



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda Planning Commission

Monday, June 13, 2016

7:00 PM

Commission Chambers

1. Call to Order

2. Public Comments

3. Public Hearing

- 3a.** The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks (Planning file CD 16-01). No changes to the code are proposed.

Attachments: [Commission Report](#)
[CD 16-01 Staff Report](#)
[Food Cart Application](#)

- 3b.** Request to Continue Annexation file AN-16-0001 for the property located at 19358 S. Columbine Court to July 11, 2016.

Attachments: [Commission Report](#)
[Vicinity Map](#)

4. Presentations

- 4a.** Equitable Housing Grant Update

- 4b.** Overview of the New City Website www.orcity.org

5. Communications

6. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- Complete a Comment Card prior to the meeting and submit it to the staff member.
- When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.
- Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.
- As a general practice, Oregon City Officers do not engage in discussion with those making comments.

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.



City of Oregon City

625 Center Street
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Staff Report

File Number: PC 16-067

Agenda Date: 6/13/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Laura Terway

File Type: Land Use Item

SUBJECT:

The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks (Planning file CD 16-01). No changes to the code are proposed.

RECOMMENDED ACTION (Motion):

Staff recommends the Planning Commission approve Code Interpretation 16-01.

BACKGROUND:

The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks. The analysis, findings, and interpretation is based on review of the current Oregon City Municipal Code. Changes to the current zoning regulations require a Legislative code amendment which includes a public review process and approval process by the Planning Commission and City Commission. No changes to the code are proposed at this time.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



CODE INTERPRETATION STAFF REPORT

June 3, 2016

FILE NO.: CD 16-01: Code Interpretation

HEARING DATE: June 13, 2016

APPLICANT: City of Oregon City – Planning Division
c/o Laura Terway
PO Box 3040
Oregon City, Oregon 97045

REQUEST: The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks. No changes to the code are proposed.

LOCATION: Within the City limits of Oregon City

**NEIGHBORHOOD
ASSOCIATION:** All

REVIEWER: Laura Terway, AICP, Interim Planning Manager (503) 496-1553

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include code interpretations. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

I. BACKGROUND:

1. Project Description

A Code Interpretation request was submitted to confirm the standards related to mobile vending, food carts, and food trucks. No changes to the code are proposed.

2. Municipal Code Standards and Requirements

Title 17 of the Oregon City Municipal Code including Chapter 17.50 Administration and Procedures. The City Code Book is available on-line at www.orcity.org.

3. Notice and Public Comment

Notice of the proposal was sent to various City departments, affected agencies, and the Neighborhood Association, posted on the City website and posted in a circulated newspaper. No public comments were received on this application.

4. Code Analysis

The below analysis, findings, and interpretation is based on review of the current Oregon City Municipal Code. Changes to the current zoning regulations require a code amendment. Any citizen, business, or organization can apply for a text amendment to the zoning code, which is subject to a legislative public approval process by the Planning Commission and City Commission. There is no guarantee that such a text amendment would be approved by the Commissions, and no refund of the application fee is given if the amendment is not approved. Alternatively, the City could lead an amendment at the direction of the City Commission. If the City intends to consider code amendments on this topic, the Planning Division recommends a robust public outreach and engagement process to formulate regulations and policies that would have the support of Oregon City business owners, neighbors, and Planning and City Commissions.

II. ANALYSIS AND FINDINGS:

The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks. The Oregon City Municipal Code allows mobile vending, food trucks in the following situations.

As part of an approved outdoor market in certain zones.

It is typical for farmers markets and other outdoor markets to include food carts or trucks as one or a few of many vendors, thus, the Planning Division has interpreted this to allow mobile vending, food carts and food trucks when part of an approved outdoor market during market hours. Outdoor markets, such as produce stands, craft markets and farmers markets are allowed outright in some designations and require approval of a Conditional Use by the Planning Commission in others, as shown in the following table

Zoning District	Permitted	Conditional Use
Neighborhood Commercial	Outdoor markets on weekends and after 6:00 p.m. during the weekday.	Outdoor markets that are operated before 6:00 p.m. on weekdays.
Historic Commercial	Outdoor markets on weekends and after 6:00 p.m. during the weekday.	Outdoor markets that are operated before 6:00 p.m. on weekdays.

Mixed Use Corridor 1 and 2	Outdoor markets on weekends and after 6:00 p.m. during the weekday.	Outdoor markets that are operated before 6:00 p.m. on weekdays.
Mixed Use Employment	Outdoor markets on weekends and after 6:00 p.m. during the weekday.	Outdoor markets that are operated before 6:00 p.m. on weekdays.
Commercial	Outdoor markets at any time or day.	N/A
Mixed Use Downtown	Outdoor markets on weekends and after 6:00 p.m. during the weekday.	Outdoor markets that are operated before 6:00 p.m. on weekdays.
Willamette Falls Downtown District	Outdoor markets at any time or day.	N/A
General Industrial	Not permitted.	Not conditional.
Campus Industrial	Not permitted.	Not conditional.
Institutional	Not permitted.	Not conditional.
Residential	Not permitted.	Not conditional.

As a vendor within an approved festival or special event.

Special events which operate for a limited duration, such as the First City Festival, have typically included mobile vending, food carts, and food trucks as vendors. The Planning Department does not view mobile vending, food carts or trucks as any different from other vendors in the festival or event. The events may occur on private property or within the right-of-way. Sponsors of these special events are required to obtain a right-of-way permit from the City for all street closures, activity, and sales occurring in the right-of-way and may need additional approval from the City for events on private property.

Within the Willamette Falls Downtown District zone.

The Willamette Falls Downtown District zone specifically identifies mobile vending as a permitted use. Development on this property is subject to the Framework Master Plan (Planning file number CP 14-02) which requires additional Type II or Type III review prior to further utilization of the site. The City has not adopted policies or code language to specifically address mobile vending uses in the Willamette Falls Downtown District zone at this time.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies as Proposed. The proposed Code Interpretation is being processed as a Type III application per chapter 17.50.030 of the Oregon City Municipal Code.

17.50.090 Public Notices.

Finding: Complies as Proposed. Once the application was deemed complete, the City noticed the application to all neighborhood associations, Citizens Involvement Council, general circulation paper, and posted the application on the City's website. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment. All interested persons have the opportunity to comment in writing or in person through the public hearing process. No comments were received regarding this application.

III. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the Code Interpretation accurately represents the situations where the use of mobile vending, food carts, and food trucks in Oregon City is or may be allowed and the standards that would apply, as well as identify when a conditional use permit may be required for such use. Staff recommends the Planning Commission approve file CD 16-01, based upon the findings and exhibits contained in this staff report.

IV. EXHIBITS:

1. Applicant's Submittal



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☒ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): CI 16-01

Proposed Land Use or Activity: Confirmation of the standards related to mobile vending, food carts + food trucks

Project Name: _____ Number of Lots Proposed (If Applicable): _____

Physical Address of Site: City wide

Clackamas County Map and Tax Lot Number(s): _____

Applicant(s):

Applicant(s) Signature: A K Q L

Applicant(s) Name Printed: City of Oregon City- Date: 5-11-16

Mailing Address: PO Box 3040

Phone: 503-722-3789 Fax: 503-722-3880 Email: _____

Property Owner(s):

Property Owner(s) Signature: A K Q L

Property Owner(s) Name Printed: _____ Date: 5-11-16

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

M E M O R A N D U M

To: Planning Commission
From: Planning Division
Re: Mobile Vending, Food Carts, and Food Trucks
Date: May 11, 2016

The Planning Division is seeking approval of a Code Interpretation to confirm the standards related to mobile vending, food carts, and food trucks. The Oregon City Municipal Code does not allow mobile vending, food trucks, or food carts as a permitted use in any zoning district, with the following exceptions, which the Planning Division has interpreted and applied as policy from the municipal code: 1) as part of an approved outdoor market in certain zones, 2) within the Willamette Falls Downtown District zone, and 3) as a vendor within an approved festival or special event.

- 1) Permitted uses in the Mixed Use and Commercial zones include outdoor markets such as produce stands, farmers markets, and craft markets on the weekends or after 6PM on weekdays. It is typical for farmers markets and other outdoor markets to include food carts or trucks as one or a few of many vendors, thus, the Planning Division has interpreted this code to allow food carts and trucks when part of an approved outdoor market and when they are present only during market hours.
- 2) The Willamette Falls Downtown District zone includes mobile vending as a permitted use. Development on this property is subject to the Framework Master Plan CP 14-02, which requires Type II and Type III review processes depending on the development proposal. The City has not adopted policies or code language to specifically address mobile vending uses in this zone at this time.
- 3) Special events which operate for a limited duration, such as the First City Festival, have typically included food carts, and food trucks as vendors. Sponsors of these special events are required to obtain a right-of-way permit from the City for all street closures, activity, and sales occurring in the right-of-way. The Planning Department does not view these food trucks as any different from other food vendors in the festival or event. Special events on private property are also permitted to use food trucks as food vendors.

Change to the current regulations to permit mobile vending in more circumstances would require a code amendment. Any citizen, business, or organization can apply for a text amendment to the zoning code, which is subject to a public approval process by the Planning Commission and City Commission. There is no guarantee that the text amendment would be approved by the Commissions and no refund of the application fee is given if the amendment is not approved.

Alternatively, the City could take charge of a code amendment process at the direction of the City Commission. In either case, the Planning Division recommends a robust public outreach and engagement process to formulate regulations and policies that would have the support of Oregon City business owners, neighbors, and Planning and City Commissions.



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Staff Report

File Number: PC 16-066

Agenda Date:

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Pete Walter

File Type: Planning Item

SUBJECT:

Request to Continue Annexation file AN-16-0001 for the property located at 19358 S. Columbine Court to July 11, 2016.

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission open the public hearing, take testimony from any person present who wishes to testify, then continue the public hearing for AN-16-0001 to July 11, 2016.

BACKGROUND:

Annexation File AN-16-0001 was submitted by Ron and Anastasia Wilson, who are petitioning to annex approximately 0.46 acres of property to the City. The property is located at 19358 S. Columbine Ct, Oregon City, OR 97045 and identified as Clackamas County APN 3-1E-12AC-03700. The property has a Comprehensive Plan designation of LR Low Density Residential.

Staff requests a continuance of the public hearing in order to provide correct additional notice for AN-16-0001. Staff provided newspaper notice of the public hearing, mailed public notice of the application on May 16, 2016, and the applicant posted the property with the land use notice sign, however, staff neglected to provide adequate notice to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, and any affected recognized neighborhood associations and any party who has requested in writing such notice as required by OCMC 17.50.090(C).

Oregon City GIS Map

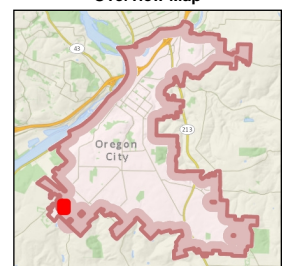


Legend

- Taxlots
- Taxlots (Outside UGB)
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 100 Feet
1: 1,200

AN 16-01

Map created 5/16/2016

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