



# City of Tualatin

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**OFFICIAL**

## **TUALATIN PLANNING COMMISSION -**

**MINUTES OF November 19, 2015**

### **TPC MEMBERS PRESENT:**

Alan Aplin  
Bill Beers  
Jeff DeHaan  
Cameron Grile  
Mona St. Clair  
Janelle Thompson  
Angela Demeo (arrived after agenda item 2)

### **STAFF PRESENT**

Aquilla Hurd-Ravich  
Cindy Luxhoj  
Lynette Sanford  
Rich Mueller

### **TPC MEMBER ABSENT:**

**GUESTS:** None.

### **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 September 17, 2015 TPC minutes. MOTION by Beers SECONDED by Grile to approve the minutes as written. MOTION PASSED 6-0.

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

None

### **4. ACTION ITEMS:**

None

### **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**

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.

Rich Mueller, Parks and Recreation Manager, presented information regarding an Outdoor Smoke and Tobacco Free City Spaces policy, which included a PowerPoint presentation. Mr. Mueller explained that 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. Mr. Mueller noted that there are 88 jurisdictions in Oregon that have restricted outdoor smoking. The Council requested additional information be brought back at a future work session for further review and discussion. The key issues include:

- Smoke Free ( Tobacco and inhalant delivery systems)
- Tobacco Free (Smoking and Chewing)
- Regulation on consumption/use (not possession)
- Where: Tualatin Commons, Library Plaza, Parks and Trails, Parking lots

Not included in this scope is:

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

Mr. Mueller explained that the purpose of this policy includes reduction in litter, fire safety, public health, community image, and environmental (wildlife) harm. The next step in this process is public information and involvement in November and December; and a draft ordinance to Council with policy recommendations in January.

Mr. Aplin inquired about smoking on city streets as designated areas. Mr. Mueller answered that the policy does not include city streets or sidewalks that are not connected to City property. Mr. Beers asked where a person would smoke if they were visiting the City library. Mr. Mueller responded that a person would have to go to the adjacent shopping center. Mr. Aplin asked which City we're modeling this policy after. Mr. Mueller responded that they looking at the different policies from Hillsboro, Eugene, Beaverton, City of Portland, and the metro area counties.

Mr. Aplin asked if there has been feedback from the public regarding this policy. Mr. Mueller answered that it is becoming an accepted practice and there has not been a great deal of public opposition. Mr. Grile asked about the neighboring businesses and how this can impact them. Mr. Mueller said they would have to have their own ordinances in place for smokers. Ms. St. Clair asked if the private property owners can ban it on their property. Mr. Mueller answered affirmatively – college campuses and hospitals are presently doing this. Mr. DeHaan inquired as to what the penalties would be. Mr. Mueller responded that would be considered a park rule which would include a warning and an exclusion from the park or City space for a certain amount of time.

Ms. Hurd-Ravich asked if this would apply to the Commons around the lake. Mr. Mueller answered affirmatively. Mr. Aplin asked what the cost would be for the signs relating to this policy. Mr. Mueller answered that it would cost approximately \$1500 for the signage. Mr. DeHaan asked what the current fine is for littering. Mr. Mueller wasn't certain but other jurisdictions charge approximately \$50-\$500.

Mr. DeHaan stated that he is in support of this policy and wanted to make a motion in favor of it. Ms. Thompson seconded the motion. Mr. Grile stated that he agrees with the intent but is concerned about relocating the problem to surrounding property owners. Mr. Aplin expressed support for this policy in areas where there were children such parks and libraries. Ms. Demeo believes this policy is too exclusionary. She read feedback from citizens on the City's Facebook page and she said it was about 50/50 for and against. Ms. Demeo expressed support for this policy but suggested designated smoking areas with proper disposal would be a better solution. Mr. Beers agreed with having designated smoking areas. MOTION by DeHaan, SECONDED by Thompson in favor of the implementation of Tobacco Free City Spaces. MOTION PASSED 4-3.

## **B. Mobile Food Vending and Food Carts**

Cindy Luxhoj, Associate Planner, presented a staff report on Mobile Food Vending and Food Carts, which included a PowerPoint presentation. This 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.

Ms. Luxhoj stated that 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 wanted the Council to consider changes to the Tualatin Development Code 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.

Ms. Luxhoj added that 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.

Current City regulations allow:

- 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

Ms. Luxhoj explained that the options for changing the code include a Plan Text

Amendment (PTA):

Option 1 - Increase the size of mobile food units and extend or remove the 180-day limit on operation.

Option 2 – Allow a wider variety of vending units and possibly food cart pods.

The City Council direction was to return to future work session in January with a timeline outlining next steps in the review process and provide periodic updates to Planning Commission as process proceeds.

Mr. Beers mentioned the Planning Commission reviewed this a few years ago and recommended Council consideration. Mr. Aplin asked about special events and if food carts are allowed. Ms. Luxhoj acknowledged that food carts are allowed at certain events, such as the Crawfish Festival, with a special event permit. Mr. Aplin stated that he didn't see a problem with property owners allowing them on their property. Ms. Hurd-Ravich noted that our Council desired food cart pods, where more than one mobile food unit is located in one location, as an alternative. Ms. Hurd-Ravich stated that having them in an industrial area would cut down on vehicle trips and it wouldn't create competition with other restaurants.

Ms. Luxhoj mentioned that a new trend to consider is a food hall, similar to what they have in Granville Island, BC. This is where they have a large warehouse building with stalls inside. This can also include fruit and vegetable vendors. She noted that the mayor and Council had concerns about a cluster of trailers parked together and this could be an alternative to that.

Mr. Beers added that he didn't think a food cart pod would work, especially with the downtown business owners. Ms. Hurd-Ravich added that there is a requirement in the code that states it must be 200 feet away from a restaurant or market unless there is permission from the business owner.

Ms. Hurd-Ravich noted the next steps include bringing back a project framing in December along with a public involvement outline.

## **6. FUTURE ACTION ITEMS**

Ms. Hurd-Ravich stated that future action items include an update on the Capital Improvement Plan (CIP) plan that was presented to the Commission last year. At the January 21, 2016 meeting, elections will be held. Legacy Meridian Park is requesting to change the sign code, which will also be brought to the Commission in January.

## **7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**

Mr. DeHaan inquired about the progress on the new City Hall. Ms. Hurd-Ravich responded that they are currently conducting traffic studies and there will be an update

at the December 14, 2015 work session. The ONA building is coming off the viability list. The sites still viable are the Police site and the location by the lake where Lee's Kitchen is located. If that option is approved, the building would be demolished and a new one will be constructed. Mr. DeHaan asked about the vacated space by Haggen's. Ms. Hurd-Ravich acknowledged that it has been mentioned, but is not sure of the feasibility.

Mr. DeHaan inquired about the Riverhouse property on Boones Ferry Rd. Ms. Hurd-Ravich acknowledged that there has been increased interest in the site. Mr. Grile inquired about the annexation on 99W. Ms. Luxhoj stated that the application was deemed incomplete and we have been waiting for additional information from the applicant.

## 8. **ADJOURNMENT**

Mr. Aplin adjourned the meeting at 7:26 PM.



\_\_\_\_ Lynette Sanford, Office Coordinator