



MEETING AGENDA

TUALATIN PLANNING COMMISSION

**December 17, 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, Jeff DeHaan, Cameron Grile, Janelle Thompson, Mona St. Clair, and Angela Demeo
Staff: Aquilla Hurd-Ravich, Planning Manager; Cindy Luxhoj, Associate Planner
2. **APPROVAL OF MINUTES**
 - A. Approval of November 19, 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. Mobile Food Vending and Food Carts - Project Framing
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: 12/17/2015

SUBJECT: Approval of November 19, 2015 TPC Minutes.

ISSUE BEFORE TPC:

Attachments: TPC Minutes 11/19/15



City of Tualatin

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UNOFFICIAL

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 Puppu 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



MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Aquilla Hurd-Ravich, Planning Manager

FROM: Cindy Hahn, Associate Planner

DATE: 12/17/2015

SUBJECT: Mobile Food Vending and Food Carts - Project Framing

ISSUE BEFORE TPC:

Staff will present a summary of framing for the project including key policy considerations and schedule. This information will be presented to the City Council for review at the January 11, 2016 Work Session. Staff is seeking input from Planning Commission about our approach to the project and whether there are different or additional questions we should be asking as we move forward.

EXECUTIVE SUMMARY:

Project framing was completed in response to direction received from the City Council at the October 26, 2015 work session. 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 Tualatin Development Code (TDC) related to mobile food vending, food carts, and food cart pods.

DISCUSSION:

Type of Mobile Food Vending Devices

As we approach the scope of this project, it is important to establish some common ground related to definitions or topics of discussion. One area needing clarification is in the type of devices used to sell food outside or separate from a physical structure or building such as a restaurant or food kiosk. Mobile food vending devices have one basic feature in common - they have wheels and are mobile. Vending devices generally are divided into four categories:

- Push carts, which are wheeled, light carts pushed by hand and commonly used by street vendors
- Stationary carts or trailers, which are towed by a separate vehicle and that allow the vendor to sit or stand inside and serve food through a window
- Mobile food trucks, which are drive-able vehicles within which food is prepared and, similar to carts or trailers, allow the vendor to sit or stand inside and serve food through a window

- Catering trucks, which are drive-able vehicles but which serve prepackaged food, do not have facilities for preparing food, and do not allow the vendor to sit or stand inside and serve food through a window; rather the driver stands outside the vehicle to vend

Policy Questions Related to Type

Given the range and variety of mobile vending devices being used in the food industry, there is need for more definition of the type of devices that should be regulated in Tualatin. Clarifying policy questions staff proposes to address related to the types of mobile food vending devices include:

- Should all types of mobile food vending devices - push carts, stationary carts or trailers, mobile food trucks, and catering trucks - be regulated?
- Should mobile food vending from any device be regulated differently when located on private versus public property? When part of a special event? When located in any one location for less than 2-4 hours?
- What operation limitations and design standards should be imposed on regulated mobile vending devices?
- Will mobile vending be limited to food sales or will other retail uses be allowed or regulated as well - such as flowers and other micro-businesses?

Configuration of Mobile Food Vending Devices

Another area needing clarification is the various ways in which mobile food vending devices are arranged on a property. There generally are three distinct configurations of mobile vending devices to be considered with this project:

- One or two stand-alone mobile food vending devices on one site with no accessory structures other than trashcans and portable accessory items, such as picnic tables or seating
- Larger concentrations of stand-alone mobile food vending devices on one site that also include new accessory structures, such as restrooms, storage buildings, trash enclosures, and covered outdoor seating areas, that are not considered "buildings" (generally less than 200 square feet in size)
- Larger concentrations of stand-alone mobile food vending devices on one site with new accessory structures, such as those outlined above, as well as structures that are considered "buildings" (generally 200 square feet in size or larger); permanent structures, such as food courts, food halls, and markets, also would fall within this description

Policy Questions Related to Configuration

Given the range of ways in which mobile food vending may occur on a particular site, there is need for clarification of the configurations that should be regulated in Tualatin. Clarifying policy questions staff proposes to address related to the different configurations of mobile food vending devices include:

- Should all the above types of configurations of mobile food vending devices - one to two stand-alone as well as larger concentrations with or without temporary or permanent accessory structures - be allowed?
- What are the pros and cons of allowing one or more of these configurations?
- Where should concentrations of mobile food vending devices be allowed in the City?

Policy Questions Related to Permitting and Review

There is substantial variation in the way mobile food vending is regulated in comparably-sized jurisdictions in the Portland metro area. In an effort to focus research into best practices and to structure a PTA to the TDC that best addresses the interest and desires of the City, there are some general policy questions staff proposes to consider as well, including:

- Is it more efficient to modify the existing code (TDC 34.013) regulating mobile food vending devices, or to rescind it and develop entirely new regulations?
- What level of review (Council, Planning Commission, or staff) is appropriate for mobile food vending applications and does the level of review vary depending on the type of device and arrangement of devices on one site?
- What permitting process should be put in place and should there be a permit fee?

Project Schedule

Key steps in the proposed project schedule include:

- January 2016: Present Project Framing and Timeline to Planning Commission and City Council
- February/March: Present Research Results and Best Practices
- March/April: Receive Policy Direction on Code Components
- May/June: Present PTA and Ordinance to Planning Commission for Recommendation to City Council
- June/July: Hold Public Hearing on PTA and Ordinance

Attachment A summarizes the project timeline.

Public Engagement

One additional consideration is the type and level of public engagement that is appropriate for this project. Based on past PTA processes, a suggested course of action for this project includes:

- Survey, questionnaire, or discussion with local businesses in commercial and industrial areas to identify issues they might have with expanded opportunities for mobile food vending. This likely would involve the Commercial Citizen Involvement Organization (CCIO) and Tualatin Chamber of Commerce in some way.
- Online solicitation of comments and ideas from the general public using MySidewalk, the City Facebook page or a similar tool.
- Opportunity to comment and provide testimony for all interested stakeholders at the City Council public hearing on the PTA.

Policy Questions Related to Public Engagement

General policy considerations related to public engagement include:

- Is the outlined approach to public engagement appropriate and adequate?
- Are there other public engagement tools, such as a statistically valid survey or involvement of CIOs other than the CCIO, that should be included?

Next Steps

A similar presentation will be given to City Council at the January 11 Work Session. Based on direction received at that meeting, staff will proceed to research, identifying best practices, and

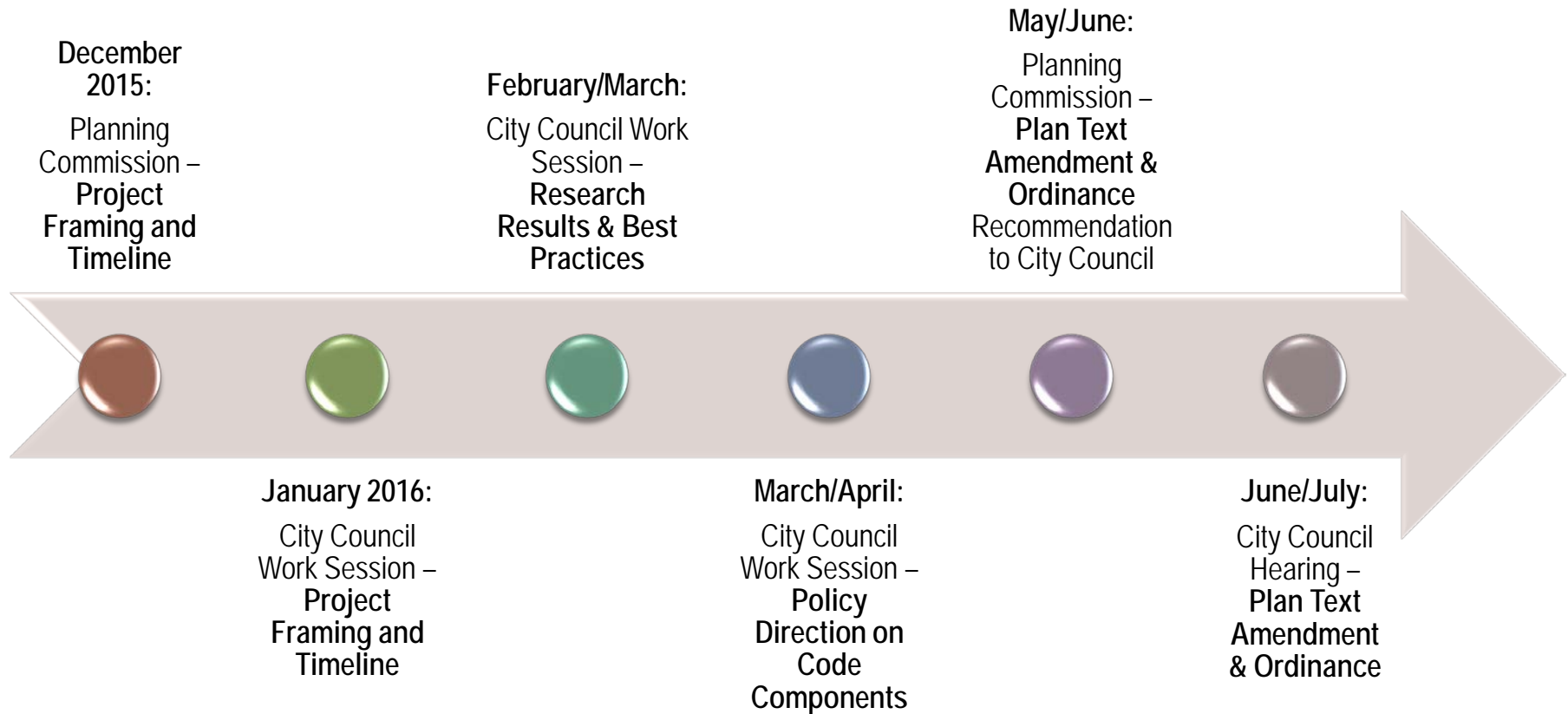
engaging the public and interested stakeholders. A draft of the PTA and ordinance will be presented to Planning Commission and City Council in May/June 2016.

RECOMMENDATION:

Tonight's presentation is intended to inform the Planning Commission of the process being followed to initiate a PTA to make amendments to the TDC related to mobile food vending, food carts, and food cart pods. Staff welcomes any input Planning Commission desires to provide to help frame the project scope, timeline, and key considerations.

Attachments: A. Project Schedule
 B. Presentation

Timeline - Mobile Food Vending



Mobile Food Vending and Food Carts – Project Framing

Tualatin Planning Commission
December 17, 2015



City of Tualatin

Purpose of Tonight's Discussion

- Present information about:
 - Key policy considerations and schedule
- Seek input about approach and policy questions posed

Types of Devices

- Push carts
- Stationary carts or trailers
- Mobile food trucks
- Catering trucks

Policy Questions: Type of Device

- Should all devices be regulated?
- Should regulations differ:
 - For vending on private versus public property?
 - For vending as part of a special event?
 - For vendors in one place for less than 2-4 hours?
- What are appropriate operation and design limitations?
- Should vending be limited to food sales or include other uses?

Configuration of Devices

- One or two stand-alone devices without accessory structures
- Larger concentration of devices with accessory structures not considered “buildings”
- Larger concentration of device with accessory structures considered “buildings” and/or food courts, food halls and markets

Policy Questions: Configuration

- Should all configurations be allowed?
- What are pros and cons of various configurations?
- Where should concentrations be allowed?

Policy Questions: Permitting and Review

- Should the existing code be modified or new code developed?
- What level of review is appropriate? Does it change with type or configuration?
- What permitting process is appropriate and should it include a fee?

Public Engagement

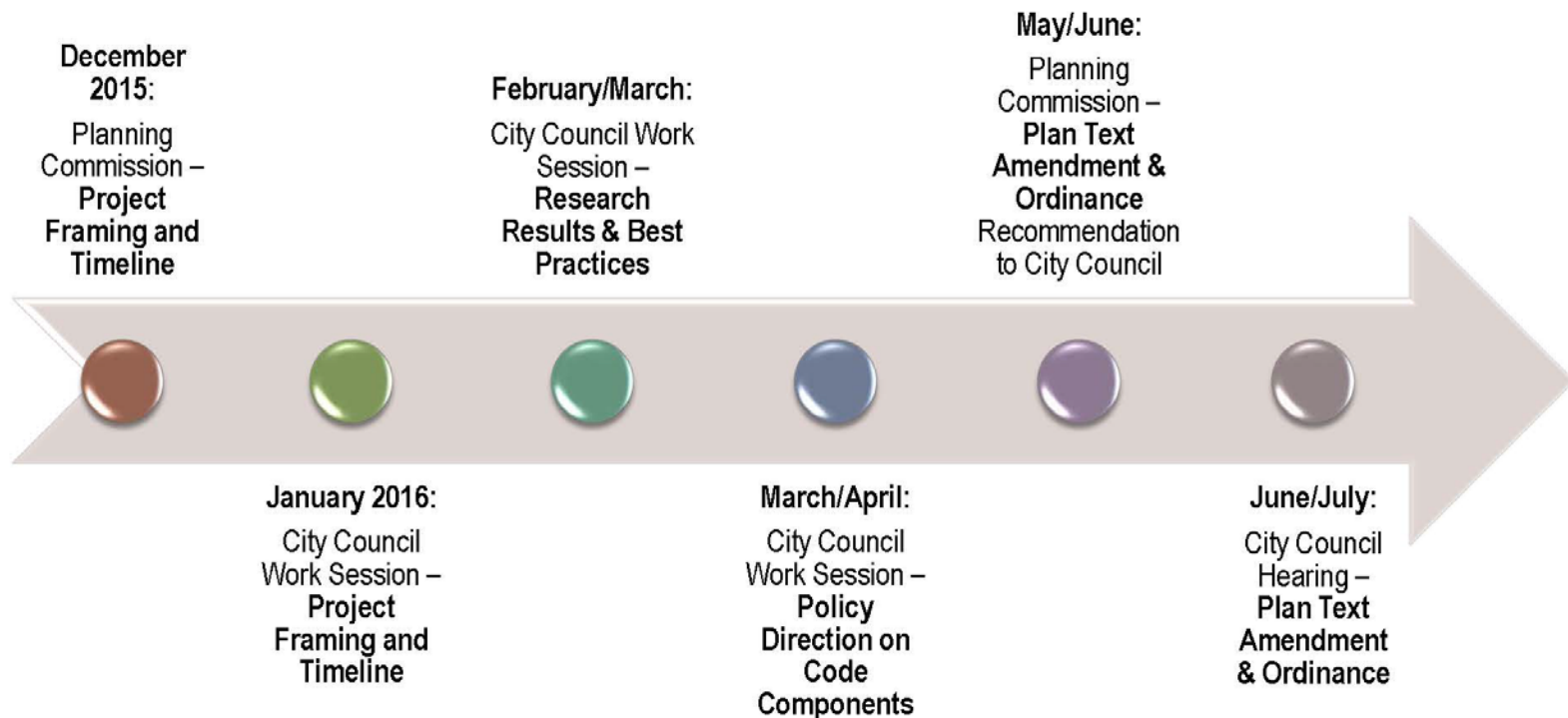
- Discussion with local businesses, CCIO and Chamber of Commerce
- Online solicitation of ideas from general public
- Comment at public hearing on PTA

Policy Questions: Public Engagement

- Is the proposed approach appropriate and adequate?
- Are other tools needed?



Timeline - Mobile Food Vending



Next Steps

- **Present to City Council Work Session**
- **Research, Identify Best Practices, Engage Public and Stakeholders**
- **Present Draft PTA and Ordinance to Planning Commission and City Council**

Discussion