

The City of Lakeside Planning Commission Committee held a meeting in City Hall, at 6:00 PM on May 4th, 2023.

The meeting was recorded. It was presented on line with the Zoom system and available to callers.

CALL TO ORDER: 6:00pm by Mark Crouch, Planning Commission Chair

PLEDGE OF ALLEGIANCE:

ROLE CALL:

Commissioners present: Lanelle Comstock, Mark Crouch, Karl Granzow, Mary Gray
Commissioners absent: Randy Thomas
Staff: Rob Ward

APPROVAL OF MINUTES:

The minutes of 4/6/2023 had been distributed to the Commissioners prior to the meeting. None of the Commissioners had error corrections or amendments to recommend. Commissioner Crouch made a motion that the minutes be approved as written. Approved by unanimous vote.

NEW BUSINESS:

1. Workshop: Code drafts of proposed standards for temporary land uses or mobile food units

In a previous workshop meeting, the Commissioners had asked staff to draft a code for temporary uses (which includes mobile food units) consistent with the features that they had requested. Staff had prepared a draft on this basis, and had also prepared an alternative draft of code for mobile food units only. The Commissioners were of a consensus to proceed with the draft dealing with temporary uses. Commissioner Crouch informed the public attending that the code draft was merely an initial draft for a workshop session, and that no actual changes to local code could be made without holding a public hearing of the Commission and a second public hearing of the City Council.

Commissioner Crouch requested that staff introduce the draft. Staff described the draft as an adaptation of the section of the Oregon Small Cities Model Code dealing with temporary uses and structures, with amendments consistent with the requests of the Commissioners after their prior review of similar codes from other jurisdictions. The Model Code describes three categories of temporary uses: special events; temporary sales offices for new subdivisions; and temporary buildings, trailers, kiosks and other structures. The third category includes mobile food units/food trucks.

Commissioner Crouch suggested that the draft be read first to give those present a better overall picture of the draft structure.

The first element of the draft was a definition of “transient business”. The draft proposed a 30-day limit on the operation of a transient business in a single location, with the business converting to a permanent business after 30 days in one location. Mr. Hand expressed an understanding that the proposed 30-day limit described the period during which a business owner could operate without a business license. Staff clarified that all businesses operating in Lakeside require a business license prior to the commencement of operation, regardless of duration; and that the intent of the proposed time limit was related to development standards. The intent was to prevent a business owner from temporarily erecting or placing substandard infrastructure on a supposed temporary basis and then leaving that in place permanently. Another member of the public commented that Oregon defines a transient business as one that operates no more than 14 days, but was unable to provide the source. Ms. Benell suggested that Lakeside should adopt and incorporate definitions from the Health Department that apply to food trucks.

One element of the draft code for special events was that a completed application be received by the City no less than some specified number of days prior to the event. The time frame suggested by the Oregon Small Cities Model Code for this interval was 180 days. Ms. Benell stated that the City Manager had stated that 180 days was objectionable.

The draft code for special events, under the heading of sanitation, included a requirement that the resources and plan for post-event clean-up were adequate. A suggestion was made to consider the possibility of allowing the city administrator to require a performance bond for clean up and/or site damage repair.

The draft code for temporary uses contained a requirement that such uses be on a “hard-surfaced area (e.g., concrete or asphalt, not dirt or gravel)”. Mr. Hand indicated that he viewed this as overly restrictive, and that siting on gravel should be allowed.

The draft code for temporary uses contained a prohibition against placing a transient business within 10 feet of the entrance to a permanent business, unless the temporary structure was being placed by the owner of the permanent business. Mr. Hand suggested that this be amended such that placement within this area be allowed by permission of the owner of the permanent business.

Mr. Hand stated that the draft code’s prohibition on the use of internal combustion electricity generators by transient businesses was something that “needed to be looked at.” He raised the example of the use of a gas generator to power Christmas lights at a holiday event. He also stated that many food trucks use gas generators “for whatever reason”, and that this should be allowed if not violating some sort of noise code, and questioned why anyone would want to limit the options that a food truck has for acquiring electricity.

The code draft contained a provision that a transient business could be operated as a mobile business, so long as it did not remain in one location for more than 15 minutes.

Staff explained that the intent of this was to allow operation of something like an ice cream truck. Mr. Bertram indicated that it was not uncommon for a food truck to leave its home base, go to a business to serve its employees or customers for several hours, and then return to home base.

The code draft contained a provision that no transient business would operate in a residential zone for more than 15 minutes in any one location. Mr. Hand stated that service business such as mobile dog washing or car detailing would need to remain in residential locations for longer periods. Staff replied that the proposed code definition of “transient business” had already dealt with this issue by excluding “service work where the operator drives to a particular premises in order to perform a specific service.”

The code draft contained a prohibition against the use of amplified sound, other than a music player. Mr. Hand said it would be great if this item were amended to remove all mention of sound amplification, and simply state that a music player is allowed. Staff replied that the intention was to prevent the use of bullhorns or similar devices. Mr. Hand replied that such use should be allowed unless violating noise nuisance ordinances. Commissioner Crouch felt that the sentence disallowing sound amplification was important to set the tone of not disturbing surrounding areas. The code draft included a requirement that temporary uses comply with building codes. Mr. Hand wondered what the building code requirements were for a canopy tent for an event.

The code draft included a requirement that temporary uses maintain all required licenses, including a Lakeside business license. Mr. Hand asked if this meant that a business that comes to town for one day is required to have a Lakeside business license. Staff replied that this was consistent with the meaning of the code draft. Mr. Bertram observed that when food trucks move from county to county, they similarly have to undergo a separate health inspection and permitting in each county. Mr. Hand suggested that this would become problematic for a business operator who decides to come do business in Lakeside for a weekend when City Hall is not open. Commissioner Crouch responded that it would be poor planning for a business operator to come to a location for business without finding out what is required first. Mr. Hand responded that the community may not wish to penalize a business operator for having poor planning.

The code draft included criteria for a temporary use becoming permanent if continued for a specific length of time, and among the requirements for conversion to a permanent use was “connected to sewer, water and power; as applicable.” Mr. Hand stated that there were permanent businesses that do not require connection to the sewer system, and interpreted the code draft as meaning that all businesses would be required to have a sewer connection. Ms. Benell stated that the Muncheria has been on its current site for long enough to be considered permanent, and would therefore be in violation for not having a permanent sewer connection; she asked how this would apply if they did not need sewer or water. Mr. Hand indicated that if a food truck had been in a location for long enough to be considered permanent, but it had an on-board water system that was approved by the health department, that a water connection would not “be applicable”.

The Bertrams contended that it was not possible to hard-connect a food truck to a sewer system, and that this should not be a requirement for a business that generates no black water waste, and that the health authorities allowed them to move their food truck with gray water waste on board. Mr. Hand commented that health authority permits were the important point, and that Lakeside should not be considering requiring anything for a use that had been regulated and approved by the health department. Staff suggested that the conversation might be aided by considering the intent of the code draft with regard to converting temporary uses to permanent uses. The intent was not to cause a mobile food unit to convert to a permanently sited business, but to prevent someone from placing a substandard development as a temporary use and then using that permanently.

Mr. Hand commented that while he understood that it was not desirable for mobile units to come in and displace permanent businesses, we should make exceptions or room for what is becoming more popular, such as a mobile food unit/food truck court. Commissioner Crouch agreed that a food truck court could be a positive development, and with the idea that a balance had to be found that prevented detriment to permanent businesses while still allowing food trucks to provide service to the area. Mr. Hand stated that through the business owners' association he had spoken with every food service business in town, and that none of them had expressed any fear that the food trucks are taking any business away from them.

After discussion of the draft code for temporary uses, which was broader than just a code for mobile food units, the Commissioners reached consensus that they wished to continue working on the code draft for temporary uses. Consequently, there was no discussion or consideration of the draft code for mobile food units only.

2. Workshop: Code draft of proposed standards for street ingress/egress

Initial draft of standards for approaches and driveways to public roads

The Commissioners reached a consensus that approach permits should be done by the City planning staff via a Type I process. Commissioner Crouch questioned whether this should also involve review by the City Engineer. Staff was of the opinion that this should not be routinely necessary. Commissioner Granzow asked about the typical time for review of approaches for county roads by the Coos County Roadmaster, and staff was unaware of any mandated review timeline for the County.

In consideration of approach and driveway development standards, the Model Code provided multiple references to “[City decision-making body]”. The Commissioners arrived at an understanding that the standards in question were intended to apply to development associated with division of land, and also came to a consensus that each occurrence of this phrase should be replaced with “Planning Commission”.

One standard included “[concrete]” as a material for driveway aprons where there are sidewalks or walkways adjacent to the road. The Commission reached a consensus to affirm concrete as a code requirement in this context.

A standard for an exemption to a requirement for pavement or gravel on temporary construction driveways prompted the decision on the exemption to be made by either the City engineer or the public works director. The Commission reached a consensus to use public works director for this standard.

In discussion of minimum distances for separation of approaches from intersections, and for separation of approaches from other approaches, the Commission requested that staff identify the spacing standards for Coos County and insert those standards into the draft.

In discussion of visual clearance associated with approaches, the Commissioners reached consensus that the lower vertical boundary of visual clearance should be 3 ½ feet to be consistent with existing visual clearance standards; and that the Model Code's suggestion of an upper vertical boundary for clearance of 8 feet also be included. The upper vertical boundary would allow for canopy foliage above the visual clearance area.

In discussion of exemptions and adjustments to the spacing standards for approaches, the Commissioners reached a consensus that the Planning Commission should be the decision making authority on approval of such exemptions.

OLD BUSINESS:

None

ITEMS NOT ON THE AGENDA:

The continuation hearing for CU2023-01 LSP4LIFE LLC, scheduled for 6/1/2023 is cancelled, as the application has been withdrawn.

The standing calendar for the Planning Commission to hold workshop meetings on the 3rd Thursday of each month

PUBLIC COMMENTS:

Mr. Hand stated that the business owners' association feels that Lakeside is building up from a pretty low spot, and that it is important that the City not appear to be any more controlling than it must be. Anything that is a critical issue should be addressed, but anywhere that there is room for leeway, that room must be given. Businesses have choices, and if there are too many restrictions here then businesses will go elsewhere. We as a community cannot afford that.

Ms. Benell thanked the Commission for the workshop and the opportunity to comment, and identified herself as a small business advocate. Ms. Benell indicated that she believed that the notice of the workshop was insufficient, and stated that the

Commissioners as appointed public officials should have reached out to all area food truck owners to invite them to participate. She stated that all Commissioners were “privy to the business licenses” and that they should have called owners on the phone. She also opined that unless changes are made to the current code draft, that all 6 food trucks in Lakeside will be in violation. She also opined that applying any requirements that exceed those of the health department are unreasonable.

ADJOURNMENT: 8:15 pm

NEXT PLANNING COMMISSION MEETING: June 1st, 2023 at 6:00 PM

SUPPORTING DOCUMENTS

All documents used in discussions and decisions can be viewed on Lakeside City Web Site, www.cityoflakeside.org. Look at the details of the meeting date. Oregon Freedom of Information and Public Meeting Law information can be viewed on the Open Oregon Web Site, www.open-oregon.com and by reference to ORS 192.610 through ORS 192.690

The Above meeting was open to the public. The Lakeside City Hall is handicapped-accessible. Lakeside is an Affirmative Action/Equal Opportunity Employer and complies with Section 504 of the Rehabilitation Act of 1973. All City Council Meetings are digitally recorded, available for viewing at City website: www.cityoflakeside.org and recordings are available on a flash drive for \$30.00.