

The Junction City Planning Commission met in regular session on Wednesday, July 21, 2021 at 6:30 p.m. in the Council Chambers at City Hall, 680 Greenwood Street, Junction City Oregon and remotely via internet and phone.

Present: Planning Commissioners, Jeff Haag (Vice-Chair), Doug Easterday, James Hukill, Cindy Montgomery, Jim Creech, and Jack Sumner; Planning Commission Alternate, Jesse Newman; Public Works Director, Gary Kaping; City Attorney, Carrie Connelly; and Planning Secretary/Technician, Tere Andrews

Absent: None

1. OPEN MEETING

Vice-Chair Haag opened the meeting at 6:30pm and led the Pledge of Allegiance.

2. CHANGES TO THE AGENDA

None.

3. PUBLIC COMMENT (FOR ITEMS NOT ALREADY ON THE AGENDA)

none

4. PUBLIC HEARING: AMD-20-19, MOBILE FOOD UNITS

Vice Chair Haag announced the public hearing for AMD-20-19 to regulate mobile food units. It was a type IV, legislative hearing.

He asked if any Commissioner wished to declare an actual or a potential conflict of interest in this matter.

Commissioner Montgomery, and Vice Chair Haag declared potential conflicts of interest as they were both business owners in Junction City.

Vice Chair Haag then opened the public hearing for File # AMD-20-19 to regulate mobile food units in the General Commercial and Central Commercial zones at 6:32 p.m. and called for the staff report.

Technician Andrews explained before the Commission were proposed amendments to Title 17 of the Junction City Municipal Code to regulate mobile food units. Code amendments required two public hearings. The first public hearing was before the Planning Commission. At the conclusion of which, the Commission would make recommendation to the City Council. The second public hearing would be before the City Council. The Council was the decision-maker.

The process was started in August of 2020, when the Council voted to initiate a zoning code amendment to regulate mobile food units.

Before scheduling the first public hearing, the Commission held discussions at several meetings between September 2020 and May 2021. Those discussions included review of the Oregon Health Authority Mobile Food Unit Guide and the Lane County Public Health Mobile Food Unit Plan Review Application. The proposed amendments before the commission came from those previous discussions. At their work session on June 22, 2021, the City Council made modifications to the language proposed by the Planning Commission.

Junction City Municipal Code 17.145.010, Authorization to initiate amendments, gave the Council, Planning Commission, or a property owner the ability to initiate a Code Amendment to Title 17 (Zoning and Land Use Code).

Technician Andrews reviewed the relevant dates for the proposed code amendment; the amendment was initiated by the City Council on August 11, 2020; Planning Commission public hearing notices were posted on June 28, 2021, letters were mailed to restaurants within the city limits on June 29, and July 1, 2021. To date no comments had been received. Notice was published in the Eugene Register Guard on July 1, 2021.

The proposal would amend chapters 17.05, Definitions. Included with the Planning Commission packet was the entire chapter, 17.05 Introduction and Definitions. The proposed definitions were:

“Mobile food unit” is any vehicle used to sell and dispense food to the general public that is self-propelled or can be pulled or pushed down a street, or highway.

At the June 22, 2021 Work Session, the Council recommended a definition for “Mobile Food Unit Pod” be added.

“Mobile Food Unit Pod” more than one mobile food unit but no more than six mobile food units on the same lot, parcel, or tract.

Commissioner Easterday asked why the Council chose six mobile food units as the upper limit.

Technician Andrews replied the ‘six’ was arrived at after a discussion which concerned competition with existing restaurants and the potential for an influx of mobile food units.

Additional Code amendments which pertained to criteria for mobile food units were contained in JCMC 17.135.030:

Temporary use permit for mobile food units. Placement of mobile food units on land zoned General Commercial (GC) or Central Commercial (C2) within the city limits requires an annual permit using a Type I procedure under JCMC 17.150.070(A)(1). The City shall approve an

application for a temporary use permit for a mobile food unit if, in the City's sole discretion, an applicant satisfies the following criteria:

- 1. The applicant provides proof of the commercial property owner's permission to place the mobile food unit on their property.*
- 2. The mobile food unit will be located outside the property line setbacks of the parcel of land on which it is located.*
- 3. Ingress and egress are safe and adequate for the mobile food unit and other uses on the property, as required by JCMC Chapter 17.90, Off-Street Parking and Loading.*
- 4. No parking spaces will be utilized by customers and employees of the mobile food unit that are required for the property owner to meet their minimum parking requirements under JCMC Section 17.90.010(E).*

Technician Andrews noted the downtown area was exempt from parking requirements. Parking was met through on-street and city parking lots.

Commissioner Montgomery asked how that would be handled for older buildings and businesses that did not meet current parking requirements.

Technician Andrews responded they would be reviewed on an individual basis and could potentially be addressed through a variance process.

Commissioner Easterday commented it seemed unrealistic to expect the customer of a food truck not to use the nearby parking area.

Technician Andrews suggested she gather comments and questions as they progressed through review of the staff report, hear comments from the public and during deliberations discuss those comments and questions.

There was general agreement for this among the Commissioners.

- 5. The mobile food unit will not cause an impediment or hazard to pedestrians in the area of the use.*
- 6. The mobile food unit will not create adverse off-site impacts, including vehicle traffic, noise, odors, vibrations, glare, or lights that affect nearby use in a manner which other uses allowed outright in the zoning district do not affect the nearby use.*
- 7. The mobile food unit will comply with applicable Oregon Health Authority Mobile Food Unit license requirements, as enforced by the Lane County Health Department.*

8. The mobile food unit will comply with applicable building code, and fire code requirements.

Technician Andrews noted the addition of “fire code” came from the Council Work Session.

9. Signage, other than information painted or written directly on the mobile food unit, shall comply with JCMC Chapter 17.115, Signs.

10. The mobile food unit can be adequately served by City water, sewer, and garbage services, if applicable (the applicant shall be responsible for obtaining any related permits).

Technician Andrews noted the addition of garbage serve was added at the Council Work Session.

11. Temporary use permits for mobile food units will be effective for 12 months from the date of issuance. After 12 months from the date of issuance, the applicant must either remove the mobile food unit from the site or renew the temporary use permit.

Commissioner Montgomery posed a situation in which a food truck acquired a city permit then decided to move to a new location. She asked how that situation would be handled.

Technician Andrews responded there were a couple of ways that could be treated. One would be a completely new application, or the permittee could supply a new property owner consent form and a site plan.

Commissioner Montgomery felt it was important to look at that type of situation since the food trucks were mobile.

Technician Andrews next reviewed with the Commission, Junction City Municipal Code 17.135.070, Time limit on an approved temporary use permit.

Authorization of a temporary use permit for a mobile food unit shall be renewed one year from the date of approval of the permit application. If the temporary use permit for the mobile food unit is not renewed, the permit becomes void.

There were no concerns raised by the Commission.

Technician Andrews moved on to JCMC 17.135.080, Exceptions.

She explained, a portion of the language was proposed to be removed as it conflicted with current practice for Council approved multiple day events (ex. Scandinavian Festival).

The following category of uses shall be exempt from the requirements of this chapter: temporary uses that do not exceed one week per year *and that have been recurring on an annual basis for more than five years prior to adoption of the ordinance codified in this chapter.* [Ord. 1039 § 1, 1997; Ord. 950 Appx. F, 1991.]

Lastly, "Temporary Use Permit – Mobile Food Units was added, as a Type-I review to Table 17.150.070 of the Junction City Municipal Code.

Technician Andrews noted the Code provision was incorrectly listed at 17.135.030, it should read, 17.135.

Vice Chair Haag asked Mr. Rosales, owner of the Beer Station for his opinion.

Nelson Rosales, Beer Station, 495 Holly Street, Junction City Oregon stated in his experience people go where they like to eat, even if they are across from each other. He was not in favor of a limit of six mobile food units in one location. He felt it could limit growth for a business.

Commissioner Montgomery asked Mr. Rosales how many mobile food units were on the site plan submitted with his original Temporary Use Permit application.

Mr. Rosales responded there were six.

Commissioner Montgomery asked how that number was determined.

Mr. Rosales replied he came up with the number of six food trucks. It was based on the parking lot and space they had at the time.

Commissioner Hukill read criteria #4:

"No parking spaces will be utilized by customers and employees of the mobile food unit that are required for the property owner to meet their minimum parking requirements."

He then asked Mr. Rosales to confirm that he did not have any other business (parking) requirements, that was why they could use all his parking spaces.

Mr. Rosales affirmed that was true.

Commissioner Hukill asked how criteria #4 applied here (495 Holly St).

Technician Andrews answered 495 Holly was in the parking exemption area, and was not required to provide on-site parking, according to the Zoning and Land Use Code.

Commissioner Sumner asked for elaboration on the parking exemption area.

Technician Andrews stated the parking exemption area was from 3rd Avenue to 10th Avenue, Front Street to the Juniper alley.

Vice-Chair Haag noted there were very few businesses within that area that could fit a food cart.

Commissioner Easterday inquired what the process was to modify proposed language.

Technician Andrews responded if the Commission chose to make a recommendation this evening, that could take place after the public hearing was closed, within that recommendation there could be modifications to the amendments as proposed.

Testimony in Support

Vice Chair Haag asked for testimony from proponents.

Nelson Rosales, Beer Station, 495 Holly Street, Junction City Oregon thanked the Commission for their consideration. He had been working with the City for two years to get a permanent permit. The Beer Station brought a lot of people to Junction City from the surrounding areas. He relayed a story of flying to Eugene from San Diego and behind him, another passenger mentioned how wonderful it was that Junction City had a place like the Beer Station.

Tess Gardner, Tasties Pastries, 810 Birch Street, Junction City Oregon said she had been waiting for this for a long time.

Neutral Testimony

Vice Chair Haag asked if there was any neutral testimony.

There was none.

Testimony in Opposition

There was none.

Tess Gardner, Tasties Pastries, 810 Birch Street, Junction City Oregon inquired of Vice Chair Haag if she could ask a question.

Vice Chair Haag said yes.

Ms. Gardner stated through the Health Department, food truck operators were required to submit very detailed reports of their plan, they also had to go through Lane County to make changes. She asked if there would be any conflict between what the building code would require and the Health Department requirements.

Public Works Director Kaping answered, building code would not pertain to the food cart. Staff would look at what Lane County required for the food cart.

As there were no requests to keep the record or the public hearing open, Vice Chair Haag closed the record and public hearing at 7:08 p.m.

Deliberations

Commissioner Hukill had a question about criteria #11. He asked, if someone wanted to move their food unit to another location and they had a valid permit, could their permit be modified.

Technician Andrews responded the proposed amendment did not address that situation. The Commission may want to have something in the amendment that spoke to a mobile food unit being moved prior to the expiration of that permit.

A discussion ensued regarding whether or not language needed to be added to the proposed amendment, and if so, how best to state that criteria. Culmination of the discussion included addition of language to permit a mobile food unit operator with a valid permit to move to a new location. Modification of a permit would require; an updated site plan showing the criteria (17.135.030.C) continued to be met, and proof of commercial property owner's permission to place the mobile food unit on their property. There would be no cost associated with the permit modification to re-locate the mobile food unit.

Vice Chair Haag asked if there was any other discussion.

The parking requirement (17.135.030.C.4) did not sit well with Commissioner Montgomery as there was not a lot of parking in Junction City.

Vice Chair Haag agreed, the new farm store at the north end of town had a big parking lot that was generally not full. He asked what the difference was if the same people used it for the primary business and the mobile food unit.

Commissioner Montgomery added, it (criteria #4) sounded as though a person could not pull their car up, buy a burrito and get back into their car.

Vice Chair Haag, and Commissioners Easterday and Sumner agreed.

Technician Andrews offered a change to criteria #4 it would then read:

4. ~~No~~ Parking spaces ~~will~~ may be utilized by customers and employees of the mobile food unit that are required for the property owner to meet their minimum parking requirements under JCMC Section 17.90.010(E).

Attorney Connelly asked if the parking criteria was a recommendation from the Council work session.

Technician Andrews responded it was not.

Attorney Connelly said there would be written permission from the property owner that it was ok for the mobile food unit to be there. She asked if the parking piece could be removed all together.

There was general consensus from the Commission to remove criteria #4.

Deliberations moved on to the definition for "Mobile Food Unit Pod" and the limit of six units in a pod. As proposed, the definition stated:

"Mobile Food Unit Pod" more than one mobile food unit but no more than six mobile food units on the same lot, parcel, or tract.

Commissioner Hukill asked if the number six needed to stay. He added, the size of a location would limit the number of mobile food units.

Attorney Connelly asked if the term "Mobile Food Unit Pod" was used anywhere else in the proposed amendment language.

Technician Andrews responded it was not.

Attorney Connelly stated if it was not used elsewhere, it needed to be removed.

Commissioner Montgomery felt there should be some sort of limit.

The Commission discussed safety concerns as the mobile food units would be using heat sources, and in some cases, grease, for cooking. It was noted the criteria required compliance with Fire Code. However, as proposed, the language was specific to the food cart. It did not address spacing of the food carts for emergency personnel access.

Attorney Connelly noted the property owner was the one giving permission to use their property. That permission would be from each individual unit. Next, the unit had to be located within the property line setbacks, and the unit could not pose any impediment or hazard to pedestrians in the area of the use. The criteria would allow staff to determine there were impediments to pedestrians and use of the area. Criteria #8 (now #7 with removal of #4) could be modified to read, "The mobile food unit and its placement ~~will comply~~ complies with applicable building code, and fire code requirements." Additionally, compliance with Criteria #3 and #5 (new #4) would also limit the number of mobile food units on a particular lot.

Vice Chair Haag and Commissioner Montgomery agreed with Attorney Connelly's summary and suggested modification. They felt the modification addressed the Council concern related to the definition of a mobile food pod and the limit of six units on a site.

Motion: Commissioner Hukill made a motion to recommend to Council approval of the amendments as modified with findings to support the modification. Commissioner Easterday seconded the motion.

Vote: Passed by a vote of 7:0:0. Vice-Chair Haag, Commissioners, Hukill, Easterday, Montgomery, Creech, Sumner, and Newman voted in favor.

5. APPROVAL OF MINUTES

- **May 19, 2021**

Motion: Commissioner Hukill made a motion to approve the May 19, 2021 Planning Commission minutes as written. Commissioner Easterday seconded the motion.

Vote: Passed by a vote of 7:0:0. Vice-Chair Haag, Commissioners, Hukill, Easterday, Montgomery, Creech, Sumner, and Newman voted in favor.

6. PLANNING COMMISSION OFFICER ELECTIONS

Motion: Commissioner Hukill made a motion to nominate Commissioner Haag as Chair of the Planning Commission. Commissioner Sumner seconded the motion.

Vote: Passed by a vote of 6:0:0 Commissioners, Hukill, Easterday, Montgomery, Creech, Sumner, and Newman voted in favor.

Motion: Commissioner Creech made a motion to nominate Commissioner Hukill as Vice-Chair of the Planning Commission. Commissioner Montgomery seconded the motion.

Vote: Passed by a vote of 6:0:0. Vice-Chair Haag, Commissioners, Easterday, Montgomery, Creech, Sumner, and Newman voted in favor.

7. PUBLIC COMMENT (FOR ITEMS NOT ALREADY ON THE AGENDA)

Kathy Tracer, 94544 Oaklea Drive, Junction City Oregon, expressed concerns about safety related to the road work on Oaklea Drive for new residential developed. She was also troubled that the road work and development could affect the cultural resource area north of the new development.

Vice Chair Haag explained the State reviewed information about the cultural resource area and issued the appropriate permits.

8. PLANNING COMMISSION AGENDA FORECASTER

The Planning Commission reviewed the agenda forecaster.

9. COMMISSIONER COMMENTS

Commissioner Sumner felt the zoning code should be re-examined as it related to boarding houses. There were people in town with no place to live.

9. ADJOURNMENT

Motion: Commissioner Hukill made a motion to adjourn the meeting.
Commissioner Montgomery seconded the motion.

Vote: Passed by a vote of 7:0:0. Vice-Chair Haag, Commissioners, Hukill, Easterday, Montgomery, Creech, Sumner, and Newman voted in favor.

The meeting adjourned at 7:52 p.m.

The next Standing Planning Commission meeting was scheduled for Wednesday August 18, 2021 at 6:30 p.m.

Respectfully Submitted,

Tere Andrews, Planning Commission Secretary

Jeff Haag, Planning Commission Chair