

**Underlined is new ~~strikethrough is removed~~**  
**EXHIBIT A**

A. Retail Sales, Service Uses and Other Uses Land Use Matrix (NAICS 44, 45, 812, and 8114).

KEY	RESIDENTIAL ZONES					COMMERCIAL/INDUSTRIAL ZONES									
	Low Density SF	Mod Density SF	Mixed Residential	Multifamily Res	Residential Mobile Home Park	General Office	General Office-Hospital	Neighborhood Business	Highway Community Business	Central Business 1	Central Business 2	Light Industrial	Public Use	Hospital	Airport
SPECIFIC LAND USE	R-1	R-2	R-3	R-4	RMHP	GO	GO-H	NB	HCB	CB-1	CB-2	LI	P	H	A
Solicitors and mobile vendors, subject to Chapter <u>5.60</u> EMC	<u>p<sup>2,3</sup></u>	<u>p<sup>2,3</sup></u>	<u>p<sup>2,3</sup></u>	<u>p<sup>2,3</sup></u>		p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>			

B. Retail Sales, Service Uses and Other Uses Land Use Footnotes.

1. Permitted as accessory to a primary use permitted in GO.
2. Mobile vending permitted only from vehicles under the following conditions:
  - a. Vehicle used must be drivable and licensed in the state of Washington;
  - b. The mobile vendor may not be located ~~on a lot~~ within the public right-of way for more than 18 hours in any one 24-hour period; and
  - c. There may be no site furnishings, tents, tables or other similar appurtenances associated with the mobile vendor within the public rights of way.
3. Mobile vending (excluding Solicitors) within R-1, R-2, R-3 and R-4 zones are only permitted under the following conditions:
  - a. The lot size shall be a minimum of ¾ of an acre; and
  - b. Shall be located adjacent to a major arterial; and
  - c. Shall not be permitted in the rights of ways within residential zones; and
  - d. Shall not be permitted on lots with an existing residential use.

## **FINDINGS AND CONCLUSIONS:**

### **Mobile vending zoning code Amendments**

Title 15 outlines the findings required to approve comprehensive plan amendments/code amendments. EMC section 15.32.038 outlines three general requirements and six consistency statements to be used when evaluating the merits of the proposals.

The code states (in part) under EMC 15.32.038 that the planning commission may recommend, and the city council may approve, the proposed amendment[s] to the comprehensive plan only if the following general criteria are met:

#### **1. The amendment will not result in development that will adversely affect the public health, safety and general welfare.**

*Staff response: Staff and the Planning Commission find the amendment to the development regulations and zoning map will not adversely affect the public health, safety and general welfare. The regulations will amend the existing rules to allow mobile vending to place out seats, tables and chairs when located outside of the rights-of-way as well as allow a very limited amount of mobile vending to occur in residential areas that are neighboring major arterials and large lots that are not currently used as a residential home. This prevents homes from being converted to strictly mobile vending as well as prevents mobile vending within residential areas in the right-of-way.*

#### **2. The amendment is based upon new information that was not available at the time of adoption of the comprehensive plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the plan.**

*Staff response: Staff and the Planning Commission find that there has been a change in circumstances since the adoption of the last comprehensive plan, the required adoption of the 2024 Comprehensive Plan. Also, mobile vending has been allowed within the city for many years. The original municipal code amendments did not contemplate vending from private property. After the Covid 19 pandemic, restaurants and mobile vendors places chairs, tables and other furniture out as part of state required mandates to limit the number of patrons to reduce the spread of the virus. With all restaurant types placing seating areas outside of the businesses it seems appropriate for the municipal code to reflect this operational change for mobile vendors as well.*

#### **3. The amendment is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.**

*Staff response: Staff and the Planning Commission find that the proposed development regulations will be consistent with the goals and policies of the comprehensive and will maintain concurrency between the land use, transportation and capital facilities elements of the plan. The 2024 Comprehensive Plan includes the following policies:*

**Goal LU-14: Maintain the viability of the Enumclaw Airport by reducing conflicts with incompatible land use and allowing for appropriate related development such as parking areas, terminal, hangers, and accessory uses.**

#### **Land Use Element:**

**Goal LU-11: Encourage a mix of commercial land uses to provide goods and services to meet the needs of residents, businesses, and visitors while providing an attractive commercial setting.**

Economic Development Element:

*Policy ED- 1.9 "Business Support" Encourage efforts for retention and expansion of existing businesses.*

The code states (in part) under EMC 15.32.038 that the planning commission shall use the following detailed criteria in evaluating the merit of a proposal:

**1. The amendment should address an existing, significant need for a public necessity or convenience.**

*Staff response: Staff and the Planning Commission find that the development regulation amendments are necessary as mobile vending is no longer restricted to merely the right-of-way, many mobile vendors are located on private property and allowing them the ability to set out chairs and tables does address a business need.*

**2. The amendment[s] should be in the public's best interest.**

*Staff response: Staff and the Planning Commission find that the amendments to the development regulations are in the public best interest as it will allow mobile vendors to set out tables and chairs as well as specify time limits for how long a mobile vending unit can remain within the rights-of-way. The amendment will also allow a minimal amount of mobile vending within residential areas under limited circumstances. These amendments will aid staff in implementation and the public when it comes to understanding the rules for mobile vending.*

**3. The amendment should be compatible with all adjacent comprehensive plan and zoning map designations.**

*Staff response: Staff and the Planning Commission find that the development regulation amendments are compatible with the adjacent land use and zoning map designations. The amendments to the zoning code are not in conflict with the provisions in the comprehensive plan and zoning map designations as the amendments to clarify code requirements for mobile vending.*

**4. The amendment should be compatible with all elements of the comprehensive plan and zoning code.**

*Staff response: Staff and the Planning Commission find that the proposed development regulations and zoning map amendments are compatible with all elements of the 2024 Comprehensive Plan.*

**5. The amendment[s] should be compatible with and should not adversely impact related ordinances, regulations and development standards.**

*Staff response: Staff and the Planning Commission find that the proposed development regulations is compatible with and should not adversely impact related ordinances, regulations and development standards. The regulations will allow mobile vending within limited availability of residential areas as well as clarify the rules and time limits for mobile vending implementing.*

**6. The amendment should not adversely impact the health, safety and general welfare of the public; the city design; development interests; neighborhoods; environmentally sensitive areas; and historic areas.**

*Staff response: Staff and the Planning Commission find that the development regulations and*

*zoning map amendment should not adversely impact the health, safety and general welfare of the public. The regulations will better regulate the neighboring uses and not permit certain sensitive uses adjacent to the airport. The airport is currently in operation and this change will not affect the city design, development interests or neighborhoods. The amendments will not adversely affect environmentally sensitive areas or historic areas. There are not any documented environmentally sensitive areas or known historic areas near the airport.*

**7. If a comprehensive map/zoning map amendment is proposed, the criteria of EMC 15.32.010 must also be used in evaluating the proposal.**

*Staff response: Staff and the Planning Commission find that the amendments do not include a comprehensive map/zoning map amendment.*

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