

MINUTES

Creswell Planning Commission
Creswell Community Center – 99 South First Street
Creswell, Oregon

July 19, 2012
7:00 p.m.

PLANNING COMMISSIONERS PRESENT: Alan Pointer, Lloyd Safley, David Christopher, Dennis Grice, Gary Ludeke, Dan Stockbarger; Denise Walters, Creswell Planning; Lane Council of Governments (LCOG), Staff

PLANNING COMMISSIONERS ABSENT: Blake Oelke

Commissioner Grice convened the meeting of the Creswell Planning Commission (CPC) at 7:00 p.m.

I. MINUTES OF MAY 17, 2012

Commissioner Pointer, seconded by Commissioner Christopher, moved to approve the minutes of the May 17, 2012 meeting as submitted. The motion passed unanimously.

II. AUDIENCE

None.

III. COMMISSIONER COMMENTS

None.

VI. POLL MEMBERS FOR CONFLICTS OF INTEREST

Commissioner Christopher said he may have a conflict of interest as there was a mobile food vendor doing business in the parking lot of the hardware business where he is employed.

Ms. Walters said it would be appropriate for Commissioner Christopher to take part in discussions, but should recuse himself from voting.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

Year Round Mobile Food Vendors

- Brief Background from Staff

Ms. Walters explained that the Creswell Development Code (CDC) and the Municipal Code had no mechanism to allow year-round mobile food vendors to operate in the city. All that was available was a Temporary Use Permit, which did not suit vendors who wanted to operate year round. This issue came before the Creswell City Council, who suggested that the CPC would be a good place to start conversations because the CPC had dealt with land issues and was familiar with the type of criteria.

Letters had been sent inviting the two mobile food vendors currently operating in Creswell, Jimmy Dogs and Cowabunga, to the meeting to discuss their experiences and their businesses. She did not invite the Chamber or other bricks and mortar restaurants in Creswell so suggested the CPC hold another public comment period after outreach to the Chamber and other Creswell restaurants so their input could be received as well.

Commissioner Grice opened the meeting for public comment.

Jim Hawkins, a mobile food vendor in Creswell and owner of Jimmy Dogs, introduced himself. Jimmy Dogs, a small hot dog stand, was located at the corner of Front Street and Oregon Avenue in Creswell. Mr. Hawkins said he was previously a Forest Engineer in Coos Bay, Oregon and worked for Weyerhaeuser for 15 years. He then became self-employed and had been involved in wholesale, retail and manufacturing. Up until two years ago he was involved in the manufactured housing industry, which pretty much no longer existed. At the age of 63 he opened his hot dog stand, which meant a lot to him. He was adamant about being in favor of free enterprise and a person being able to start a business with their existing means. He said, though he would love to be able to, a restaurant franchise to bring to the community was out of his reach at this point.

Mr. Hawkins said he knew the ropes of what he should and should not be doing, from the standpoint of location, the health department and Lane County. He had a lot of success with his hot dog business, for which he was pleased. He reminded the Commission that Fruitlands started on the street with people selling their goods. The same thing was happening with the Creswell Farmer's Market and in every other community across the country. He said this was good because out of that larger business evolved.

Mr. Hawkins said he had heard rumors that brick and mortar businesses in town were fussing because of his business and its location. He said the City could not be selective of who could or could not be in business because they had a mobile cart and did not have a storefront. He hoped to be able to develop a storefront in the community in the future. He said he was flexible as far as rules and regulations. He understood the city had received complaints about regulating mobile carts. He hoped to keep an open communication with the community. He had also heard rumors there were traffic concerns, but did not think there were any other issues.

Commissioner Grice thanked Mr. Hawkins for the information he provided.

Commissioner Christopher asked Mr. Hawkins if he had permission to be on the property where his hot dog stand was located, and Mr. Hawkins replied yes.

Commissioner Grice asked how the process worked as far as the State or government licenses.

Mr. Hawkins explained that Lane County had a mobile unit which licensed mobile food carts based on size or how the cart was built. There were four classes of licenses and he held a Class three license. He thought everything Lane County regulated was the same things the City would be looking at; the type of unit, how the cart was made, having a food handler's permit, location, and permission from the private landowner. He was inspected by Lane County, including surprise inspections. He paid Lane County \$250 a year for his license and he could locate anywhere in the County, but he did have to let the County know his location.

Commissioner Grice asked how he started the process to locate his food cart in Creswell.

Ms. Walters explained that Mr. Hawkins had contacted her and shown her proof of insurance, landowner permission, etc. She thought perhaps it could be an accessory use to the primary use of the property but the city attorney told her they could not stretch the Code that way. City administration had received complaints about the vendors and perceived traffic issues on Oregon Avenue. The City Administrator presented the issue to the City Council, who said it was interested in considering year round mobile food vendors and in a CPC recommendation. Commissioner Pointer asked what the coffee vendors fell under.

Ms. Walters said it was a permanent versus temporary structure and the coffee vendors fell under permanent use because they were connected. They also fell under the drive-through provision in the Code. Mobile food vendors are pedestrian based and are able to change locations easily.

Regarding concerns over traffic issues, Commissioner Stockbarger commented that when they recently had the car wash on the corner of Oregon Avenue and Front Street it was difficult for traffic coming off Oregon Avenue. He asked what the Planning Commission's goal was with regard to the mobile food vendors.

Ms. Walters responded that the CPC was being asked to make a recommendation to the City Council whether or not the City should permit year round mobile food vendors in Creswell. The City Council asked for the CPC's expertise in the matter because it dealt with many land issues in the City. It was ultimately the City Council's decision and if they decided to move forward, and authority to adopt any implementing ordinances.

Commissioner Stockbarger asked what kind of a can of worms they could be opening by recommending mobile food vendors be allowed. One concern was that it would allow mobile vendors of all types to operate within the City.

Ms. Walters said they were within their purview to limit it to food vendors only. She again said she recommended the public comment period be continued until the August 2012 meeting to allow further outreach to the community, Chamber members and restaurant owners.

Commissioner Safley said he thought complaints about traffic was approaching ridiculous, as the site of Jimmy Dogs was at a previous service station, and he did not see how there could be a traffic hazard because of a hot dog stand.

Ms. Walters said one complaint heard was that the mobile food vendors were taking away business from brick and mortar businesses, but expressed this line of reasoning did not identify any differentiation between mobile food vendors, if a McDonalds came into town, or if another restaurant owner has more financial resources to cut prices than others.

In discussing issues Creswell could face, Ms. Walters gave the example of deciding where mobile food vendors were appropriate. For example, the City of Corvallis had identified a location in the downtown area next to their Farmer's Market where mobile food vendors could locate.

Commissioner Christopher said the mobile food vendor, Cowabunga, was located in the parking lot of his hardware business and he had not heard any complaints. In fact, he said, it was good for business. He then asked about criteria; licenses, codes, inspections, which the City could determine a vendor to pass.

Ms. Walters said Lane County handled much of the health related issues, but the City might institute its own permit process, making sure the vendor had the property owner's permission to be there, whether or not tables and chairs could be there, how many parking spaces were being used, how vehicle and pedestrian circulation would be impacted; criteria that could address basic public health, safety and welfare issues.

Commissioner Stockbarger commented that he would hate to see the municipality restrict someone from making a living.

Commissioner Grice asked what kinds of restrictions would be put on incoming vendors. Would they be able to operate on any street corner they wanted?

Ms. Walters said she would start looking into that. She said if others offered public comment at the next meeting, it could be helpful to the CPC in identifying ideas and how this could be accomplished. She said generally one would not want year round food vendors in residential areas. One idea was that the vendors could locate on commercial and industrial zoned property.

Commissioner Pointer asked if it would be strictly on private property, and not public property.

Ms. Walters said the only times vendors were located on public property were during special events like the 4th of July. She said she would research what other communities had done and that could help them understand how it could work. She had contacted the League of Oregon cities but did not find much information there.

Mr. Hawkins said it might be helpful to go to the Lane County Health Department's website to see its application process and regulations for mobile carts.

Ms. Walters said she would get copies from the County's website of the regulations for the four classifications of mobile food vendors and bring that to the August 2012 meeting. She also thought there might be guidelines for answering some of the questions that had been brought up.

Commissioner Grice agreed with Ms. Walters that the matter should be tabled, or continued, until the next meeting after there was further outreach to inform the community. All agreed.

The next meeting was scheduled for August 16, 2012.

MEETING ADJOURNED

Commissioner Grice adjourned the meeting at 7:55 p.m.



Planning Commission

Date Aug 16, 2012

(Recorded by Ginger Morton)

