

MINUTES

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

January 17, 2013
7:00 p.m.

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

PLANNING COMMISSIONERS ABSENT: Dan Stockbarger, Gary Ludeke

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

I. MINUTES OF November 15, 2012

Commissioner Safley, seconded by Commissioner Pointer moved to approve the November 15, 2012 meeting minutes as submitted. The motion passed unanimously.

II. AUDIENCE

None.

III. COMMISSIONER COMMENTS

None.

IV. POLL MEMBERS FOR CONFLICTS OF INTEREST

None.

V. CONTINUED BUSINESS – Year Round Mobile Food Vendors

- **Sample Municipal Code**

Ms. Walters provided four handouts:

- Memo re Mobile Food Units and the Oregon Department of Transportation (ODOT), dated December 13, 2012
- Memo re Mobile Food Units and the Downtown Plan, dated December 13, 2012
- Memo re Mobile Vending Unit Potential Restriction on Oregon Avenue dated January 17, 2013
- Sample Ordinance Relating to Mobile Vending

Regarding the memo about ODOT, Ms. Walters said that most likely, unless a mobile vending unit was locating on a vacant lot, it would not generate enough vehicle traffic to trigger an analysis so they did not have to be concerned about any ODOT permits. If there was a vacant lot where a vending cart wanted to locate the vendor would have to pay for the ODOT permit.

The second December 13, 2012 memo was regarding the Downtown Plan and how mobile vending would fit into that picture. The memo included the Downtown Creswell Vision Statement and Objectives. Staff could find nothing within the Objectives that would provide substantial reason to prevent mobile vending in downtown. The Plan is to foster economic activity and keep downtown friendly. The question would be whether mobile vending fit into that plan. Ms. Walters said the question really comes back to the land use zoning where downtown commercial, bricks and mortars retail services are an allowed use. She reminded the Commission of the City Attorneys' opinion that it would be hard to make a case that mobile vending could not happen in downtown commercial areas. She said if the Commission wished she could try to come up with some public health safety issues which would be the strongest defensible reason to not allow mobile vendors. However, given that many of the downtown commercial development standards are very similar to the general commercial development standards, the rationale could be difficult to articulate and defend.

Commissioner Christopher asked if the Downtown Association was ever formed.

Ms. Walters said to her knowledge it had not.

Commissioner Christopher asked if the design standards for downtown would affect food carts.

Ms. Walters said they were not bricks and mortar development and would not be subject to design standards established in the Creswell Development Code. She said developing design standards for mobile vending units would be housed under the Municipal Code and may open doors to legal battle. She said she could do more research to see if anyone had design standards for mobile units but did not think it would be very fruitful.

Commissioner Oelke said they had previously discussed excluding mobile vendors from the railroad tracks down Oregon Avenue.

Ms. Walters referred the Commission to her third memo on potentially restricting mobile vending units on Oregon Avenue. She said from the Interchange Area Management Plan that the city had been working on with ODOT and the Transportation System update, they knew the Oregon

Avenue facility was not going to meet federal standards in the 20 year planning horizon without changes to the infrastructure. The memo highlighted the problems with that stretch of road and each of the intersections from the traffic engineer studies. Traffic engineering said the three intersections were functioning to standard presently, but would not in the future based on population growth. During peak PM hours the I-5 Southbound ramp that heads west has a lot of backup potential, and during the 4th of July could had backup onto I-5. The three lanes between the off ramp and Highway 99 would not be enough to accommodate the traffic volume in the future. Because of the high turn volumes onto Highway 99 there are some safety and functionality issues, including how rail tends to block that intersection.

Ms. Walters said those issues mentioned were the kinds of things that could affect the public health, safety and welfare, if the Commission were interested in restricting mobile vending from that stretch of road because of the traffic congestion, potential safety issues and any other visual distractions.

The Planning Commission expressed interest in enhancing the safety of Oregon Avenue extending from the interchange management area through downtown given the close proximity. The Planning Commission generally supported the sample ordinance with continued analysis on potential areas of restriction on Oregon Avenue.

VI. NEW BUSINESS

None.

VI. ADJOURNMENT

Commissioner Oelke adjourned the meeting at 7:56 p.m.



Planning Commission



Date

(Recorded by Ginger Morton)

