



MEETING AGENDA

TUALATIN PLANNING COMMISSION

**November 19, 2015; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062**

1. **CALL TO ORDER & ROLL CALL**
Members: Alan Aplin (Chair), Bill Beers (Vice Chair), Jeff DeHaan, Angela Demeo, Cameron Grile, Mona St. Clair, and Janelle Thompson.
Staff: Aquilla Hurd-Ravich, Planning Manager; Cindy Luxhoj, Associate Planner; Rich Mueller, Parks & Recreation Manager.
2. **APPROVAL OF MINUTES**
 - A. Approval of September 17, 2015 TPC Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
5. **COMMUNICATION FROM CITY STAFF**
 - A. Consideration of Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City
 - B. Mobile Food Vending and Food Carts
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 11/19/2015

SUBJECT: Approval of September 17, 2015 TPC Minutes

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 9/17/15](#)



City of Tualatin

www.tualatinoregon.gov

UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF September 17, 2015

TPC MEMBERS PRESENT:

Alan Aplin
Bill Beers
Jeff DeHaan
Cameron Grile
Mona St. Clair
Janelle Thompson
Angela Demeo

STAFF PRESENT

Aquilla Hurd-Ravich
Cindy Luxhoj Hahn
Lynette Sanford

TPC MEMBER ABSENT:

GUESTS: Mike Smith

1. CALL TO ORDER AND ROLL CALL:

Alan Aplin, Chair, called the meeting to order at 6:30 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Aplin asked for review and approval of the June 18, 2015 TPC minutes. MOTION by Grile SECONDED by Beers to approve the minutes as written. MOTION PASSED 7-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. Basalt Creek Concept Plan Project Briefing

Cindy Luxhoj Hahn, Associate Planner, presented the Basalt Creek Concept Plan Project Briefing, which included a PowerPoint presentation. Ms. Luxhoj Hahn stated that

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

at the Joint Council meeting in June, the project team presented two boundary and land use alternatives to the base case scenario. At that meeting, the two Councils discussed the land use types, key indicators and potential benefits of the two draft boundary options. The Tualatin City Council favored Option 1 while the Wilsonville City Council favored Option 2. At that meeting, direction was received to prepare a boundary Option 3 which was taken to a Council work session on August 24th.

Ms. Luxhoj Hahn stated the Joint Council meeting on June 17th was very productive in terms of coming to a consensus on several issues. Some of the issues included:

- Buffering between employment and residential uses along Greenhill Lane.
- Residential properties along Boones Ferry Rd should remain intact as a cohesive community and should be included in Tualatin.
- Protecting Basalt Creek Canyon was a priority and that Tualatin should be responsible for the majority of the protection.
- Remove West Railroad from Tualatin's jurisdiction.
- Buffer existing residential neighborhoods from employment lands.
- Maximize gravity sewer and minimize pump stations.

Ms. Luxhoj Hahn mentioned that there was continued conversation around the positives and negatives of locating a jurisdictional boundary along property lines rather than roads west of Basalt Creek canyon.

Ms. Luxhoj Hahn went through the slides that detailed the total developable acres for Tualatin and Wilsonville including the land use mix, the number of jobs created, total housing units, and the total trips generated.

Ms. Luxhoj Hahn stated that the joint Tualatin and Wilsonville City Council meeting scheduled for October has been postponed, but they are still on track to prepare a draft Basalt Creek Concept Plan, refine the preferred Land Use Alternatives, and hold a public open house.

Mr. Aplin stated that the Council made the decision to recognize the constraints of the topography and was satisfied that the residential property meets current needs, but there was concern about the balance between residential needs and jobs. Ms. Luxhoj Hahn added that they can vary the land uses to add additional jobs but that if there aren't enough jobs generated, there will be a lack of money for services.

Mr. DeHaan asked if the City of Wilsonville is opposed to giving up west railroad. Ms. Hurd-Ravich stated that west railroad is highly constrained with a flood plain, power line easement, and access constraints which were the reasons it was taken out of the analysis. Ms. Luxhoj Hahn added the north side is owned by Knife River concrete plant and they have no intention of selling.

Mr. Beers asked how many of the proposed households were multi-family. Ms. Luxhoj Hahn answered that it's at 6 percent. Mr. Beers expressed concern about the price of housing and increased traffic from the added employment area. Mr. Aplin asked about

Greenhill Rd and if it's projected to cross I-5. Ms. Hurd-Ravich responded that Day Rd is proposed to go around the Mercedes dealership and anticipated to be an extension across I-5. Mr. Aplin asked about property taxes earned compared to cost of services. Ms. Hurd-Ravich responded that Council is comfortable that it will be a balanced community with the capital projects covered by development.

Mr. DeHaan asked if the citizens in the area are inquiring about the proposed uses. Ms. Hurd-Ravich responded that they have heard from a few of the residents and a market analysis was completed regarding the viability of the land uses. Residential land is in demand by developers and Tualatin is currently lacking in that area.

Ms. Thompson asked who makes the final vote. Ms. Hurd-Ravich answered that it will first have to be agreed upon by the City Councils, the Urban Planning Agreement will need amended, and then it will go to Metro for approval.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that there are no items on the agenda for October and the meeting will likely be cancelled. Food Carts will be presented to Council on October 26th, which may be presented to the Planning Commission at a later date.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Grile inquired about the gas station on 99W. Ms. Hurd-Ravich responded that a Neighborhood Developer meeting was held regarding the annexation of that piece of property. The proposal is for a gas station, mini mart, and card lock. Ms. Hurd-Ravich acknowledged there were many comments from citizens, but no application has been submitted. Mr. Beers asked about the result of the facilities study for a new City Hall. Ms. Hurd-Ravich responded that on Monday evening, Council gave direction to have a traffic study conducted on the ONA building, police site, Block C (which is the gravel lot off of Boones Ferry Rd) and the property on the Commons which currently houses Lee's Kitchen and the former Wichita Pub.

Ms. Demeo inquired about the Hagen's grocery store site and if there were inquiries. Ms. Hurd-Ravich responded that there has been no word on that site. Mr. Aplin inquired about the RV Park of Portland site. Ms. Hurd-Ravich responded that their intention is to construct multi-family housing, but no applications have been submitted. She added that the southern side is not zoned for high density residential so they will have to go through a Plan Map Amendment process.

Mr. DeHaan inquired about the Riverhouse property off of Boones Ferry Rd. Ms. Hurd-Ravich responded that there have been a few calls on the property and it has been sitting vacant for approximately 10 years. That site was not considered in the facilities study.

8. **ADJOURNMENT**

MOTION by Beers, SECONDED by DeHaan to adjourn the meeting at 7:20 pm
MOTION PASSED 7-0.

_____ Lynette Sanford, Office Coordinator



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Aquilla Hurd-Ravich, Planning Manager

FROM: Richard Mueller, Parks and Recreation Manager
Paul Hennon, Community Services Director

DATE: 11/19/2015

SUBJECT: Consideration of Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City

ISSUE BEFORE THE COUNCIL:

This item was presented to the Council on October 12, 2015:

Council consideration of an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City.

EXECUTIVE SUMMARY:

This initiative is to consider an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City. At the Council work session on July 28, 2014, Tualatin Together presented information to Council with a proposal to restrict smoking and tobacco in parks and other properties owned and/or managed by the City. The Council requested additional information be brought back at a future work session for further review and discussion.

There is an established trend among federal, state, and municipal agencies and jurisdictions, as well as private business and nonprofit organizations, to regulate smoking and tobacco use in outdoor spaces to promote public health and wellness, reduce operating costs, and for other reasons.

Support for this kind of policy can be found in the City Council 2020 Vision, Community Services Department mission and goals, Tualatin Tomorrow goals, Public Health vision, mission and goals, and health care provider initiatives. The Tualatin Library Advisory Committee and Tualatin Park Advisory Committee have recommended the Council consider smoke and tobacco free outdoor City areas.

Currently, the Tualatin Municipal Code, Chapter 06-07: Tobacco Use in Public Places, does not address outdoor smoking in parks or City owned or managed property, except as it relates to near the entrance of an enclosed area (near the doors of a building).

DISCUSSION:

Key policy questions for Council consideration include:

- Should smoke free policy include all tobacco and inhalant delivery systems (vapor)?
- Should tobacco free policy include all smoking and chewing items, methods, products and devices?
- Should regulation focus on consumption or use and not possession?

Not included in the scope or consideration:

- Retail sales and/or advertising or display of smoking and tobacco products
- Hookah establishments
- Smoking or tobacco use inside buildings

Where should smoke and tobacco products be regulated?

- Option: All Outdoor property owned or managed by City
Includes all parklands, Library plaza, City offices, Tualatin Commons, property surrounding the Police Department, Operations building, and core area parking lots.
- Option: Selected Locations, but not all sites
Could include any mix of parklands (parks, natural areas, trails, greenways), Tualatin Commons, Library Plaza, Police Department, Operations Department, City Parking Lots (core area)

Purpose and Reasons for Policy

The purpose and reasons for implementing a smoke and tobacco free outdoor city space policy include:

- Reduction of maintenance (litter)
- Fire safety
- Public health and wellness (second hand smoke)
- Community image and perception (social norms for youth)
- Environmental harm (wildlife)
- Consistency in policy from the federal, state, county, and municipal levels of government

Key Considerations

Key considerations for Council review and policy direction regarding an Outdoor Smoke and Tobacco Free City Spaces Policy include:

- Reason and Purpose
- Locations Included
- Implementation Schedule
- Public Involvement
- Constraints and Opposition
- Opportunities and Support
- Penalties and Enforcement

Financial Implications:

Financial implications would include the cost of refreshing signage for parklands and other property owned or managed by the City and public information materials. An estimate of these costs will be completed, if Council chooses to move forward with a Outdoor Smoke and Tobacco Free City Spaces Policy.

Next Steps

The next steps to implement such a policy are: 1) public information and public involvement, followed by 2) preparation of a draft ordinance for Council consideration and direction. Then, 3) Council adoption of an ordinance, and 4) implementation over a designated period of time.

RECOMMENDATION:

Staff recommends Council review and consider aspects to include or not include in an Outdoor Smoke and Tobacco Free City Spaces Policy for property owned and/or managed by the City, and provide direction for next steps.

Attachments:

Attachment A: Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Attachment B: Power Point Presentation

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Attachment A

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalation; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-\$600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Attachment A

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Reason / Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Portland	Includes all tobacco products (lit or otherwise), vapor, smoking devices, and marijuana.	Yes.	All park grounds and facilities. Also includes Portland International Raceway, golf courses, and leased properties. Does not include public ROW.	Public health and safety, environmental health, consistency in policies and goals.	Effective 5 months after adoption to educate, post signage.	Parks Board and community members recommended policy to Council. City sent out online survey for feedback, no public hearings.	Internal concerns from staff (smokers) about how it would impact work. Minimal opposition.	Overwhelming community support, in addition to County support. City created designated smoking areas, which staff could request.	Created policy handouts (Spanish and English), FAQ webpage, posters/ads, email blast to partners, newsletter articles and posted signage.	Exclusion for remainder of the day.
Sherwood	Includes all tobacco products (lit or otherwise). Does not mention e-cigarettes or vaping.	Yes.	Includes any city-owned, controlled or managed property, including, but not limited to, buildings, parks, vehicles, and other real and personal property. Does not include public ROW.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Fine of \$50-\$500
Tigard	Smoking	No.	City facilities, including City-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the City.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.	Not available.
Tualatin Hills Park & Recreation District	Includes all lit tobacco and non-tobacco substances, marijuana, and e-cigarettes. Does not include chewing tobacco.	Yes.	District grounds, facilities or buildings including parks, trails, parking lots, and athletic fields.	Public health and safety, litter reduction, consistency in mission.	Effective 2 months after board approval to allow preparation and public notification.	Public meetings (at least 2), survey of residents and other organizations, other communications over several months.	Minimal opposition.	Parks Advisory Committee and Washington County Public Health Division.	Publications, social media outreach, added to parks rules sign, notification on website, and ongoing education.	Exclusion (30-180 days/occurrence) or misdemeanor. Arrest and criminal trespass in 2nd degree if violates exclusion.
Washington County	Includes all lit tobacco products, vapor, smoking devices. Does not include chewing tobacco.	Yes.	Most County property, except in parks- areas where people congregate.	Public health.	Effective 90+ days after adoption (2014).	Public information	Minimal opposition.	Community support for health and wellness.	On effective date, flooded grounds with notices; designated employees to hand out print material as policy guide	Reminders. Not many repeat offenders.
Wilsonville	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	Yes.	City park property, park facilities and buildings.	Received CDC Grant; health and wellness; litter reduction; economic impacts.	Effective 30 days after second reading/adoption	Goals presented to Parks and Rec Board. Involved various organizations- students, businesses, etc. Data collected on citizen attitudes.	2% of respondents to poll indicated there should be no policy on tobacco in parks.	98% of poll respondents voted for either: Wilsonville Parks should be tobacco free, or children's play areas in parks should be tobacco free.	Not available.	Class C misdemeanor



City of Tualatin

Smoke & Tobacco Free

Consideration of Smoke and Tobacco
Free City Spaces Policy for Outdoor
Property Owned or Managed by the City

History

- Tualatin Together (initiative)
- Advisory Committees (recommendation)
- Council Workshop (July 28, 2014)
- Existing Practices & Policies (Appendix A)



Other Jurisdictions

Jurisdictional Comparison Regarding Outdoor Smoke and Tobacco Free Policy

Organization	Scope / Materials Affected	Outdoor Policy?	Locations	Purpose	Schedule	Public Involvement	Constraints/Opposition	Opportunities/Support	Public Information Plan/Process	Penalty
Beaverton	Includes all tobacco products and e-cigarettes.	Yes.	In all interior spaces owned, rented or leased by the City; all outside property or grounds owned or wholly leased by the city (including parking areas); and in all City vehicles at all times and locations.	Public/staff health and wellness. Grant stipulations.	Worked closely with med insurance vendors to determine timeline. In total, 9 months of preparation.	None.	Some staff opposition.	Suggested reaching out to medical insurance vendors, American Heart Association, Wellness Committee and stakeholders to craft communication.	Worked with Public Information Manager to develop strategic plan so they could inform public.	No penalty.
Corvallis	Includes all tobacco products (lighted or otherwise), vapor, smoking devices. Does not include tobacco cessation products.	Yes.	All City property and the County Public Library (including PROW and area within 50 ft). Does not include designated parking areas, private property, and private vehicles. Added Parks, trails, and natural areas in 2005.	Not available.	Not available.	For 2005 addition: Advisory Board had public testimony opportunity.	Not available.	For 2005 addition: Benton County Tobacco-Free Coalition; Parks, Natural Areas, and Recreation Advisory Board.	Not available.	\$50-100 for 1st offense; subsequent fines increase up to \$500. Fine up to \$500/day for each offense (\$4,000/mo max) for any person who owns, manages, operates premise.
Eugene	Includes all tobacco products (lighted or otherwise) and smoking devices. Vaping added last year.	Yes.	All public spaces, PROW, places of employment, and exterior of buildings serving children. Includes city pools and Rec Centers, but not Senior Centers.	Health, wellness, and litter.	Not available.	Not available.	Not available.	Not available.	Not available.	\$50-\$100 fine for first offense. Subsequent fines increase up to \$500, or an administrative civil penalty up to \$2000/day, or both.
Forest Grove	Includes all tobacco products, smoking products, and e-cigarettes	Yes.	Designated parks, city-owned or leased property and city-sponsored events. Does not include City streets and sidewalks.	Public health, litter reduction, allows law enforcement to contact suspects who may be persons of interest in other cases.	Effective 30 days for "education period" where warning citations issued	3 public comment opportunities during Parks and Rec Commission meetings; City Council held two duly-noticed public hearing	Fiscal impact estimated (signage costs of \$250-\$600). Perception that City-wide policy would be too difficult to implement or litigious. Minimal opposition.	Supported by public health organizations, advisory committees and City Council Goals.	Handed out policy cards to those smoking as education period. Media was used as positive education piece (5-6 articles).	\$100 to \$250 fine. Enforcement officer may cite into Municipal Court.
Hillsboro	All tobacco products (lit or otherwise), vaping, and electronic products/devices. Tobacco product definition includes anything intended to be put in human body. Does not include tobacco cessation products.	Yes.	Includes any public lands, city-sponsored event, and city owned or controlled personal property, including, but not limited to, vehicles. Does not include sidewalk ROW.	Consistency in policies, public health, wellness, and public safety.	Effective 30 days after adoption.	No major outreach. Coordinators did informal survey of Adult Softball Teams who were biggest tobacco users.	Minimal opposition.	Handful of supporters for banning vaping. Anecdotal comments from public about better experiences with smoke ban.	Signage in all of the parks, news releases, TV spots, notice given of new rule, treated as educational tool not punitive.	Warning issued first, then exclusion for up to 90 days. A violation of an exclusion notice constitutes criminal trespass.
Lake Oswego	Includes all tobacco products and smoking. Does not mention e-cigarettes or vaping.	No.	Includes all places of employment. Does not include: smoking-designated hotel or motel rooms and retail tobacco stores; makes exception for bars and taverns that prohibit minors.	Public health and safety.	Not available.	At least two Council meetings with public testimony	Some opposition from public, one Councilor voted against policy.	Larger support from public.	Not available.	Warning for first offense with educational materials & tobacco program referral; fine suspended if violator cooperates with remedial activity. Fine increases with subsequent violations up to \$500.

Key Issues

Scope (What's Included)

- Smoke Free (Tobacco & inhalant delivery systems)
- Tobacco Free (Smoking & Chewing)
- Regulation on consumption/use (Not Possession)
- Where (Locations)

Out of Scope (Not Included)

- Retail sales, advertising or displays
- Marijuana (including edible packaged products)
- Hookah Establishments
- Indoor Buildings



Purpose & Reasons

- Reduction of Maintenance (litter)
- Fire Safety
- Public Health (second hand smoke)
- Community Image and Perception (social norms for youth)
- Environmental Harm (wildlife)
- Consistency in Policy



3 boys charged in Oregon trestle fire

SHERWOOD, Ore. (AP) — Police have charged three boys with reckless burning in connection with a fire that destroyed a train trestle in Sherwood, Oregon.

A fire investigator said careless smoking was the cause of the Aug. 10 fire that burned eight acres along with the 85-year-old Portland and Western Railroad trestle.

Key Considerations

- Scope
- Locations (where)
- Schedule
- Public Involvement
- Pre-Mortem (Constraints, Opposition, Opportunities & Support)
- Reason & Purpose



Next Steps

- Council Direction (Oct. 12)
- Public Information & Involvement (Nov. & Dec.)
- Draft Ordinance to Council with Policy Recommendations (Jan.)
- Ordinance Adoption
- Implementation of Ordinance





MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Aquilla Hurd-Ravich, Planning Manager

FROM: Cindy Hahn, Associate Planner

DATE: 11/19/2015

SUBJECT: Mobile Food Vending and Food Carts

ISSUE BEFORE TPC:

Staff will present a summary of information about mobile food vending and food carts provided to the City Council for consideration at the October 26, 2015 work session. The information includes current City regulation of mobile food vending and potential modification of the Tualatin Development Code (TDC) to allow larger mobile food vendors and food carts. Staff is not seeking a recommendation from Planning Commission at this time.

EXECUTIVE SUMMARY:

At the September 14, 2015 City Council meeting owners of The Pupu Shack, a mobile catering truck that sells shave ice, commented during the citizen comment portion of the meeting. They have been operating a mobile catering truck in the parking lot of True Value Hardware and Ancient Wonders at the corner of SW Boones Ferry Road and SW Seneca Street and were notified that they are in violation of the Tualatin Development Code (TDC) that regulates mobile food and flower vendors (TDC 34.013). The Pupu Shack owners asked that City Council consider their particular situation and potential changes to the applicable regulations that would allow them to operate as a conforming use on a more permanent basis. City Council discussed the issue and directed staff to review the existing regulations and return to a future work session with information for their consideration.

At the October 26, 2015 City Council work session, staff presented information about current City regulation of mobile food vending, and potential modification of the Tualatin Development Code (TDC) to allow larger mobile food vendors and food carts. Staff sought direction from City Council addressing two questions:

- Whether or not the City Council wants to expand the type of mobile food vendors or food carts allowed in the City.
- Whether or not the City Council wants to eliminate the time restriction on mobile food vending in the City.

City Council directed staff to return to a future work session with additional information about

initiating a Plan Text Amendment (PTA) to make amendments to the TDC that would allow a wider variety of mobile vending units and food cart pods within the City.

DISCUSSION:

Background

Before 2014, small mobile food and flower vendors were allowed to operate in the City in compliance with TDC 34.013 in the Central Commercial (CC) and General Commercial (CG) planning districts. In an effort to encourage small-scale mixed uses and mobile vending in industrial areas following completion of the Linking Tualatin project in 2013, the City Council adopted Ordinance No. 1370-14 that, in part, expanded the allowed location of small mobile food and flower vendors to the Light Manufacturing (ML), General Manufacturing (MG) and Manufacturing Park (MP) planning districts. These code changes responded to a recommendation by the Planning Commission during review of Plan Text Amendment (PTA) 14-01 to: (1) add language to acknowledge the allowance of mobile carts and (2) initiate work on a subsequent PTA to TDC 34.013 to expand mobile food and flower vendors to include larger dimension mobile carts and pods in the City. During review and adoption of PTA-14-01 and Ordinance No. 1370-14, City Council directed staff to work on a PTA to accomplish this, however, the Basalt Creek Concept Plan and other projects took priority at that time and this task was temporarily put on hold.

Current regulations allow:

- open-air vending of food, including coffee kiosks, and fresh cut flowers "in a manner that will enhance the attractiveness of the Central Commercial (CC), General Commercial (CG), Light Manufacturing (ML), General Manufacturing (MG), and Manufacturing Park (MP) Planning Districts for pedestrian traffic"
- vending for a maximum of 180 days in any calendar year
- vending from "push carts or mobile devices" occupying a maximum of 16 square feet of ground area and measuring no more than three feet in width (excluding wheels), six feet in length (including handles), and five feet in height (excluding canopies, umbrellas, or transparent enclosures)

Mobile food and flower vending is subject to several location restrictions:

- operation is limited to public sidewalks at least eight feet in width or private sidewalks or parking lots
- food vendors may locate within 200 feet of a restaurant or fruit and vegetable market with written consent from the affected proprietor
- flower vendors may locate within 200 feet of a flower shop with written consent from the affected proprietor

General Mobile Food Vendor Categories

There are three general categories of mobile food vendors:

1. Push carts, which are small non-motorized carts with wheels that are pushed by hand and occupy a temporary location while they are operated.
2. Stationary mobile carts, trailers or trucks, which have functional wheels and an axle, a kitchen for preparing food on site, space for the vendor to sit or stand inside and serve food through a window, and occupy one, semi-permanent location.

3. Catering trucks, which sell only prepackaged food and travel from location to location.

Attachment A illustrates the general categories of mobile food vendors and food carts. This information is from a Planning Commission staff report prepared by the City of Beaverton (April 29, 2015).

Some jurisdictions do not distinguish between these categories. For example, the City of Salem regulates "mobile food units" which are defined as "any motor vehicle, trailer, or wagon which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service".

In addition, some jurisdictions also have regulations for food cart pods, where more than one mobile food unit is located in one location. Often pods have customer seating, restrooms or hand-washing facilities, and other amenities, and are subject to more extensive standards.

Current regulations in the City of Tualatin allow only push carts and similar mobile devices that occupy 16 square feet or less of ground area and meet specific dimensional requirements (three feet wide by six feet long by five feet high).

The Pupu Shack

Tualatin's current regulations apply to transporting and displaying food or flowers upon "any push cart or mobile device" complying with the standards in TDC 34.013. While The Pupu Shack would fall within the definition of a food vendor under TDC 34.013, it exceeds the size limitations specified in the code. In addition, the owners of The Pupu Shack have expressed interest in locating their truck in a more permanent location year-round, rather than for the maximum time period of 180 days allowed by regulation.

Policy Considerations

Two options for addressing concerns of The Pupu Shack owners and amending the TDC were presented to City Council at the October 26 work session:

- Amend TDC 34.013, through a plan text amendment (PTA), to increase the size (dimensions) of mobile food units and extend or remove the 180-day limit on operation of the units. This would allow them to operate in their desired location without violating the applicable code. A consideration related to this action is that other mobile vending units also would be allowed to operate in the City, subject to the expanded regulations, which could result in more such units locating in commercial and industrial areas than previously.
- Initiate a more extensive PTA that would allow a wider variety of vending units and possibly food cart pods. This would require more thorough research by staff, potentially surveys of property and business owners as well as residents.

At the October 26 work session City Council directed staff to return to a future work session with additional information about initiating a Plan Text Amendment (PTA) to make amendments to the TDC that would allow a wider variety of mobile vending units and possibly food cart pods within the City.

Next Steps

Based on direction received from City Council at the October 26 work session, staff will bring back a timeline outlining next steps in the process to an upcoming work session. Periodic updates to Planning Commission will be provided as the process proceeds.

RECOMMENDATION:

Tonight's presentation is intended to keep Planning Commission apprised of City Council action around mobile vending units and food carts in the City. Staff is not seeking a recommendation from Planning Commission at this time.

Attachments: A. Mobile Food Vendor Categories
 B. Presentation



Push Carts

- Wheeled, light cart
- Pushed by hand
- Used by street vendors



Stationary Carts

- Single axle, towed by separate vehicle
- Mobile kitchen
- Allows the vendor to sit or stand inside and serve food through a window



Mobile Food Trucks

- Food is prepared on-site
- Often promotes business through social media



Catering Trucks

- Sells only prepackaged foods

FOOD CARTS

Source: City of Beaverton, Planning Commission, Work Session Discussion Item April 29, 2015. Food Cart Feasibility Study Prepared by Alma Flores, Economic Development Manager, and Amy Koski, Economic Development Project Coordinator.

Mobile Food Vending and Food Carts

Tualatin Planning Commission
November 19, 2015



City of Tualatin

Purpose of Tonight's Discussion

- Present information about:
 - Regulation of mobile food vending in Tualatin
 - Potential changes to allow larger mobile food vendors and food carts
- Summarize City Council direction received at October 26, 2015 work session

Current City Regulations

- Open-air vending of food and flowers from push carts and mobile devices
- CC, CG, ML, MG and MP planning districts
- Maximum size of 16 square feet
- Maximum time period of 180 days per calendar year

Mobile Food Vendor Categories



Push Carts

- Wheeled, light cart
- Pushed by hand
- Used by street vendors



Stationary Carts

- Single axle, towed by separate vehicle
- Mobile kitchen
- Allows the vendor to sit or stand inside and serve food through a window



Mobile Food Trucks

- Food is prepared on-site
- Often promotes business through social media



Catering Trucks

- Sells only prepackaged foods

FOOD CARTS

Source: City of Beaverton, Planning Commission, Work Session Discussion Item April 29, 2015. Food Cart Feasibility Study Prepared by Alma Flores, Economic Development Manager, and Amy Koski, Economic Development Project Coordinator.



Note: Provided for illustrative purposes only; does not reflect current Tualatin Development Code regulations.

Options for Changing the Code

- **Plan Text Amendment (PTA):**
 - **Option 1 – Limited Changes:**
 - Increase the size (dimensions) of mobile food units
 - Extend or remove the 180-day limit on operation
 - **Option 2 – More Extensive Changes:**
 - Allow a wider variety of vending units and possibly food cart pods
- **City Council Direction:**
 - Return to future work session with additional information and a timeline

Next Steps

- Return to future work session with a timeline outlining next steps in the review process
- Provide periodic updates to Planning Commission as process proceeds