



## Planning Commission

# Agenda

### Study Session

December 12, 2016

Noon

Lausmann Annex — Room 151-157  
200 S. Ivy Street, Medford, Oregon

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- 10. Introductions
- 20. Discussion item
  - 20.1 GF-16-154 Temporary Mobile Food Vendors
- 30. Adjournment



**MEMORANDUM**

Subject      Consideration to Initiate a Revision to Chapter 10, Temporary Mobile Food Vendors (Section 10.840)

File no.      GF-16-154

To              Planning Commission

From          Kyle Kearns, Planner II

Date          December 5, 2016 *for 12-12-2016 study session*

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**MOBILE FOOD VENDORS**

Mobile food vendors, or more commonly known as food trucks, have been permitted in the City since 1993. The City of Medford has revisited the code pertaining to mobile food vendors several times, below is a brief summary of the legislative history surrounding food trucks:

- 1993-94: Original Code adopted allowing for 128 square foot “food truck”
- 1997: Council received a request to increase size limits to 153 square feet, no action was taken at this time
- 2009: Council was approached by Rogue BBQ to increase square footage allowance to 170. The Council denied the proposal. Leading concerns were:
  - o Why amend code for single business
  - o Lack of equity between downtown businesses and food trucks
- 2010: Rogue BBQ tried again and Council adopted current code.
- 2016: 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.

Medford’s Current Standards (Section 10.840 D(3) – Temporary Mobile Vendors)

**Permitted Square Footage:** CB Overlay: 128 sq. ft. – no additional outdoor equipment  
Outside CB Overlay: 170 sq. ft. – additional 170 sq. ft. of outdoor equipment permitted (i.e. chairs, tables, etc.)

**Other pertinent details:** 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 needed. Must be within 10' of trash receptacle. Site plan needed.

**Concerns of the City Council:** The Council's concerns vary by councilor. However, a majority of the concerns focused on the disparities between brick and mortar businesses and food trucks. Food trucks can skip out on many of the fees and standards that brick and mortar businesses can't. The issues are less about size of the truck and more about the lack of consistency between the similar uses.

## **OTHER OREGON CITIES AND MOBILE FOOD VENDORS**

### Portland

**Size Limitations:** Regulated by length, not square footage. 16 feet or shorter, on wheels, does not require permit for cart. Longer than 16 feet, considered a heavy truck and restricted in certain zones. Without wheels, falls subject to development standards.

**Other Pertinent Details:** Requires permits for utility connections, propane use, outdoor structures, and similar things.

### Corvallis

**Size Limitations:** 128 square feet and/or 16 feet in length.

**Other Pertinent Details:** Restricted to Central Business and Riverfront Zone. 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. Common outdoor spaces may be provided, so long as they are 10 feet from food truck. Food trucks must be self-contained, otherwise a service connection is needed and a food truck is not exempt from SDCs.

### Grants Pass

**Size Limitations:** No limitation, but must meet Oregon Vehicle Code and be moveable.

**Other Pertinent Details:** Only permitted on certain streets/zones. Food trucks are limited to one spot for three hours at a time maximum. Grouping of food trucks permitted, but a site plan review is required and the grouping must be on private property and paved (additional requirements for grouping).

### Bend

**Size Limitations:** 250 square feet

**Other Pertinent Details:** Food carts are not exempt from traditional development standards, except for parking (treated as a “mini-restaurant”). Grouping of food carts is treated as a traditional restaurant (SDCs, ADA, parking, etc...). If site already meets development standards, the food cart would then be exempt from development standards.

Eugene

**Size Limitations:** No limitation, but must meet Oregon Vehicle Code and be moveable.

**Other Pertinent Details:** Allowed in certain public rights-of-ways, parks, sidewalks and private property. City has designated certain areas as mobile food unit zones.

Salem

**Size Limitations:** No limitation, but must meet Oregon Vehicle Code and be moveable.

**Other Pertinent Details:** Requires zoning and land use requirements to be followed. Code allows for food trucks to be in one spot more than 24 hours if tanks, storage areas, and etc. are screened. Picking up trash within a 20’ radius is a requirement.

Phoenix

**Size Limitations:** 170 square feet (includes slide outs).

**Other Pertinent Details:** Staff decision. Phoenix requires that all equipment be moved at the end of the vendor’s business day. Permits last for a year.

Central Point

**Size Limitations:** Not specified.

**Other Pertinent Details:** A permitted use within two zoning districts, those being the Tourist and Office Professional District and the Thoroughfare Commercial District.

**MOVING FORWARD IN MEDFORD**

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 in an increase in the allowable square footage for food trucks, in-of-itself is simple. Increasing the size of mobile food vendors would allow for more business opportunities in Medford, but may receive some push back from the business community.

The code for mobile vendors could be updated to become more consistent with other cities to include things such as standards for grouping vendors, requiring site standards

be followed, creating “food truck zones,” and/or requiring utility connections. This, however, could further restrict food trucks in Medford while also leveling the playing field treating food trucks similarly as their brick and mortar counterparts. In the past, concerns of lost revenue among Downtown business owners have been voiced as public opinion and one could expect a similar outcry again.

Direction will be needed at the next regularly scheduled Planning Commission meeting as to whether staff is to develop a code amendment. Staff does not see a code amendment pertaining to the size limitations of mobile food vendors as a huge strain on the department’s capacity. Staff feels that addressing more than the size limitations, currently, would be an inadequate use of staff time; these types of changes should be postponed until staff capacity allows.

#### **ATTACHMENTS**

Current Code for Temporary Mobile Food Vendors (Section 10.840 D(3)a.)

Memorandum – Policy on handling private-party code amendments petitions

**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.

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

The following types of temporary uses and/or temporary structures are permitted subject to compliance with this section.

**(1) Seasonal and Short-Term Events of Public Interest on Private Property.****a. Events of Public Interest.****1. Application Requirements.**

A business license pursuant to Chapter 8 shall be required, except for events of public interest sponsored by, and located at, a public or private school.

**2. Standards.**

i. An event of public interest is permitted in the following zoning districts: C-C, C-R, C-H, or any industrial zoning district, except, if the event is sponsored by an institutional use located in a residential zone, the event may be located at its facilities.

ii. The maximum length of the event shall be 30 days.

iii. The event shall be confined to the dates specified on the business license, if applicable.

iv. No temporary structures or equipment shall be located within 200 feet of any dwelling on property not associated with the event.

v. Permanent or temporary lighting shall be installed in compliance with

applicable electrical permits and inspections from the Building Safety Department.

vi. The site shall be cleared of all debris at the closing of the event and cleared of all temporary structures within ten (10) days after the closing of the event.

vii. Adequate vehicular and bicycle parking shall be provided. It is the responsibility of the applicant to guide traffic to these parking areas and to prevent patrons from unlawful parking.

viii. Traffic control arrangements required by the Police Department in the vicinity shall be made by the applicant.

b. Christmas Tree Sales.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required.

2. Standards.

i. Christmas tree sales is permitted in any commercial or industrial zoning district on private property, and shall not be located within the public right-of-way.

ii. The clear view of intersecting streets standards of Section 10.735 shall be met.

iii. The maximum length of display and sales shall be 45 days in any calendar year.

iv. Each lot occupied by temporary Christmas tree sales shall be limited to one (1) temporary movable structure or vehicle if entirely self-contained or if lawful sanitation facilities on the lot are available to the occupants.

c. Live Crab Sales.

1. Application Requirements.

A business license pursuant to Chapter 8 shall be required.

2. Standards.

i. Live crab sales is permitted in any commercial or industrial zoning district on private property and shall not be located within the public right-of-way.

ii. The clear view of intersecting streets standards of Section 10.735 shall be met.

iii. The maximum length of display and sales shall be 45 days in any calendar year.

iv. Each lot occupied by temporary live crab sales shall be limited to one (1) temporary movable structure or vehicle if entirely self-contained or if lawful sanitation facilities on the lot are available to the occupants.

v. Discharges resulting from activities associated with the sale of live crab shall not be allowed to flow into the storm drain system, but shall be directed into the sanitary sewer system in accordance with City and State standards.

(2) Temporary Real Estate Sales Office, Model Home, or Contractor's Office and/or Construction Equipment Shed.

a. Temporary Real Estate Office Standards.

1. A temporary real estate sales office shall be located within the boundaries of the subdivision or tract of land where the real property is to be sold.

2. The property used for a temporary sales office shall not be permanently improved for that purpose.

3. The temporary sales office shall not contain sleeping or cooking accommodations.

4. The temporary sales office shall be removed upon completion of the development.
- b. Temporary Model Home Standards.
  1. A model home may be used as a temporary real estate sales office.
  2. The model home shall be located within the boundaries of the subdivision or tract of land where the real property is to be sold.
  3. The model home shall be a permanent structure that meets all applicable code and permit requirements.
- c. Temporary Contractor's Office and/or Construction Equipment Shed Standards.
  1. A temporary contractor's office and/or construction equipment shed is permitted in any zoning district where the use is incidental to a construction project.
  2. The temporary contractor's office and/or construction equipment shed shall be removed upon completion of the construction project.
  3. Only one (1) temporary office and one (1) temporary shed shall be permitted per project site.
  4. The temporary office and/or shed shall not include sleeping or cooking accommodations.

### (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.
  - (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.

##### 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) 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.
  - (2) Outdoor equipment, such as tables and chairs, shall not be permitted.
- (c) 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.
- (2) An additional 170 square feet is allowed for outdoor equipment.
- (d) 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).
- (e) 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.
  - (h) Any utility connections require a building permit from the Building Safety Department.
- b. Temporary Medical Services (Human or Animal) Vendors and Temporary Nonprofit Vendors (Outdoor).
  - 1. Application Requirements.
    - i. A business license pursuant to Chapter 8 shall be required.
    - ii. In addition to the business license requirements of Chapter 8, the applicant shall submit a site plan drawn to scale, indicating the following:
      - (a) Dimensions of the temporary vendor unit.
      - (b) Location of temporary vendor unit on the site.
      - (c) Paved vehicular access, including driveway location(s).
      - (d) Off street vehicular parking spaces.
      - (e) Location of utility connections, if any.
  - 2. Standards.
    - i. Locational and Size Standards:
      - (a) Temporary vendors shall be permitted in the following zoning districts: C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G.
      - (b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper.

- (c) In all other zoning districts, the exterior length and width of the temporary vendor unit, when multiplied, shall be no more than 300 square feet, including any slide-outs, and excluding trailer tongue and bumper.
- ii. General Standards.
  - (a) If the temporary vendor unit is located on or adjacent to a privately-owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
  - (b) The temporary vendor unit shall be located on an improved surface.
  - (c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
  - (d) The temporary vendor unit shall be located outside any required setbacks.
  - (e) Attached awnings are permitted if smaller than the size of the temporary vendor unit.
  - (f) Outdoor equipment such as tables and chairs shall not be permitted.
  - (g) Any utility connections require a building permit from the Building Safety Department.
- (4) Temporary Residential Uses of Movable Structures and Vehicles.
  - (a) Existing Movable Structures and Vehicles.  
Existing movable structures and vehicles regularly used or occupied on February 2, 1961, or in lawful regular use and occupancy on the property at the time of annexation are permitted.
  - (b) Conventions.  
Members of an established organization are permitted to occupy movable structures or vehicles for temporary use on private property at a convention or other like-activity subject to the following:
    1. The maximum length of stay shall be one (1) week.
    2. The members of the organization shall be responsible for policing the area used and for correcting any violation of State or City health or safety regulations. Violations of any of these regulations will result in eviction.
  - (c) City-Sponsored Recreation Programs.  
Movable structures or vehicles utilized temporarily as part of City-sponsored recreation programs, such as swim meets and softball tournaments may be permitted.
    1. A permit shall be obtained from the Parks and Recreation Department pursuant to Chapter 2.
    2. Any applicable permits from the Building Safety Department, pursuant to Chapter 9, shall also be obtained.
  - (d) Temporary Shelter.  
When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following:
    1. A building permit for the temporary shelter shall be obtained from the Building Safety Department, pursuant to Chapter 9.
    2. Required water and sanitary facilities shall be provided.

3. The maximum length of the permit shall be six (6) months, but may be extended for a period not to exceed 60 days in the event of circumstances beyond the control of the owner.

4. Application for the extension shall be made at least 15 days prior to expiration.

(5) Temporary Governmental Agency Use of Movable Structures and Vehicles.

Governmental agencies may temporarily use a movable structure or vehicle pursuant to Chapter 9.

(6) Portable Storage Containers.

(a) Applicability.

1. A temporary Portable Storage Container permit is a Class D plan authorization (10.102 et seq.) and is required for placement of any portable storage container, except for the following:

- i. Truck trailers parked on a street for 24 hours or less;
- ii. Portable storage containers that will remain on a property for no more than five days;
- iii. Portable storage containers that have been approved as a permanent portion of an approved site plan; and
- iv. Portable storage containers used for primary use businesses in the following Standard Industrial Classification (SIC) groupings: 15, 16, 17, 40 and 42 (see Section 10.337).

2. When a temporary Portable Storage Container permit is required, placement of portable storage containers, as defined herein and as a temporary use, is permitted only on private property in C-R, C-H, I-L, I-G and I-H zoning districts.

3. Portable storage containers shall not be placed within the public right-of-way, except as permitted in Chapter 6 of this Code.

4. Temporary Portable Storage Container permits will only be issued for the use of temporary portable storage containers as a periodic, intermittent, or recurring use accessory to a permitted primary use.

(b) Location Standards.

1. In no case shall storage containers be located in required yards, landscape areas, open space, retention basins, drive aisles, required parking spaces and loading areas, or fire lanes, or any other location that may cause hazardous conditions, constitute a threat to public safety, unreasonably interfere with the use and enjoyment of neighboring property, or be incompatible with uses and development that exist on adjacent land.

2. Portable storage containers shall be placed outside of required setback areas and shall be placed a minimum of 10 feet from all property lines.

3. The placement of portable storage containers shall comply with Section 9.520, Conditions for Temporary Structures, with the exception that only one 30-day extension shall be available.

4. Portable storage containers shall be placed on a surface consistent with Section 9.550, Parking Lot Specifications.

5. Whenever possible portable storage containers should be screened from view from public rights-of-way and neighboring properties by placing the containers out of view behind existing structures, landscaping, walls, or fencing.

6. Portable storage containers must be in good condition with no visible damage, rust, or graffiti.

7. Applicants are encouraged to acquire portable storage containers of similar color to existing structures on the property and of similar color to each other.

(c) Time and Number Limitations.

1. A maximum of one temporary Portable Storage Container permit may be issued per individual primary use during any 12-month period. A temporary Portable Storage permit shall allow for the placement of portable storage containers for a period of no more than 90 days. One 30-day extension may be granted subject to Section 9.520.

2. A maximum of 20 storage containers shall be allowed for an individual primary use.

(d) Permit Process.

1. To obtain a temporary Portable Storage Container permit, an application must be filed with the Planning Department. The application shall include the appropriate filing fee and the information required on the form.

2. Permit applications are subject to the routing and notification procedures for Class D plan authorizations. The approving authority shall base its decision on the application’s compliance with the standards under (6)(b) and (6)(c), above, which constitute the criteria for decision making.

3. In the event of a denial, the applicant may resubmit one time without having to pay another application fee. However, the decision time prescribed in 10.167 will reset to the starting point.

[Repealed, Sec. 15, Ord. No. 2013-31, Feb. 21, 2013; Replaced, Sec. 6, Ord. No. 2013-81, June 20, 2013; Amd. Sec. 2, Ord. No. 2014-104, Aug. 21, 2014 (effective through June 30, 2015); Amd. Sec. 5, Ord. No. 2015-75, July 2, 2015; Amd. Sec. 10, Ord. No. 2015-90, Sept. 3, 2015.]

10.841 [Repealed, Sec. 7, Ord. No. 2013-81, June 20, 2013.]

10.842 [Repealed, Sec. 8, Ord. No. 2013-81, June 20, 2013.]

10.843 [Repealed, Sec. 9, Ord. No. 2013-81, June 20, 2013.]

10.845 [Repealed, Sec. 10, Ord. No. 2013-81, June 20, 2013.]

10.846 [Repealed, Sec. 11, Ord. No. 2013-81, June 20, 2013.]

10.847 [Repealed, Sec. 12, Ord. No. 2013-81, June 20, 2013.]

10.848 [Repealed, Sec. 13, Ord. No. 2013-81, June 20, 2013.]

10.849 [Repealed, Sec. 14, Ord. No. 2013-81, June 20, 2013.]

10.850 [Repealed, Sec. 15, Ord. No. 2013-81, June 20, 2013.]

10.851 [Repealed, Sec. 16, Ord. No. 2013-81, June 20, 2013.]



## MEMORANDUM

**SUBJECT** Policy on handling private-party code amendments petitions  
**TO** Eric Swanson, City Manager  
**FROM** John Adam, Senior Planner, via James E. Huber, Planning Director  
**DATE** October 8, 2014; revised April 27, 2015

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### PURPOSE

To have a regular, reliable method for processing private-party petitions to amend the development code. To address such petitions to the appropriate staff and appointed decision-making bodies. To maintain documentation for future reference.

### METHOD

1. All inquiries should be directed to the Planning Department. Staff will direct the person to write a letter to the Director outlining the petition and their reasons for it.
  2. On receipt of a petition a general file (GF) will be created in HTE. When a petition is moved to action the GF can be converted to a development code amendment (DCA) type.
  3. Planning management/staff will discuss the request, accounting for how long it may take to develop a code amendment (owing to complexity), and developing a recommendation to the Planning Commission. Staff may also refer the question to other appropriate commissions or committees for their suggestions.
  4. For the next available Planning Commission study session staff will prepare a memo explaining the pros and cons of the proposed change, staff's recommendation on whether or not to proceed, and how it may delay other items on the department's legislative agenda. Petitioner should be encouraged to attend the study session so Commissioners can query the petitioner directly.
  5. At the conclusion of the study session, the Planning Commission will discuss the merits and deficits of proceeding on the petition. As a general rule, the Planning Commission will initiate no more than two private-party petitions in a calendar year.
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- 5.1. A memorandum formally initiating a code amendment will be placed on the consent calendar of the next available regular Planning Commission meeting, which the Commission will vote either up or down.
- 5.2. If initiated, staff will begin scheduling work. Note that an initiation does not alter the priority of the existing workload; other projects underway or just beginning may take precedence.
  - 5.2.1. At this point the Planning Department will collect the standard fee for code amendments before doing further work. Neither the Planning Commission nor staff are empowered to waive the fee, only the City Council may do so.
- 5.3. If the decision is not to proceed, or to withhold it for future consideration, a memo documenting the decision will be kept in the file.
- 5.4. For either situation staff will document the reasoning of the Commission. Staff will contact the petitioner and let them know the result, informing them of possible timeline. Staff will give a copy of the decision to the City Manager to share with the Council as he or she sees fit. All documents from the process will be filed in the Planning Department.

If subsequently the petitioner shows up at a Council meeting with the same request, or writes to one or more Councilor with the same request, staff will be able to provide documentation of the facts and the due consideration already given to the matter for the Council to take into account before deciding on a course of action.