



City of Tualatin

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OFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF August 17, 2017

TPC MEMBERS PRESENT:

Kenneth Ball
Angela DeMeo
Travis Stout
Mona St. Clair

STAFF PRESENT

Aquilla Hurd-Ravich
Charles H. Benson III
Lynette Sanford

TPC MEMBER ABSENT: Bill Beers, Alan Aplin, Janelle Thompson

GUESTS:

1. CALL TO ORDER AND ROLL CALL:

Kenneth Ball, Vice Chair, called the meeting to order at 6:32 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Ball asked for review and approval of the June 15, 2017 TPC minutes. MOTION by DeMeo SECONDED by St. Clair to approve the minutes as written. MOTION PASSED 4-0.

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

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. July 2017 Revisions to Draft Mobile Food Unit Ordinance

Aquilla Hurd-Ravich, Planning Manager, and Charles H. Benson III, Associate Planner, provided an update on the proposed food cart ordinance which included a PowerPoint presentation. Ms. Hurd-Ravich stated that City staff went to Council in July with a draft ordinance. The City Council discussed the draft ordinance at length, highlighted by whether food trucks/carts should be allowed to operate in the

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.

Commercial Office (CO) planning district, further clarification on the regulatory powers and the applicability of proposed licenses and permits, and whether food trucks/carts should be allowed to operate on construction sites. Council directed staff to return to the Tualatin Food Cart Work Group for clarification on their position regarding food trucks/carts in the CO planning district and the permitting processes. Ms. Hurd-Ravich noted that there are additional comments that were received and not included in the packet – which were distributed to the Commission members.

Ms. Hurd-Ravich stated that the Commission's next action is to approve the draft and give a recommendation to City Council regarding the development code revisions.

Mr. Benson reviewed the timeline summary which includes the project framing, task force meetings, and revisions to the ordinance based on the feedback received. Mr. Benson noted that the current temporary ordinance expires in December 2017

Mr. Benson stated the key revisions to the proposed draft ordinance include:

- Modifications to the "Purpose and Applicability" section to further refine situations where the proposed ordinance would apply;
- Creation of a new mobile food unit permit;
- Food trucks would be allowed to operate in the CO planning district, but not within 200 feet of the Central Commercial (CC) planning district;
- Food trucks would not be allowed to operate in the General Commercial (CG) planning district without an approved Special Event or Public Assembly permit; and
- Only one mobile food unit would be allowed on any given site at one time with without an approved Special Event or Public Assembly permit.

Mr. Benson noted that the only public comments received on these proposed changes to the draft ordinance were from Charlie Sitton from the Century Hotel, who is primarily concerned about food trucks operating at the Lake of the Commons, and Joseph Hall, whose sons operate the PuPu Shack, who is concerned that the proposed ordinance will prohibit the PuPu Shack from operating at its current location. Mr. Benson noted that after the agenda packet was published, additional comments were received that are included in the handout.

Mr. Benson mentioned that the on-line survey on our website had overwhelming support (89 percent) for food trucks in Tualatin although the local businesses were opposed. Ms. Hurd-Ravich added that the survey asked the public if they would want a food truck on their site the support was around 57 percent.

Ms. Hurd-Ravich stated that after the Council work session, City staff made the revisions and emailed the changes to the people on the interested parties list, CCIO's, Chamber of Commerce, and the work group asking for comments. The comments received are in the handout.

Mr. Ball opened the meeting for public comment:

Joseph Hall, Pu Pu Shack Owner

Joseph Hall, owner of the PuPu Shack, stated that his children have operated the food cart for the five years. Mr. Hall stated that in the fall of 2015 they were in violation, which started this whole issue. Mr. Hall noted that he was not aware of the subsequent meetings and was caught off guard when he read about the revised ordinance in the paper.

Mr. Hall stated that he rents the space from David Emami, employ 8-9 kids from the high school, pays payroll taxes, and has a business license. Mr. Hall was under the impression the revised ordinance would be similar to the temporary one in place. He believes these revisions are not even close to the initial ordinance. Mr. Hall added that he believes this revised ordinance is excluding the only operating food truck in Tualatin. After the temporary ordinance passed, Mr. Emami placed an ad for additional food trucks and received only one response. The one person who responded never called back due to lack of foot traffic in the area.

Mr. Hall added that the PuPu Shack survives because they have been operating for many years and have repeat customers. Mr. Hall believes the concern is from the business owners who fear that Tualatin will be overrun with food carts, which is not the reality.

Mr. Hall noted that he was not aware of the other hearings, or he would have been in attendance. Mr. Hall would like to have the ordinance revisited to revise the 200 foot radius of the Central Commercial (CC) planning district exclusion. Mr. Hall added that the PuPu Shack is not in competition with the other businesses in the area since they serve shaved ice, which the other businesses do not.

Ms. DeMeo asked why they chose their current location and are not closer to the high school. Mr. Hall responded that he did not want to impede on other businesses, such as the Plaid Pantry. Ms. DeMeo asked if the Halls have spoken to the Emamis about the lack of interest in other food trucks. Mr. Hall responded that there is very little foot traffic in downtown Tualatin, which is problematic for food trucks. Mr. Hall added that Mr. Emami does not believe a food cart pod situation would work either.

Ms. St. Clair inquired about the possibility of food carts at subdivision construction sites and if a special permit would be required. Ms. Hurd-Ravich replied that the City will not regulate food carts in residential areas since they will more than likely be on a public right of way, which will not require a permit.

Ms. DeMeo wanted clarification about the private property definition and why the restriction on services such as electricity. Mr. Benson responded that the feedback from City Council was that the food trucks should be as temporary as possible. Ms. DeMeo asked if there is a limit on how long they can be in one location. Mr. Benson

said there is no limit. Mr. Ball added that temporary means six months or less and that the food truck will have to move at least a few feet. Ms. DeMeo stated that the code should be more consistent regarding time limits and service restrictions.

Mr. Hall reiterated that he does not approve of the 200 foot buffer requirement and that the citizens of the City of Tualatin overwhelmingly approve the food cart concept. Ms. St. Clair asked how many responses we received on the online survey. Mr. Benson responded that we received over 300. Mr. Ball asked if there are other cities that require a 200 foot buffer requirement. Mr. Benson replied that Happy Valley, Beaverton, Hillsboro, Milwaukie, and Gresham do not require the buffer. He is not aware of any other City that does.

Ms. Hurd-Ravich stated that all past presentations are on our web site along with the statistics from the survey and past research. Ms. DeMeo added that the community members and business owners need to come together with a compromise.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich noted that future items include an action item to make transfer review authority of Conditional Use Permits from City Council to the Planning Commission. We will also hear an update from Rich Mueller, Parks and Recreation Manager, on the Parks and Recreation Master Plan. Ms. Hurd-Ravich added that in October we may have a variance on a cell tower.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

None

8. ADJOURNMENT

MOTION by DeMeo, SECONDED by St Clair, to adjourn the meeting at 7:38 pm.



Lynette Sanford, Office Coordinator