: 545, 559, 575, and 591 S. Knik-Goose Bay Road
Lots 11, 12, 13, and 14, Block 3, Kennedy Addition
Wasilla Subdivision
Zoning: Commercial
 - a. City Staff

Ms. Crawford provided her staff report for the request.

- b. Applicant

Mr. Karl Soderstrom, True North Recovery, provided information on the proposed needle exchange mobile vehicle. He also spoke regarding value of syringe exchange and that his business wants to provide hope for the community and to the chance to change public perception.

- c. Private person supporting or opposing the proposal.

Chair Bushnell opened the public comment portion of the public hearing.

Ms. Petra Davis, 4 A's Syringe Needle Exchange, provided a brief summary of their history in Anchorage and the Valley and stated that they had the support of the Mat-Su Health Foundation.

Ms. Elizabeth Ripley, Mat-Su Health Foundation, spoke in favor of the project.

Mr. Graham stated he that he is a City Council member but is speaking as a city resident and that he is not in favor of the project.

Mr. Rausa stated that he is in favor of the project.

Chair Bushnell closed the public comment portion of the public hearing when no one else stepped forward.

d. Applicant

Mr. Soderstrom provided some information regarding the mobile van concerns and also believes the location and hours of operation are within reason and provides a necessary service. Ms. Davis provided additional information regarding the needle exchange process.

MOTION: Commissioner Breese moved to approve Elevated Administrative Approval Permit #19-207 (Reso. #20-02), as presented.

VOTE: The motion to approve Elevated Administrative Approval Permit #19-207 (Reso. #20-02), failed with Commissioner Bushnell in favor and Commissioners Brown, Breese, and Rubeo in opposition.

MOTION: Commissioner Brown moved to deny Elevated Administrative Approval Permit #19-207, as presented.

VOTE: The motion to deny Elevated Administrative Approval Permit #19-207, passed with Commissioners Brown, Breese, and Rubeo in favor and Commissioner Bushnell in opposition.

MOTION: Commissioner Breese moved that the Commission authorize the City Planner to work on drafting a resolution that includes findings of fact supporting denial of the request that reflect the concerns expressed by the Commission during their consideration of the request. Their concerns included incompatibility with surrounding residential, school, and commercial uses, public safety concerns, insufficient information regarding the proposed use, and the applicant did not adequately demonstrate need.

VOTE: The motion to have the City Planner draft findings of fact for a resolution of denial, passed unanimously.

3. Item: Conditional Use Permit #19-04 (Reso. #20-03)
Applicant: Gold Cache Pulltabs
Owner: KI Transalaska Building LLC
Request: Approval of pull tab sales business in an existing commercial building
Lot Area: 0.88 +/- acres
Location: 165 E. Parks Highway
Lot 3A, Block 4, Wasilla Townsite (USS 1175) RSB Subdivision
Zoning: Commercial/Downtown Overlay District

a. City Staff

Ms. Crawford provided her staff report for the request.

Ms. Need stated that her law firm represents the owner of the KI Transalaska building and requested that the applicant be asked if they had any issues with her participating in the discussion.

The applicant stated that he had no issues with Ms. Need participating in the discussion.

b. Applicant

Mr. Steven Borcharding, Sr. provided information regarding the proposed use and their previous location in Wasilla. He clarified that the only use would be pull tabs.

c. Private person supporting or opposing the proposal

Chair Bushnell opened the public comment portion of the public hearing.

Chair Bushnell closed the public comment portion of the public hearing as no one stepped forward.

d. Applicant

MOTION: Commissioner Brown moved to approve Conditional Use Permit #19-04 (Resolution Serial #20-03), as presented.

VOTE: The motion to approve Conditional Use Permit #19-04 (Resolution Serial #20-03), passed unanimously.

4. **Resolution Serial No. 20-04:** A resolution of the Wasilla Planning Commission recommending that the City Council amend Wasilla Municipal Code Section 16.04.070, Definitions, to add a definition for "Mobile Food Vendor"; amend 16.16.060, Specific Approval Criteria, to add Subsection L, Mobile Food Vendor, containing regulations for mobile food vendors; amending Section 16.20.020, District Use Chart, to add the permit approval required for mobile food vendors; and amending Section 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule, to add fines for mobile food vendor violations.

a. City Staff

Ms. Crawford provided background information on the history of the food truck discussions and an overview of the most recent revisions.

b. Private person supporting or opposing the proposal

Chair Bushnell opened the public comment portion of the public hearing.

Chair Bushnell closed the public comment portion of the public hearing as no one stepped forward.

MOTION: Commissioner Bushnell moved to approve Resolution Serial No. 20-04, as presented.

Discussion moved to the Commission.

VOTE: The motion to approve Resolution Serial No. 20-04, passed unanimously.

5. **Resolution Serial No. 20-05:** A resolution of the Wasilla Planning Commission adopting an amended schedule of fees and list of review agencies for Wasilla Municipal Code Title 16 Land Development Code applications adding fees for mobile food vendors, identifying specific fees for each type of administrative approval permit, other minor revisions/clarifications, and repealing WPC Resolution No. 19-23.
 - a. City Staff

Ms. Crawford provided an overview of the amendment to the schedule of fees.

- b. Private person supporting or opposing the proposal
- Chair Bushnell opened the public comment portion of the public hearing.

Chair Bushnell closed the public comment portion of the public hearing as no one stepped forward.

MOTION: Commissioner Brown moved to approve Resolution Serial No. 20-05, as presented.

VOTE: The motion to approve Resolution Serial No. 20-05, passed unanimously.

- 8.2 Committee of the Whole
 1. Short-term rental regulations – Note: City Council remanded proposed regulations to Planning Commission for reconsideration.

MOTION: Commissioner Breese moved to enter into the Committee of the Whole to discuss short-term rental regulations at 7:49 PM.

Ms. Crawford will make the proposed changes and draft it up for a public hearing on February 11, 2020.

MOTION: Commissioner Breese moved to exit the Committee of the Whole at 9:25 PM.

9. UNFINISHED BUSINESS

No unfinished business.

10. COMMUNICATIONS

No statements made regarding the following items.

- 10.1 Permit Information
- 10.2 Enforcement Log
- 10.3 Matanuska-Susitna Borough Planning Commission agenda

11. AUDIENCE COMMENTS (*three minutes per person*)

Ms. Gail Walden, City resident, provided comments regarding the short-term rental ordinance.

Mr. Alex Kopperud, City resident, spoke in favor of the proposed short-term rental ordinance.

Mr. Rausa, City Resident, provided concerns regarding the proposed short-term rental ordinance.

12. STAFF COMMENTS

Ms. Crawford stated that at this time, Title 16 states that the property owner must obtain all necessary approvals from other local, borough, state, and/or federal agencies for any permit that is issued by the city.

13. COMMISSION COMMENTS

No comments provided.

14. ADJOURNMENT

The regular meeting adjourned at 9:45 PM.

ATTEST:


ERIC BUSHNELL, Chair 2/14/20
Date


TAHIRIH REVET, Planning Clerk

Adopted by the Wasilla Planning Commission February 11, 2020.

FOOD TRUCK SURVEY RESPONSES

July 28, 2018

73 Responses

| QUESTION | YES | NO | UNSURE/ MAYBE | COMMENT |
|--|-----|----|------------------|--------------------|
| 1. Allow food trucks | 73 | 0 | 0 | |
| 2. Operate year-round and daily | 72 | 1 | 0 | |
| 3. Allow downtown | 73 | 0 | 0 | |
| 4. Food truck rally on City parking lots | 70 | 1 | 2 | Limits |
| 5. Visit food truck in Wasilla | 72 | 1 | | |
| <i>Breakfast, lunch, and dinner</i> | 39 | | | |
| <i>Lunch and dinner</i> | 18 | | | |
| <i>Breakfast and lunch</i> | 5 | | | |
| <i>Lunch only</i> | 9 | | | |
| <i>Unsure</i> | 1 | | | |
| 6. Limits on size/type of vehicles | 31 | 37 | 5 | |
| 7. Limit on number of food truck per site | 30 | 41 | 2 | |
| 8. Allow food truck rally on private property | 55 | 16 | 2 | |
| 9. Require paving, landscaping, bathrooms if located on private property | 25 | 41 | 5 | 2 – bathrooms only |
| 10. Allow picnic tables | 65 | 4 | 4 | |
| 11. One word description (see list below) | | | | |
| 12. City Resident | 45 | 26 | 2 | |

One word that comes to mind when you think of food trucks (Frequency/Word):

| | | | |
|----|-----------|---|-------------|
| 12 | Yummy | 1 | Opportunity |
| 12 | Yum | 1 | Community |
| 5 | Variety | 1 | Interesting |
| 4 | Food | 1 | Desirable |
| 3 | Hungry | 1 | Business |
| 3 | Fun | 1 | Holiday |
| 2 | Delicious | 1 | Choices |
| 2 | Tacos | 1 | Options |
| 2 | Good | 1 | America |
| 2 | Diversity | 1 | Social |
| 2 | Local | 1 | Crowds |
| 1 | Homemade | 1 | Awesome |
| 1 | Culture | 1 | Amazing |
| 1 | Vendors | 1 | Thanks |
| 1 | Unique | 1 | Lunch |
| 1 | Great | 1 | Juicy |
| 1 | New | 1 | BBQ |