



## Planning Commission

# Agenda

### Study Session

April 24, 2017

Noon

Lausmann Annex, Room 151  
200 South Ivy Street, Medford, Oregon

---

10. Introductions
20. Discussion items
  - 20.1 DCA-17-007 Mobile Food Vendors – Update to Standards
30. Adjournment



**MEMORANDUM**

Subject      Mobile Food Vendors – Update to Standards  
File no.      DCA-17-007  
To              Planning Commission  
From          Kyle Kearns, Planner II  
Date          April 17, 2017 *for 04-24-2017 study session*

---

**MOBILE FOOD VENDORS | BACKGROUND**

Since their inception into Medford’s Land Development Code (MLDC) mobile food vendors, or food trucks, have had several amendments to their standards that have affected the permitted size, locations and other pertinent standards. Food trucks were adopted into the MLDC in 1994 and code amendments to increase the permitted size were adopted in 1997 and 2010. The current permitted size for food trucks is 128 square feet in the Central Business (C-B) Overlay and 170 square feet in commercial zones outside of the C-B.

Most recently City Council, per a citizen request on October 20, 2016, has directed City staff to analyze the municipal code as it relates to mobile food vendor size. The citizen request was from Ellen Holub, the owner of Buttercloud Bakery, who operates a food truck which is currently not permitted in Medford due to the truck size (200+ square feet). Additionally, there were issues with permitting food trucks in on-street parking stalls that were brought to Council’s attention on February 4, 2016. Staff was also asked to compare the cost of starting a food truck compared to a restaurant to determine if mobile food vendors pay their fair share. The intent of this code amendment is to address these concerns.

**PROPOSED CODE AMENDMENT**

Medford’s standards for food trucks are relatively consistent with cities throughout Oregon, which was discussed at the Planning Commission Study Session on December 12, 2016 (see attachments). At the December Study Session staff received direction to evaluate Medford’s standards as they relate to size as well as equity between food trucks and brick and mortar restaurants. Staff has reviewed both issues and has drafted a proposal which reflects this research; additionally staff has reviewed a previous issue related to permitting food trucks in public right-of-way reflected in this proposal as well.

Mobile Food Vendor Size Standards

The standards for food truck size vary from city to city. However, when compared to similar cities Medford’s size standards, as it relates to food trucks, are inconsistent with similar municipalities in Oregon (see below).

Food Truck Size Limitations				
Medford	Grants Pass	Bend	Eugene	Portland
170 square feet (128 in CB Overlay)	No size limit, must meet vehicle code	250 square feet	No size limit, must meet vehicle code	16 feet in length

Furthermore, the current standards are restrictive in the sense that they include the cab of trucks which artificially inflates the size of a mobile food vendor as the cab space is not used to produce food. Staff is proposing that rather than measure the area of the truck based on external dimensions that instead the measurement only includes the length of the area devoted to food production. This would change the standards from 128 square feet in the C-B Overlay to 14 feet in length and from 170 square feet in other zones to 20 feet in length. If a 10 foot truck/trailer width is assumed, this would mean an increase in 12 square feet and 30 square feet, respectively. Staff supports an increase in square footage to create consistency with other cities in Oregon.

Mobile Food Vendors Compared to Brick and Mortar

Cities typically regulate the size, location and siting standards of food trucks, all of which Medford regulates; beyond the aforementioned standards is where cities differ in how they regulate food trucks. Concerns from both City Council and Planning Commission concerning equity among food trucks compared to brick and mortar restaurants have been raised. Staff reviewed some common cost associated with doing business in the City of Medford for both food trucks and their brick and mortar competitors. The comparison can be found below.

As one could assume (see below for comparison), the cost of doing business is significantly higher for starting a brick and mortar restaurant. Furthermore, one could reason that operating cost and profits are significantly different for each use. Restaurants aim to serve crowds of people from varying distances, where food trucks aim to serve local populations and passerbys. The impacts are significantly different for each land use, and ultimately the only thing the two uses have in common is food preparation and food sales. Comparing the two uses as like uses would unfairly support raising the cost of starting a food truck when ultimately, they have far less impacts when compared as a single unit.

Lastly, since mobile food vendors, unless on public property, are required to be on private property these properties will have already paid SDCs for utility connections

(unless vacant). Since the use of private property would require an agreement between the owner and the tenant (i.e. food truck) it would be the owner’s responsibility to require payment for the cost incurred by the food truck locating on the property, not the City’s. Public Works would have already collected SDCs for the property in which a food truck is locating; collecting more SDCs due to a food truck locating on the property would be unwarranted unless public improvements occur.

Below is a brief overview common cost for a food truck and a brick and mortar restaurant.

<b>Cost Comparison of Food Trucks v. Brick and Mortar Restaurants</b>		
<b>Yearly Cost (excludes items such as insurance, food, staffing)</b>		
<b>Line Item</b>	<b>Food Truck</b>	<b>Brick and Mortar Restaurant (2,000 square feet)</b>
Business License	\$100.00	\$100.00
Jackson County Health	\$515.00 - \$888.00	\$515.00 - \$888.00
Rent (Yearly)	Will Vary (will use \$6,000)	\$15.00-\$19.00 per square foot <sup>1</sup>
<b>Yearly Total</b>	<b>\$6,615 – \$6,888.00</b>	<b>\$30,615.00 – \$38,888.00</b>
<b>One Time Cost</b>		
<b>Line Item</b>	<b>Food Truck</b>	<b>Brick and Mortar Restaurant (2,000 square feet)</b>
Cost of Equipment	\$30,000 - \$50,000 <sup>2</sup>	\$30,000 - \$150,000 <sup>3</sup>
Street SDC	\$0.00**	\$15,341.26*
Sewer Connection SDC	\$0.00**	\$2,004.00*
Regional Sewer SDC	\$0.00**	\$4,348.40*
Water SDC	\$0.00**	\$10,242.12 - \$13,656.16
<b>One Time Cost Total</b>	<b>\$30,000 - \$50,000</b>	<b>\$61,935.78 – \$185,349.82</b>
<b>Overall Total for First Year</b>	<b>\$36,615 - \$56,888</b>	<b>\$92,550.78 – \$224,237.82</b>

\*Assumes new construction.

\*\* Assumes no utility connection needed.

#### Mobile Food Vendors in Parkedthe Public Right-of-Way

Given the mobile nature of food trucks, from time to time, confusion about the role they can play in public right-of-way (ROW) has surfaced. Previously City Council has been approached by mobile a food vendor on February 4, 2016 to address the issue of locating said mobile vendors in the public right-of-way. Currently, the code permits mobile food vendors on public property and right-of-way pursuant to Chapter 2, Government and Administration, of the Medford Municipal Code (MMC). Generally this portion of the MMC doesn’t restrict or permit the use of ROW for food trucks falling silent on this specific use.

Where the MMC does restrict the use of mobile vendors in public ROW is within Chapter 6, Section 6.350 Sales on Public Property states:

“Unless authorized by other provisions of this code, no person shall park or leave standing a vehicle, movable device, container, equipment or merchandise on a street, sidewalk, public right-of-way, or public off-street parking lot, for longer than five consecutive minutes in one location for the purposes of offering food or merchandise for sale without prior written approval of the council.”

- Section 6.350 (1)

In reviewing this portion of the Code staff has determined that if the draft text, as proposed, is adopted that it would allow for the use of public right-of-way for food trucks. It would likely require an update to the procedures of permitting use of public property within Chapter 2, which is currently outside of the Planning Departments scope for this code amendment. Generally, permitting food trucks in public ROW, late at night, wouldn't cause many conflicts aside from loosing a few parking stalls. If one compares the parking of a standard truck in a parking stall to the parking of a food truck, the only significant difference would be the sale of food.

The use of ROW could be further restricted by requiring a certain unobstructed walkway along the sidewalk, restricting the locations to only certain streets or by further restricting the times to only weekends.

#### Changes Made From Agency Comments

To date, staff has received comments from the Medford Fire Department. The comments had asked staff to update the portion of the code referring to their procedures for food trucks. Changes have been made to reflect the comments received.

#### **CONCLUSION AND NEXT STEPS**

Planning Commission will be asked to provide a recommendation to City Council on the May 11, 2017 Commission meeting. Staff is asking that Planning Commission review the proposed text and give direction as to whether or not changes need to be made prior to May 11. Given the current work load of Staff, if significant changes need to be made to the MLDC as it relates to food trucks the time frame for the code amendment will need to be reassessed.

Food trucks play an important role in providing an opportunity for low to moderate income families and individuals to start a business. The intent of food trucks isn't to circumvent the code and run restaurants out of business, but rather to provide for business opportunity and services on a much smaller scale. Currently in Medford there are about 54 food trucks with no clear effect on brick and mortar restaurants.

Buttercloud Bakery, through business owner Ellen Holub, is the reason this code amendment is being considered and she has both a brick and mortar location and a food truck; it is clear that both uses can coexist and even support each other. Both uses will continue to exist in Medford and providing ample opportunity to continue these uses rather than restrict them should be the intent of the Planning Department.

## **ATTACHMENTS**

Code amendment draft text

City Council Meeting Minutes – February 4, 2016

Planning Commission Study Session Minutes – December 12, 2016

## **SOURCES**

- 1) <http://www.loopnet.com/Oregon/Medford-Commercial-Real-Estate/>
- 2) <https://www.google.com/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=food+truck+for+sale&tbm=shop>
- 3) <https://www.restaurantowner.com/public/How-Much-Does-it-Cost-to-Open-a-Restaurant.cfm>

**TEMPORARY USES AND STRUCTURES**

**10.840 Temporary Uses and Structures.**

**A. Purpose.**

The purpose of this section is to accommodate reasonable requests for interim, temporary, or seasonal uses and structures within the City.

**B. Applicability.**

In addition to the provisions of this section, the following other licenses and permits may apply:

- (1) Permits for use of City-owned property and public right-of-way, pursuant to Chapter 2 and Chapter 6;
- (2) Business license provisions of Chapter 8;
- (3) Building permit provisions of Chapter 9; and
- (4) Sign permit provisions of Article VI of this Chapter 10.

**C. General Provisions.**

- (1) Temporary uses and structures are characterized by their short-term or seasonal nature, and by the fact that permanent improvements associated with the temporary use are not made to the site.
- (2) Temporary uses and structures are permitted only as expressly provided in this Code.
- (3) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.
- (4) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.
- (5) Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained.
- (6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section ~~and may cause the structure to be subject to the development standards of Article V.~~

\* \* \*

**D. Types of Temporary Uses and/or Temporary Structures.**

\* \* \*

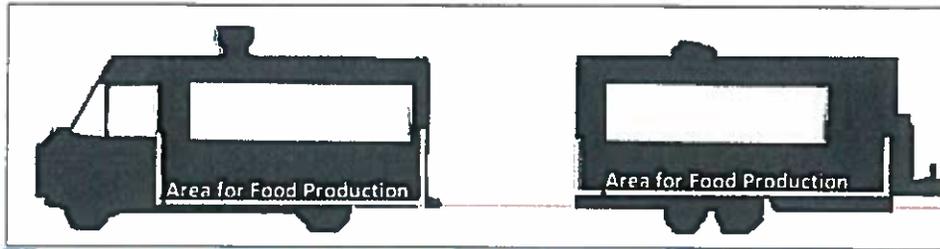
(3) Temporary Mobile Vendors.

a. Temporary Food Vendors (Outdoor).

1. Application Requirements.

- i. A business license pursuant to Chapter 8 shall be required.
- ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
  - (a) ~~Dimensions of the temporary food vendor unit.~~ Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840 ~ 1).
  - (b) Location of the temporary food vendor unit on the site.
  - (c) Paved vehicular access, including driveway location(s).
  - (d) Off-street vehicular parking spaces.
  - (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
  - (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
  - (g) Location of utility connections, if any.

New Text     ~~Deleted Text~~



**Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.**

**Formatted: Font: 11.5 pt, Bold, Font color: Background 1**

**Formatted: Font: 11.5 pt, Bold, Font color: Background 1**

2. Standards.

i. Locational and Size Standards.

(a) Temporary food vendors are permitted in the following zoning districts: C- S/P, C-N, C-C, C-H, C-R, I-L, and I-G.

**(b) From the hours of 10:00 PM until 2:30 AM, temporary food vendors may locate in on-street parking stalls so long as the temporary food vendor is completely self-contained (not needing utility connections to operate) and must be capable of moving without assistance from another vehicle. Section 10.840 (D)(3)(2) shall still apply.**

**(bc) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:**

**(1) The exterior length and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper, shall not exceed 14 feet (See Figure 10.840 – 1 for measurement guidance).**

(2) Outdoor equipment, such as tables and chairs, shall not be permitted.

**(de) In all other zones:**

**(1) The exterior length and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper, shall not exceed 20 feet (See Figure 10.840 – 1 for measurement guidance).**

(2) An additional 170 square feet is allowed for outdoor equipment.

**(ed) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).**

**(fe) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).**

ii. General Standards.

- (a) If the temporary food vendor unit is located on or adjacent to a privately- owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
- (b) All food must be in a ready-to-eat condition when sold.
- (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
- (d) The temporary food vendor unit shall be located outside any required setbacks.
- (e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.
- (f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.
- (g) Temporary food vendors shall comply with the Fire Department's Outdoor Food Vendor Safety Checklist obtain an operational permit from the Fire Department.**
- (h) Any utility connections require a building permit from the Building Safety Department.

**New Text Deleted-Text**

# Agenda & Minutes

City of Medford

When available, the full agenda packet may be viewed as a PDF file by clicking the "Attachments" button and selecting the file you want to view.

Agendas are posted until the meeting date takes place. Minutes are posted once they have been approved.

**Mayor & Council** ([View All \(Agendas.asp?SectionID=542&CCBID=0\)](#))

## City Council Agenda & Minutes

### Minutes

Thursday, February 04, 2016

[View Agenda](#)

Attachments 

12:00 Noon and 7:00 p.m.

Medford City Hall, Council Chambers

411 West Eighth Street, Medford, Oregon

#### 10. Roll Call

Introduction of McLoughlin Middle School Students of the Month

#### 20. Approval or Correction of the Minutes of the January 21, 2016 Regular Meeting

#### 30. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

#### 40. Consent Calendar

40.1 COUNCIL BILL 2016-14 A resolution appointing representatives to voting positions as the city representatives on boards and commissions.

40.2 COUNCIL BILL 2016-15 An ordinance authorizing cash payments to Cedar Investment Group, LLC for Street System Development Charge credits in the amount of \$162,634.37 for the realignment of the intersection of Cedar Links Drive and Foothill Road, done as a condition of Sky Lakes Subdivision Phase 7B, a part of Cedar Landing PUD.

#### 50. Items Removed from Consent Calendar

#### 60. Ordinances and Resolutions

60.1 COUNCIL BILL 2016-16 A resolution to commence foreclosure to recover delinquent assessments.

60.2 COUNCIL BILL 2016-17 An ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$203,000 to David Smith & Associates for new citywide photogrammetric mapping.

60.3 COUNCIL BILL 2016-18 An ordinance authorizing execution of an Intergovernmental Agreement between the City of Medford and Oregon Department of Transportation pertaining to landscape maintenance associated with Highway 238.

#### 70. Council Business

#### 80. City Manager and Other Staff Reports

80.1 Quarterly Economic Development update from SOREDI by Ron Fox

80.2 Quarterly Financial Report by Alison Chan

80.3 Further reports from City Manager

**90. Propositions and Remarks from the Mayor and Councilmember**

90.1 Proclamations issued None

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

**100. Adjournment to the Evening Session**

**EVENING SESSION**

7:00 P.M.

**Roll Call**

**110. Oral Requests and Communications from the Audience**

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

**120. Public Hearings**

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120.1 COUNCIL BILL 2016-19 An ordinance approving an amendment to the Comprehensive Plan by adopting by reference and incorporating the Medford School District 549C Long Range Facilities Plan, August 11, 2014 Update. CP-15-078 (Land Use, Legislative)

120.2 COUNCIL BILL 2016-20 An ordinance approving an amendment to revise three elements of the Comprehensive Plan and adopt by reference the 2013 Rogue Valley International Medford Airport Master Plan. CP-13-076 & CP-13-077 (Land Use, Legislative)

**130. Ordinances and Resolutions**

**140. Council Business**

**150. Further Reports from the City Manager and Staff**

**160. Propositions and Remarks from the Mayor and Councilmembers**

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

**170. Adjournment**

**Minutes**

12:00 Noon and 7:00 p.m.

Medford City Hall, Council Chambers

411 West Eighth Street, Medford, Oregon

The regular meeting of the Medford City Council was called to order at 12:00 noon in the Council Chambers of the Medford City Hall on the above date with the following members and staff present

Mayor Gary Wheeler; Councilmembers Clay Bearson, Dick Gordon, Tim Jackle, Kevin Stine

City Manager Pro Tem Bill Hoke, City Attorney Lori Cooper, Deputy City Recorder Winnie Shepard

Councilmembers Daniel Bunn, Chris Corcoran, Eli Matthews and Michael Zarosinski were absent.

City Attorney Lori Cooper explained the lack of quorum limited Council business and no decisions would be made during today's meeting.

**McLoughlin Middle School Students of the Month**

Vice Principal Richard Parsagian introduced the McLoughlin Middle School Students of the Month for January.

**20. Approval or Correction of the Minutes of the January 21, 2016 Regular Meeting**

This item moved to the evening session.

**30. Oral Requests and Communications from the Audience**

**30.1** Cody Diehl, Fired Up Food Truck, spoke regarding food truck parking in Medford. He noted he had been parking in the street directly in front of the Bohemian Club, but was notified by Code Enforcement that he could no longer park there. He requested Council's permission to continue parking in that location. Medford Police Sergeant Don Lane explained that he had given Mr. Diehl permission to park in front of the Bohemian Club while the matter was researched. After reviewing the Code, it was decided it was not allowed.

Councilmember Stine asked why this was an issue for the City. Finance Director Alison Chan noted that there are specific locations where food vendors are allowed. There are locations pre-approved by the City, on private property with owner's permission and others. Councilmember Bearson asked how the designated places were approved and whether it was regarding using parking spaces. Ms. Chan responded that it was some time ago and she could not recall whether the use of parking spaces was an issue. Councilmember Bearson noted that parking should not be a concern from 10:00 p.m. to 2:00 a.m.

Mayor Wheeler explained the City preferred food vendors not block parking spaces and there should be some semblance of order. Mr. Diehl requested the City review the current food vendor policy for these types of issues.

**30.2** John Larkin, Proprietor of Roxy Ann Lanes and Chair of Travel Medford Advisory Committee, spoke regarding the Travel Medford contract. He noted the delay in the signing of the Travel Medford contract was impacting the community financially through the hoteliers, business staff, tourism, marketing and others in our area.

Councilmember Bearson noted two parties are participating in the contract and both contributed to the delay. He also asked whether Mr. Larkin believed Travel Medford should operate separately from the Chamber. Mr. Larkin responded that separation was an option that should be looked at.

Mayor Wheeler noted the next Travel Medford meeting would be held February 12.

Councilmember Stine agreed with Councilmember Bearson, but explained he preferred to wait for the contract to be accurate. Councilmember Bearson explained he preferred Travel Medford to operate unfettered of political and/or Chamber membership influence.

Councilmember Jackle stated he would like to wait until the entire Council was present before providing his opinion on the subject.

Councilmember Gordon opined the Chamber and the City of Medford continuously speak regarding economic development. It has taken too long to come to an agreement and it was embarrassing for both the City and the Chamber to be in this situation.

Mayor Wheeler noted that due to a lack of quorum, items on the Consent Calendar and the Ordinances and Resolutions would be postponed to February 18, 2016.

**40. Consent Calendar**

**40.1** COUNCIL BILL 2016-14 A resolution appointing representatives to voting positions as the city representatives on boards and commissions.

**40.2** COUNCIL BILL 2016-15 An ordinance authorizing cash payments to Cedar Investment Group, LLC for Street System Development Charge credits in the amount of \$162,634.37 for the realignment of the intersection of Cedar Links Drive and Foothill Road, done as a condition of Sky Lakes Subdivision Phase 7B, a part of Cedar Landing PUD.

**50. Items Removed from Consent Calendar**

None

**60. Ordinances and Resolutions**

**60.1** COUNCIL BILL 2016-16 A resolution to commence foreclosure to recover delinquent assessments.

**60.2** COUNCIL BILL 2016-17 An ordinance authorizing exemption from competitive bidding and awarding a contract in the amount of \$203,000 to David Smith & Associates for new citywide photogrammetric mapping.

**60.3** COUNCIL BILL 2016-18 An ordinance authorizing execution of an Intergovernmental Agreement between the City of Medford and Oregon Department of Transportation pertaining to landscape maintenance associated with Highway 238.



## Planning Commission

# Minutes

From Study Session on **December 12, 2016**

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

### Commissioners Present

David McFadden, Vice Chair  
Tim D'Alessandro  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
Jared Pulver

### Staff Present

Kelly Akin, Interim Planning Director  
Kevin McConnell, Deputy City Attorney  
Carla Paladino, Interim Principal Planner  
Kyle Kearns, Planner II

### Commissioner Absent

Patrick Miranda, Chair, Excused Absence

### Subject:

#### **1. GF-16-154 Temporary Mobile Food Vendors**

Kyle Kearns, Planner II, reported that Buttercloud Bakery asked for the City to reconsider the standards for mobile food vendors to increase the allowed square footage to allow for their 200 square foot truck currently in Central Point. City Council directed the Planning Commission to decide if a code amendment shall be initiated.

Food trucks have been permitted since 1993-1994. The code has been revised several times to accommodate similar requests. Currently food trucks are allowed to be 128 square feet in the Central Business Overlay. They are not allowed to have outdoor equipment. Outside of the Central Business Overlay the trucks are allowed to be 170 square feet with an additional 170 square feet of seating and tables. When on City property, food vendors are exempt from requirements. Awnings are permitted, if smaller than food vendor, must be on an improved surface, business license is needed, must be within ten feet of trash receptacle and site plan is needed.

Other Oregon cities such as Portland the size limitation is regulated by length, not square footage. If the length is 16 feet or shorter and on wheels it does not require a permit for cart. Longer than 16 feet is considered a heavy truck and restricted to certain zones. Without wheels falls subject to development standards. Permits are required for utility connections, propane use, outdoor structures and similar things.

Corvallis's code is similar to Medford's. They are less generous in size requirements. They do not allow above 128 square feet and/or 16 feet in length. They are restricted to the Central Business and Riverfront zones. Code requires food truck owner to get written consent from surrounding businesses to allow restroom use for food truck patrons. Spacing of 10 feet between trucks is required.

Grants Pass has no size limitation but must meet Oregon Vehicle Code and be moveable. They are only permitted on certain streets/zones. Grouping of food trucks is permitted, but a site plan review is required and the grouping must be on private property and paved.

Bend has a size limitation of 250 square feet. Food carts are not exempt from traditional development standards except for parking (treated as a "mini-restaurant").

Eugene has no size limitation, but must meet Oregon Vehicle Code and be moveable. They are allowed in certain public rights-of-ways, parks, sidewalks and private property. City has designated certain areas as mobile food unit zones.

Salem is similar to Eugene. There is no size limitation, but must meet Oregon Vehicle Code and be moveable, requires zoning and land use requirements to be followed, and pick up trash within a 20 foot radius.

Phoenix is similar to Medford's code. Size limitation is 170 square feet (includes slide outs). It is a staff decision and requires that all equipment be moved at the end of the vendor's business day. Permits last for a year.

Central Point did not get into the specifics of how they look at food trucks. They are allowed within two zoning districts, those being the Tourist and Office Professional District and the Thoroughfare Commercial District.

The City Council has asked the Planning Commission to research temporary mobile food vendors and then give direction as to whether a code amendment is needed or not. The request to consider is an increase in the allowable square footage for food trucks. Increasing the size of mobile food vendors would allow more business opportunities in Medford, but may receive some push back from the business community.

Vice Chair McFadden stated that he is concerned with City Council's issues are less about size of the truck and more about the lack of consistency between the similar uses. He does not know what they mean by that.

Commissioner Foley reported that he does not know what kind of inspections food trucks have. Ms. Paladino stated that would come from the Jackson County Health Department.

Commissioner Mansfield stated that it appears the existing ordinance permits these temporary uses on public property, City owned property and private property. Is that correct? Ms. Paladino replied yes.

Commissioner Mansfield asked does the City charge a rental for a food truck on public right-of-way? Vice Chair McFadden commented that he thought they could not be in the public right-of-way. Ms. Paladino reported that there are designated locations. It is administered through the City Manager's office.

Commissioner Mansfield stated that even if they are not in a public right-of-way some of them are in City owned property which means these people are getting a free ride. If someone wants to do a restaurant downtown they will have to either rent or buy the property and pay taxes.

Ms. Akin reported that the locations in the right-of-way have an annual fee.

Commissioner Mansfield asked what change does Buttercloud want? Commissioner D'Alessandro stated that their truck is larger than what is permitted. Mr. Kearns reported that Buttercloud's truck is 200 square feet.

Commissioner D'Alessandro stated that as someone employed by a tax supported entity he needs to understand the issue of vendors on City owned property. If his company leases to a food vendor on one of their properties they have to collect property taxes for the square footage they occupy and they have to pay property taxes on that. Is the City held to that same standard? Ms. Akin replied that is a good question but she does not know the answer to that.

Commissioner McKechnie reported that he is not a City employee but based if it is a for profit organization then the City has to pay property taxes.

Commissioner McKechnie stated that to build a brand new restaurant in the City of Medford the fees are very expensive; primarily with traffic, sewer and water SDC fees. They can easily run \$50,000 to \$80,000. Remodel gets some credit of what was there before but the developer is still liable for that. If the previous development happened to be more intense the credit is short. It is his understanding that the temporary food vendors do not pay any of those fees. Does staff know the logic of why they are not paying those fees? Mr. Kearns reported that the intent of the food truck is a small starter business where they do not have all the fees and restrictions.

Commissioner Mansfield commented that when he started his law practice why didn't he get that benefit?

Commissioner Pulver stated that food carts are a big part of downtown Portland. It is a good idea there so people started trying it in other metropolitan areas in the State. As a code standpoint everyone is trying to catch up. In a general sense he is anti-food carts

because they more or less circumvent traditional restaurants. They provide a healthy level of competition to an existing restaurant in a traditional bricks and mortar situation and probably unfairly so.

Commissioner McKechnie stated that he thinks everyone is familiar with the bento lady on Riverside and Main. She was successful and moved into a building around the corner for a month or so but then moved back out on the street. Obviously they were not as successful as a traditional restaurant.

Vice Chair McFadden commented that location is the name of the game in the food business.

Commissioner Pulver would be in favor updating the code. He believes there is a place for food carts in the downtown.

Commissioner McKechnie asked if there was a fee for a food cart? Mr. Kearns reported a business license.

Commissioner McKechnie asked if food carts pay the same amount for a business licenses as any other business? Ms. Paladino reported they are the same.

Commissioner McKechnie stated that it is his opinion that if food carts are using City services, they should be paying for it; just like a regular restaurant. Putting a limitation on size is foolish.

Commissioner Culbertson reported that looking at the other cities there are a lot of similarities in the mobile truck vendors. Piecing it apart to allow one particular person, who did not pay attention to the code when he was creating it, how far does Medford go? At the Southern Oregon Golf Tournament there was a food truck vendor at Hole 13. That is zoned SFR-4. He was outside of the zoning. How did he get permitted to be there? He either did it without asking anyone or nobody paid attention to the code. Ms. Paladino stated that the vendor could have been there under a special event permit.

Commissioner D'Alessandro stated that the fundamental question is there going to be change based on one vendor's misinterpretation or ignorance of the code. Is the code fair the way it is now in terms of size? It is his opinion that it is a great business and there is room for it. Does the City want the trucks larger?

The meeting was adjourned at 12:49 p.m.

---

Submitted by:  
Terri L. Rozzana  
Recording Secretary