

CITIZENS ADVISORY COMMITTEE
Tuesday, April 13, 2021 - 6:00 p.m.
Council Chambers @ Central Point City Hall

I. MEETING CALLED TO ORDER

II. ROLL CALL/INTRODUCTIONS

David Painter (chair) Cinda Harmes, Robin Stroh, Carrie Reed, Mike House, John Eaton

III. MINUTES

Review and approval of October 13, 2020 minutes

IV. PUBLIC APPEARANCES

V. BUSINESS

VI. DISCUSSION

- A. Residential Zoning Code Amendments. Discuss text amendments to residential zoning districts to increase density consistent with the minimum average density, allow duplexes in single family zones, and eliminate barriers to housing.
- B. Floodplain Regulations Code Amendments. Discuss text amendments to the flood damage prevention regulations to comply with National Flood Insurance Program (NFIP) standards and the Community Rating System (CRS) program requirements.
- C. Discussion regarding standards and regulations for Mobile Food Vendors and other vending units, such as food trucks, trailers and carts within the City of Central Point.

VII. MISCELLANEOUS

- A. Community Development Update

VIII. ADJOURNMENT

**City of Central Point
Citizens Advisory Committee Minutes
October 13, 2020**

I. MEETING CALLED TO ORDER AT 6:00 P.M.

II. ROLL CALL

Present were: David Painter (chair), Cameron Noble, Carrie Reed, Cinda Harmes and Mike House.

Also in attendance were: Tom Humphrey, Community Development Director, Stephanie Holtey, Principal Planner, Justin Gindlesperger, Community Planner and Karin Skelton, Planning Secretary.

III. MINUTES Cinda Harmes made a motion to approve the minutes of the August 11, 2020 Citizen's Advisory Committee meeting. Mike House seconded the motion. All members said "aye". Motion passed.

IV. PUBLIC APPEARANCES

No public appearances

V. BUSINESS

A. Consideration of City of Central Point Hazard Mitigation Plan. Applicant: City of Central Point.

Chair David Painter asked if anyone objected to reversing the order of the Business items. There were no objections.

Mr. Painter read a statement outlining the duties and responsibilities of the Citizens Advisory Committee along with the procedures for the public meeting.

Principal Planner Stephanie Holtey gave an overview of the Urban Growth Boundary Amendment (UGBA) saying the purpose was to set aside a 20 year supply of land that can be brought into the City to provide for housing, non-industrial employment parks and open space and associated public facility uses. She reviewed the process and requirements that have gone into the preparation of the UGB Amendment. She added this is the first meeting since the UGB Amendment was submitted to the County.

Ms. Holtey explained some terminology and common misconceptions regarding the UGB Amendment, stating it does not automatically bring land into the City limits. Rather, the land will retain the county zoning until such time as a landowner annexes into the City. She added the City does not force annexation.

She explained general land use designations stating it has been a long and involved processes to identify the Urban Reserve Areas and the current conceptual plans for each. There will be a transfer of jurisdiction of 4 streets from the County to the City. She said there had been extensive public involvement in each step of the process. Specific park locations will be identified as a function of the development process.

Ms. Holtey said that through discussions with the County there has been a policy proposed to limit the minimum lot size of land divisions to no less than 40 acres. This will insure there will be larger parcels available for future development.

She briefly outlined the approval criteria for the state, the county and the city. She said the details are in the findings of fact and conclusions of law and can be viewed on the City's website. She explained the considerations given to the impacts of development and the extensive process which will be required to annex and develop lands, adding there will be plenty of opportunities for public input.

She referenced the letters received and included in the packet. She stated staff has received a petition in opposition to the construction of a park in the Boes Subdivision on City owned open space lands. The Public Works Director has indicated the land is City owned and there are advantages to bringing that in and developing there.

Mr. Painter asked if there was anyone in the audience who would like to speak on this application.

Mr. Humphrey said there were a number of statements from people online, stating he would read them and respond.

Comment: As a resident of the Boes subdivision I am opposed to a city park in our neighborhood. A park in this neighborhood will only promote transient activity in this area worse than it already is.

Mr. Humphrey: There are a couple of people agreeing online.

Comment: We have a group of neighbors at our house and would like to make sure you acknowledge that you have received our petition. Everyone disapproves of the park.

Mr. Humphrey acknowledged the receipt of the petition and stated the City is not advocating the creation of a park with the UGB Amendment. This application is simply expanding the area the City can grow into in the future.

Comment: I did not see that the TIA included the Pine/Haskell intersection which is already backed up at times and especially when school is in session. What will be the assurance that the housing that is being built will be affordable to Rogue Valley Residents rather than wealthy people from other areas?

Mr. Humphrey responded that to his knowledge, the TIA did include the Pine/Haskell intersection. There have been some traffic improvements with the construction of the railroad crossing in Twin Creeks. Ms. Holtey agreed the Pine/Haskell intersection was evaluated and was not found to be problematic with the opening of the railroad crossing and the planned extension of South Haskell to Beall.

Comment: Will any traffic issues and potential mitigation be considered at the time of rezoning specific properties. Mr. Humphrey stated when any property annexed into the city the traffic impact would be evaluated.

Comment: If Boes Park is not built does that add open space acres that can be used somewhere else. Mr. Humphrey gave an overview of the development of Twin Creeks and the open space development. He said it is likely that if the City does not pursue construction of a park it may simply remain open space.

Ms. Holtey said the Parks Element identifies Boes Park as private core parkland. If the City does not develop Boes Park in response to the question, the City might be able to add that amount of land to be developed as a park somewhere else. The UGB application is based on the information in the Parks Element which identifies Boes Park as core parkland. Also due to the recent fire there may well be discussions regarding how we manage lands along the Greenway. According to the Public Work Director there are no plans at this time to develop the park.

Mr. Humphrey said Matt Samitore has just texted him to say Boes Park has to be open space. It was purchased with specific money for the Bear Creek Greenway and has to always be open space or a park.

This was the end of the online comments.

Larry Martin, 2673 Taylor Rd.

Mr. Martin said he is one member of four property owners who have been attending meetings regarding the UGB amendment since 2007. They are pleased with the work the City has done. He stated all the lands included in the UGB Amendment were from Urban Reserve Areas. There had been lot of public input both in the creation of the URA's and also in the creation of the Concept Plans. He said he was in favor of the UGB amendment and looked forward to the growth of Central Point.

Russell Kockx 4149 Grant Rd.

Mr. Kockx said he also was in favor of the UGB Amendment.

Public portion of the meeting was closed

Mike House made a motion to forward a favorable recommendation of the UGB Amendment to the Planning Commission. Cinda Harm seconded the motion. All members said "aye". Motion passed.

B. Consideration of a proposal to amend the Central point Comprehensive Plan adding roughly 444 gross acres needed to absorb growth in housing, employment and parks and open space during the 2019 – 2039 planning period. Applicant City of Central Point. File No. CPA – 19001

Community Planner Justin Gindlesperger said the City is subject a variety of natural hazards such as winter storms, floods and increasing incidence of wildfires. Hazard mitigation planning is important in order to understand the characteristics of potential hazards, risks to people, buildings, infrastructure and property and to identify what actions can be taken to lessen exposure to these risks before an event occurs, creating a resilient and resistant community.

He explained the Hazard Mitigation Plan is updated every 5 years in order to be eligible for FEMA non-emergency disaster funding. The last update was 2011. Additionally the City participates in the Community Rating System which allows it to obtain discounts for flood insurance for our citizens.

He reviewed the updates in the plan and how they met FEMA's requirements.

He said the process of identifying hazards and rating them as high, medium and low risk is an ongoing process as the City continues to grow. Additionally there has been an increase in urban wildfires and changes in stakeholders which affect the planning process and risk assessment. Mr. Gindlesperger explained the mitigation strategies for fire, winter storms floods and earthquakes. He said the next steps included this Public hearing with the Citizen's Advisory Committee, and public hearings with the Planning Committee and the City Council for final adoption.

The Committee discussed the recent fire along the Greenway and possible mitigation strategies. They discussed the Fire District preparedness and keeping residents informed and aware of potential hazards. They discussed evacuation routes, water supply, and smoke as a secondary hazard.

Mr. Gindlesperger stated there were multiple avenues for public information such as the City's newsletter, the website and public hearings. He said the Parks Department would be getting involved in helping restore the Greenway in a way that would mitigate damages from fires in the future.

Ms. Holtey said she had received a message from the Public Works director. He said our City has a different water set up than Phoenix. We have three master meters rather than one, and

three reservoirs. Additionally there is a main shut off valve for utilities installed when new subdivisions are developed.

Russell Kockx, 4401 Grant Rd.

Mr. Kockx stated the air quality in the valley has historically had problems due to the mills and the smudge pots in the orchards. He also asked how often the Fire Department checks the hydrants.

Ms. Holtey responded the public works director messaged her saying they check them 4 times per year.

Mike Parsons, 555 Freeman Rd

Mr. Parsons stated he is a member of the City Council but was speaking as a private citizen. He said the mobile home park where he lives has had three evacuations in the past 3 years. All 3 were fires on the other side of the freeway. Their biggest fear was fires crossing the freeway to their community. On Sept 9th there was a great response to the fire. There were 3 helicopters dropping water, and police response, fire department response and public works response were commendable. That response was credited with keeping the fire from jumping the freeway to their community. He felt addressing the brush, trees and fuel along the Greenway was a most important element to help mitigate fire threat to the residents along the freeway.

Cinda Harmes made a motion to make a favorable recommendation of the NHMP to the Planning Commission. Mike House seconded the motion. All members said "aye". Motion passed.

VI. DISCUSSION

Planning Update

- Providence is putting 14 RV's on a lot on South 99 for impacted employees.
- Tom is working with the County to facilitate transitional housing for those impacted by the fire
- The Reed Building is progressing
- Dominos on Freeman Ct. is continuing construction
- The Nelson Building on Freeman and Bigham will be obtaining permits soon
- There will be a car wash and oil change on Table Rack and Pine St.
- There will be a new retail/office building on Biddle by the Vet Clinic

- Les Schwab will be constructing their building on Biddle also
- There is a chiropractic office being built behind the Umpqua Bank on Biddle
- There is new interest in the White hawk development
- The City is in negotiations to purchase property to put Haskell Street through to Beall

VII. MISCELLANEOUS

VIII. ADJOURNMENT

Carrie Reed made a motion to adjourn. Mike House seconded the motion. All members said "aye". The meeting adjourned at 6:55 p.m.

The foregoing minutes of the October 13, 2020 Citizens Advisory Committee were approved by the Citizens Advisory Committee at its meeting of April 13, 2021.

Chairman

RESIDENTIAL CODE AMENDMENTS

MEMORANDUM



Planning Department

Tom Humphrey, AICP,
Community Development Director

April 13, 2021

To: Citizen's Advisory Committee (CAC)
From: Stephanie Holtey, Planning Director
Re: Residential Code Amendments Discussion

In December 2021, the City Council approved the City's first Housing Implementation Plan (HIP) (Enclosed). The HIP sets forth the City's 5-year strategy for increasing housing supply and affordability. It includes short-term and long-term projects that address a variety of issues that affect the housing situation in Central Point. Since adoption of the HIP, the City has completed an update to its Accessory Dwelling Unit (ADU) regulations and is in the process of amending its Urban Growth Boundary (UGB) to increase its residential land supply. At this time, the City is starting the process of amending its residential zoning districts to add new housing types, increase residential densities and eliminate identified barriers to housing construction.

New Housing Types

The City is required to allow duplexes in zoning districts that allow construction of single-family detached housing. This requirement was enacted by the State with passage of House Bill (HB) 2001 in 2019 to increase housing supply in already developed neighborhoods. Although the City may have clear and objective standards for siting and design for duplexes and single family dwellings, the City may not increasing off-street parking. Additionally HB 2001 limits maximum setbacks and specifies that a duplex may be created on a lot even if doing so would exceed the City's existing maximum density standard. The critical question for discussion at this time is what design and development standards may be appropriate to promote neighborhood compatibility.

Cottage cluster housing is not a required housing type for Central Point per HB 2001, but the HIP directs the staff to prepare code amendments to allow cottage clusters in low and medium density zoning districts. At the meeting, staff will present an overview of cottage cluster housing and request feedback from the CAC regarding any specific considerations the City staff should take into consideration when preparing code amendments.

Minimum Average Density

Before lands in the newly UGB expansion areas can be annexed, the City is required to increase its minimum density requirements provide a minimum average density of 7.04 units per acre from now until 2040. The result of this change will be smaller lot sizes and more housing required throughout the City. As we make these changes, it would be beneficial to start exploring design and development standards that can foster creation of neighborhoods that are attractive and reflect the community's preferred vision for its future.

Regulatory Barriers to Housing

There are some standards in the current residential zoning districts that limit feasibility of high density residential development projects. For example, in the Residential Multifamily (R-3) zone, the maximum lot coverage for structures is limited to 50% of the lot area. At the same time, building height is limited to 35-ft effectively limiting construction to no more than three (3) stories. During a code audit, it was recommended that the City increase lot coverage to 60%-75% and allow for four (4) story construction by limiting building height to 45-ft. One objective of the code amendments is to address these standards to increase feasibility of housing projects in the city that align with the intent and purpose of the zoning district its located in.

There are several factors that are influencing the current housing situation. The proposed code amendments will not resolve all of the issues that affect supply and affordability, but they do aim to address outdated standards needed to help improve the housing situation.

At the April 13th CAC meeting, City staff will present an overview of the code standards contemplated for changes and request feedback from CAC members and the community. At the conclusion of the meeting, staff is looking for a recommendation to proceed with preparing the amendments for consideration by the Planning Commission.

Enclosure:

Housing Implementation Plan



Housing Implementation Plan

Housing Strategy 2019-2024

Final Draft

City Council Resolution No. 1560

12/13/2018

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Executive Summary

Since the Great Recession, lack of suitable housing and affordability has been a major concern affecting Central Point and the region. Although housing affordability is expected to improve and decline as a function of the economy, it is a significant issue that needs to be monitored and addressed. To that end, the Regional Plan and Housing Elements establish a framework for accomplishing this in the form of a Housing Implementation Plan (HIP). The HIP sets forth the City’s preferred housing program with actions to be evaluated, developed, implemented, and monitored on a 5-year cycle. It doesn’t attempt to solve any housing affordability concerns in and of itself but provides qualitative and quantitative success indicators for actions included in the HIP.

The HIP was prepared in collaboration with regional partners and based on input from the public and decision makers. A summary of the City’s short- action plan is provided in Table 1 below. Performance measures are detailed in Sections 3.2.

Table 1. Central Point’s Short-Term Housing Strategy (2019-2024)		
No.	Priority	Action Description
3.2.1	High	Prepare and adopt residential code amendments to streamline code requirements and improve accessibility, increase minimum densities consistent with the Housing Element, eliminate barriers to multifamily housing and add new housing types.
3.2.2	High	Evaluate barriers and challenges to residential infill projects in the High Mix Residential (HMR) zone in the Central Business District and identify possible solution to minimize or eliminate those barriers.
3.2.3	High	Consider amendments to the transient lodging tax regulations to track and enforce requirements for short-term rentals, such as VRBO, AirBnB, etc.
3.2.4	High	Amend the UGB and designate land use consistent with the adopted Concept Plans as a general land use guide.
3.2.5	High	Continue supporting low- and moderate-income households through direct contributions to partner agencies that provide services and financial support, such as ACCESS, Habitat for Humanity, St. Vincent de Paul, Meals on Wheels, etc.
3.3.6	High	Evaluate the City’s Vertical Housing Tax Exemption Program to identify barriers to its use and explore changes to promote its success in the City, including expanding the area of applicability.
3.2.7	High	Continue Monitoring Buildable Lands using the City’s Buildable Lands Inventory (BLI) database and update every 5 years.
3.2.8	High	Monitor Regional Plan Compliance using the BLI to show that average residential density in areas newly added to the UGB average 6.9 units per acre (gross), and that the percentage of dwelling units within or near activity centers complies with benchmarks for mixed-use/pedestrian friendly areas.

Long-term actions are not intended for immediate implementation and have been selected to provide a reference for future amendments to the HIP. Long-term actions are listed in Table 2 and performance measures are set forth in Section 3.3.

Table 2. Central Point's Long Term Housing Strategy		
No.	Priority	Action Description
3.3.1	Moderate	Explore the feasibility of establishing a Multiple Unit Tax Exemption program in Central Point to incentivize multifamily housing. Based on findings and direction from the Planning Commission and/or City Council, design a program that will maximize the scale of impact and produce positive results for Central Point.
3.3.2	Moderate	Consider a tiny house/micro housing ordinance to allow 'tiny homes' and/or micro housing outside cottage housing developments.
3.3.3	Moderate	Evaluate flood risk/insurance requirements on housing affordability in the City's High Risk Floodplains. Identify possible mitigation measures and incorporate into the City's Hazard Mitigation Plan and Comprehensive Plan.
3.3.4	Low	Evaluate the feasibility of establishing a single-family housing rehabilitation loan/grant program outside the Urban Renewal Area based on the observed success of Urban Renewal's Single Family Rehabilitation Program.
3.3.5	Low	Develop a list of agencies and programs that offer financial support and services to low- and middle-income households and promote online, in the City's newsletter and/or other outreach platforms.
3.3.6	Low	Develop a SDC Discount/Waiver Program that can be used to provide gap funding for affordable housing projects funded and managed by federal and/or non-profit agencies that guarantee affordability for low- income families over the life a project.

Given the cyclical nature of housing needs and affordability issues, adjustments to the City's 5-year action plan is expected. Adjustments will reflect Central Point's housing needs, community conditions and lessons learned through implementation and monitoring.

1 Introduction

Housing supply and affordability have been a major concern for the City particularly since the Great Recession. The Housing Element identifies this concern and acknowledges that it is an issue that needs further analysis and consistent targeted action. For that reason, it establishes goals and policies that direct the City to develop a Housing Implementation Plan (HIP), a formal program to address housing concerns in the community over the short- and long-term.

The Housing Element recognizes the importance of regional collaboration to address growth management and housing affordability by establishing goals and policies to comply with the Greater Bear Creek Valley Regional Plan (“Regional Plan”). The Regional Plan was prepared in collaboration with Jackson County and the cities of Medford, Eagle Point, Phoenix, Talent, and Ashland, and adopted by the City as the Regional Plan Element. It establishes a 50-year land supply in urban reserves and requires compliance with performance indicators relative to minimum residential densities, land use, transportation planning, and regional housing strategy development.

The HIP is intended to be a living document that implements the goals and policies in the Housing and Regional Plan Elements relative to housing.

1.1 Regional Housing Strategy

The Regional Plan requires that RPS communities adopt a regional housing strategy that provides opportunities for a diverse range of housing types. DLCD facilitated collaboration among the RPS communities by hiring ECO|NW to develop regional housing strategy principles and an affordable housing toolkit to guide development of local plans. The objective at the outset was to provide a regional framework for addressing local housing concerns while allowing communities flexibility to adopt action plans that are appropriate to local housing needs, community values and capabilities.

1.1.1 Regional Housing Principles

The Department of Land Conservation and Development (DLCD) hired ECO|NW in partnership with the RPS communities to facilitate development of a regional housing strategy for each city based on regional housing principles. The regional housing principles describe the desired outcome of the regional housing strategy without prescribing specific programs that each community should adopt. The objective is to provide flexibility for each city to craft a program that best suits its needs and aligns with its values within the parameters of the regional principles¹. The regional housing principles are:

- Plan for residential growth in urban reserve areas (URAs) consistent with the committed residential density requirements in the Regional Plan.
- Identify opportunities for increasing land use efficiency within the existing urban growth boundary (UGB).
- Provide opportunities for development of a range of housing types with special attention to missing middle housing types and other multifamily housing types.

¹ RPS Regional Housing Strategy Principles. Beth Goodman, ECONorthwest. (2018).

- Accommodate medium and high density housing within the existing UGB and close to transit to the extent feasible.
- Work with a common definition of affordable housing based on income and affordable housing costs.
- Evaluate and identify opportunities and policy tools to support development of low-income housing.
- Evaluate and identify opportunities and policy tools to support development of middle-income affordable housing.

1.1.2 Housing Affordability, Defined

According to the Department of Housing and Urban Development (HUD), families paying more than 30% of their income for housing are cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care.² In Central Point, 54% of renters and 37% of owners are paying more than 30% of family income on housing costs underscoring the importance of this HIP to guide actions that help provide more stable, affordable housing in Central Point.

For the purpose of this HIP, affordable housing is divided into two (2) subcategories based on income: 1) low-income affordable housing for households earning less than 60% of the area Median Family Income; and 2) middle-income affordable housing for households earning between 60% and 120% of the area Median Family Income³.

In 2018 the Jackson County Median Family Income was \$58,900, which is an average income of \$4,908 per month. Table 3 provides a breakdown of median family income relative to affordable housing cost for the low and middle income categories.

	Percent of Median Family Income	Monthly Median Family Income	Affordable Monthly Housing Costs
Low-income Affordable Housing	Very Low Income 0% - 30%	Up to \$1,473	Up to \$442
	Low Income 30% - 60%	\$1,472 to \$2,945	\$442 to \$884
Middle-income Affordable Housing	Lower Middle Income: 60% - 80%	\$2,945 to \$3,927	\$884 to \$1,178
	Upper Middle Income: 80% - 120%	\$3,927 to \$5,890	\$1,178 to \$1,767

1.2 Housing Element

The Housing Element establishes goals and policies that provide the framework for housing programs in the City based on an analysis of housing needs over a 20-year period⁴. The most

² Department of Housing and Urban Development. Affordable Housing (2018). https://www.hud.gov/program_offices/comm_planning/affordablehousing/.

³ RPS Regional Housing Strategy Principles. Beth Goodman, ECONorthwest. (2018).

⁴ Central Point Comprehensive Plan: Housing Element. City of Central Point (2017).

significant are goals and polices that direct creation of the HIP and describe how it will be used to address housing needs through planning, implementation and monitoring activities.

Success of the HIP will be evident in how well actions implemented achieve the goals and policies in the Housing Element, which are provided below for reference. In the event the Housing Element goals and policies are amended resulting in a conflict with those listed below, those listed in the Housing Element shall apply.

Goal 1. To provide an adequate supply of housing to meet the diverse needs of the City's current and projected households.

- Policy 1.1 Continue to support new residential development at minimum residential densities.
- Policy 1.2 Develop and maintain a Housing Implementation Plan (HIP) that is regularly updated based on current demographic and housing market conditions.
- Policy 1.3 Provide and maintain an efficient and consistent development review process.
- Policy 1.4 Work with regional partners to develop and implement measure that reduce upfront housing development costs.
- Policy 1.5 Support UGB expansions and annexations that can be efficiently provided with urban services and that will, in a timely manner, meet the City's housing needs.
- Policy 1.6 When properly mitigated support higher density residential development within the Downtown and older surrounding residential areas, capitalizing on availability of existing infrastructure and supporting revitalization of the City's core area.

Goal 2. To encourage the development and preservation of fair and affordable housing.

- Policy 2.1 As part of the HIP research and obtain local, state, and federal financial resources and incentives that support the development and preservation of affordable housing.
- Policy 2.2 Through the HIP explore and promote programs and incentives that support new affordable housing.
- Policy 2.3 Support and participate in the Greater Bear Creek Valley Regional Plan's program addressing regional housing strategies, particularly as they apply to affordable housing
- Policy 2.4 As part of the HIP support regional efforts addressing homelessness and housing, medical and social services to special need households.

Goal 3. To maintain a timely supply of vacant residential acres sufficient to accommodate

development of new housing to serve the City's projected population.

- Policy 3.1 Provide a sufficient inventory of residential planned and zoned vacant land to meet projected demand in terms of density, tenure, unit size, accessibility, and cost.
- Policy 3.2 Throughout the 2017-2036 planning period the City's new vacant residential land use mix shall support an average density of not less than 6.9 dwelling units per gross acre.
- Policy 3.3 Update the Housing Element's vacant acreage needs every four-years consistent with the PSU Population Research Centers population update.
- Policy 3.4 To avoid speculation the City shall, when expanding the UGB establish procedures that give priority to lands that will be developed in a timely manner.

Goal 4. To ensure that a variety of housing will be provided in the City in terms of location, type, price and tenure, according to the projected needs of the population.

- Policy 4.1 Residential land use designations on the General Land Use Plan and the Zoning Map shall be compliant with the residential land use needs identified in the Housing Element.
- Policy 4.2 Based on the findings of the HIP incentivize housing types that are needed but not being provided in adequate numbers by the market forces.
- Policy 4.3 In larger residential developments encourage a mix of densities and housing types to accommodate a variety of households based on age and income levels.
- Policy 4.4 Support programs that encourage the ability of older residents to age in place by making existing housing more age friendly and accessible.

Goal 5. To ensure that municipal development procedures and standards are not unreasonable impediments to the provision of affordable housing.

- Policy 5.1 As part of a HIP periodically evaluate development procedures and standards for compliance with the goals of this Housing Element and modify as appropriate.

Goal 6. To develop and maintain a HIP that includes programs that monitor and address the housing affordability needs of the City's low- and moderate-income households.

- Policy 6.1 Support collaborative partnerships with non-profit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.
- Policy 6.2 Support and participate in the Greater Bear Creek Valley Regional Plan's program addressing regional housing strategies.

- Policy 6.3 Address the special housing needs of seniors through the provision of affordable housing and housing related services.
- Goal 7. To assure that residential development standards encourage and support attractive and healthy neighborhoods.
- Policy 7.1 Encourage quality site and architectural design throughout the City that acknowledges neighborhood character, provides balanced connectivity (multi-modal), and integrates recreational and open space opportunities.
- Policy 7.2 Provide flexible development standards for projects that exceed minimum standards for natural resource protection, open space, public gathering places, and energy efficiency.
- Policy 7.3 Where appropriate encourage mixed uses at the neighborhood level that enhance the character and function of the neighborhood and reduce impacts on the City's transportation system.
- Policy 7.4 Support minimum parking standards for multiple family development served by public transit.
- Policy 7.5 Maintain and enforce Chapter 17.71 Agricultural Mitigation ensuring that all new residential development along the periphery of the Urban Growth Boundary includes an adequate buffer between the urban uses and abutting agricultural uses on lands zoned Exclusive Farm Use (EFU).

2 Current Housing Programs

Prior to 2018 the City did not have a formal housing program; however, through the City Council and Community Development Department the City has either directly or indirectly supported housing goals or needs. The following summarizes prior housing initiatives, but is not intended to be exhaustive:

- Zoning standards:
 - Allow a variety of housing types, especially in the Transit Oriented Development (TOD) District and Corridor;
 - Performance zoning in conventional medium and high density zones allows applicants to apply more flexible TOD land use and site dimension standards (i.e. setbacks, lot coverage, parking ratios) in exchange for TOD building designs.
 - The City is responsive to feedback regarding development constraints and regularly reviews and updates its zoning code requirements to eliminate barriers to good residential and economic development. Examples of this include allowing performance zoning, establishing minimum densities in 2006, and adjusting design standards to provide for functional and attractive developments desired by the community.
- Central Point Planning Approach. Efficient land use application review process and proactive, solution-oriented approach to identifying and resolving issues can reduce time cost associated

with entitlements and produce better results for the community.

- Partnerships. The City maintains communication with partners in affordable housing, such as the Jackson County Housing Authority. Although funds are not directly budgeted for direct contribution to offset project costs, the City has historically collaborated to assure land is planned and zoned to support needed affordable housing projects near schools and transit areas.
- Direct Contributions.
 - The City Council provides direct contributions to partners that provide housing assistance and services to homeless and low-income residents in the community, including: ACCESS, Habitat for Humanity, St. Vincent de Paul, and Meals on Wheels.
 - The City offers discounts on water bills for qualified low-income households.
 - The City has provided transitional housing assistance to keep at least one family off the street until stable income and housing could be secured.

3 Central Point Housing Strategy

The Central Point HIP prioritizes actions or programs designed to eliminate barriers to housing development, reduce upfront development costs, and support development of affordable housing units in the city. The strategy includes actions that fall into one of four categories: 1) regulatory reforms, 2) affordable housing incentives, 3) affordable housing funding, and 3) monitoring. These are further divided into short- and long-term actions.

3.1 Planning Process

Based on recommendations from ECO|NW, the City presented a wide array of housing options to the Citizen's Advisory Committee, Planning Commission and City Council for consideration in the Spring, Summer, and Fall 2018⁵. These were evaluated based on community values and perceived effectiveness and importance of each action to improve housing supply and affordability. Figure 1 illustrates the HIP planning process. As shown, actions are identified, evaluated, prioritized, developed and implemented to improve housing in the city as part of a continuous planning process. Monitoring programs will build on the Buildable Lands Inventory system already in place to track residential land supply, land use efficiency, and housing characteristics fundamental to advancing the goals and policies of the Housing and Regional Plan Elements.



Figure 1 Housing Implementation Cycle

⁵ Central Point Housing Strategy: Draft Strategy. Beth Goodman, ECONorthwest. (2017).

3.2 Short Term Actions

Based on input and direction from citizens and decision makers, the City has established a short-term housing strategy (Table 2). These actions are considered a high priority and foundational to establishing a successful housing program. Consequently the short-term projects are planned for completion within the first 5-year reporting cycle.

3.2.1 Prepare and Adopt Residential Code Amendments.

Priority	High
Background	<p>The City's Zoning Code is in Title 17 of the Central Point Municipal Code (CPMC). Residential land use and zoning standards are provided in multiple chapters for conventional and TOD zones and includes separate chapters for parking, design, and development. This makes it difficult to find all relevant approval criteria for a project, which can discourage and add planning cost to projects.</p> <p>Some code standards are out of date and pose barriers to residential development. A recent code audit by ECO NW found barriers to multifamily development in the R-3, Multifamily Zone (i.e. building height and lot coverage limits). Additionally Missing Middle Housing is not clearly addressed and in some cases not permitted.</p>
Action	<p>Consolidate the City's residential standards into 1-2 chapters. Consider the following changes:</p> <ul style="list-style-type: none"> • Increase minimum residential densities consistent with the Housing and Regional Plan Elements; • Adjust dimensional standards in the R-3 zone to eliminate barriers to maximizing density: <ol style="list-style-type: none"> 1) Increase building height from 35-ft to 45-ft to allow 4 stories; 2) increase maximum lot coverage from 50% to 60-75% to increase building area allowed on a site while still providing adequate land for off-street parking and landscaping; and, 3) Consider adding a buffer between buildings on R-3 lots and those in the R-1, R-2 and LMR zones. • Amend ADU standards to comply with SB 1051, increase size of ADU from 35% to 50% or 800 s.f., whichever is less. • Add Cottage Housing as a permitted housing type in the R-1, R-2, and LMR zones with a density bonus of 1.5. • Consider allowing Missing Middle Housing types within the R-1 zone, such as corner duplexes, interior divisions that increase density but look like single family dwellings.
Goals & Policies	<p>Housing Element: 1.1, 1.3, 4.1, 5.1, 7.1, 7.2, 7.3, 7.4 Regional Plan Element: 4.1.5, 4.1.6</p>
Performance Measures	<ul style="list-style-type: none"> • Adopt residential code amendments. • Increase gross density in the current UGB. • Achieve gross density of 6.9 units per acre in areas newly added to the UGB for the period 2019-2024. • Increase multifamily construction in the R-3 zone. • Increase the number of ADUs in the City.

3.2.2 Evaluate Residential Infill Barriers in High and Medium Density Zones in the Central Business District.

Priority	High
Background	In the Central Business District, lands zoned HMR, High Mix Residential require a minimum density of 25 units per acre. Many lots in this zone are developed with legally-nonconforming single-family detached homes. Lot sizes range in size from 0.03 to 0.6 acres but are 0.18 acres on average. The minimum density required for a 0.18 acre lot is 4 units and depending on the housing type, minimum off-street parking ranges between 6-8 spaces. Finding space on small lots to accommodate buildings, parking and landscape improvements may pose a barrier to infill and redevelopment in the downtown.
Action	Complete a study of residential infill barriers in the CBD and explore possible solutions such as density transfer options, lot consolidation, parking options, and the possible role of Urban Renewal.
Goals & Policies	Housing Element: 1.6, 5.1.7.3 Regional Plan Element: 4.1.5, 4.1.6
Performance Measures	<ul style="list-style-type: none"> • Complete Infill and Redevelopment Barriers Study. • Present the study and recommended solutions to the Planning Commission and/or City Council.

3.2.3 Regulate and Enforce Transient Lodging Tax for Short-term Rentals.

Priority	High
Background	The City collects a 9% tax for transient lodging that allow occupancy for 30 days or less. Regulations for the transient lodging tax are in CPMC 3.24 and currently include short-term rentals such as those rented through AirBnB, VRBO, etc. However enforcement poses a challenge because there is no mechanism to track short-term rentals in the City. This discrepancy in tax collection creates a competitive advantage for short-term rentals, which often include ADUs, single family dwellings or a portion thereof that would normally be available for full-time occupancy (owner or renter occupied)
Action	Consider code amendments to regulate short-term rentals including establishing a registration requirement,
Goals & Policies	Housing Element: Goals 1, 4; Regional Plan Element: 4.1.5,
Performance Measures	<ul style="list-style-type: none"> • Consider amendments to CPMC 3.24 to establish standards for short-term rental use and location and requires registration through the business license program.

3.2.4 Amend the UGB and Designate Land Use based on Adopted Concept Plans as a General Land Use Guide.

Priority	High
Background	Based on population projections and the Buildable Lands Inventory (BLI), the City has a demonstrated need to add new residential lands to the UGB. As part of the UGB Amendment it is necessary to show how the proposed land use designations will comply with the Comprehensive Plan. The Regional Plan Element requires specific land use allocations and average gross density commitments of 6.9 units per acre until 2035 and 7.9 units per acre from 2035-2060. The UGB amendments will use adopted Concept Plans for land use and transportation as a general guide to designate land use for the purposes of the UGB Amendment. At the time of annexation a Zoning Map Amendment application will be needed to designate zoning consistent with the Comprehensive Plan Land Use Designation and the Regional Plan Performance Indicators as addressed in the Concept Plan.
Action	Add new land to the UGB per the Housing Element and amend the Land Use Element in the Comprehensive Plan to assign Land Use designations. Per the Regional Plan Element, land use designations shall demonstrate compliance with the land use distribution, committed residential density and transportation performance measures, which are illustrated in adopted Concept Plans.
Goals & Policies	Housing Element Goals: 1, 3, 4 Regional Plan Element: 4.1.5, 4.1.6, 4.1.7, 4.1.8
Performance Measures	<ul style="list-style-type: none"> • Add residential land to the UGB per the Housing Element. • Prepare findings as part of the UGB Amendment package demonstrating Regional Plan compliance using the Concept Plan as a general land use guide. • Amend the General Land Use Map to designate future land use.

3.2.5 Continue Supporting Low-Income and Homeless Populations through Partner Organizations.

Priority	High
Background	As funds are available, the City has provided financial support to organizations including: ACCESS, Habitat for Humanity, St. Vincent de Paul, and Meals on Wheels. These funds are to support homeless populations and low-income families in Central Point.
Action	Continue to provide support to organizations that provide services and financial support to homeless and low-income families in Central Point.
Goals & Policies	Housing Element: 2.3, 6.3
Performance Measures	Report on contributions during the 5-year reporting period (2019-2024).

3.2.6 Evaluate the City's Vertical Housing Program.

Priority	High
Background	<p>The City established a Vertical Housing Tax Credit program in 2003 that has been used once for the construction of the Four Oaks Centre.</p> <p>Mixed-use projects in the City's Vertical Housing zone can obtain up to an 80% exemption on structural improvements over a 10-year period based on the number of floors and whether affordable units are included.</p>
Action	Evaluate barriers to using the vertical housing tax credit through discussions with developers, financiers, or other stakeholders who have used it or might consider it. Make changes to improve the program if possible, including expanding the zone, and promote the program. .
Goals & Policies	Housing Element: 1.6, 2.1, 7.3 Regional Plan Element: 4.1.5, 4.1.6
Performance Measures	<ul style="list-style-type: none"> • Complete the evaluation and possible amendments. • Increase the number of mixed-use projects that use the credit.

3.2.7 Monitor Buildable Lands.

Priority	High
Background	The City maintains a BLI that tracks vacant, infill, and redevelopment lands as new building permits are issued and non-conforming structures are demolished. This information is needed to evaluate land needs relative to population forecasts, which are now updated on a 4-year cycle by Portland State University.
Action	Continue maintaining the BLI as needed to complete an updated report for residential lands every 5-years concurrent with the HIP cycle update.
Goals & Policies	Housing Element: 3.1, 3.3, 3.5
Performance Measures	Produce a BLI Update every 5-years.

3.2.8 Monitor Regional Plan Compliance.

Priority	High
Background	Per the Regional Plan and Housing Elements, the City has established policies to monitor compliance with the Regional Plan Performance Indicators, including but not limited to average gross density commitments, land use allocations, and mixed-use/pedestrian friendly areas. The intent of this action item is to utilize the existing BLI as a tool to track and report on the City's compliance with the Regional Plan.
Action	Add fields necessary to track lands newly added to the UGB for Regional Plan compliance.
Goals & Policies	Housing Element: 3.1, 3.2 Regional Plan Element: 4.1.5, 4.1.6, 4.1.7, 4.1.8, 4.3.1
Performance Measures	Report on Regional Plan compliance every 5-years.

3.3 Long-Term Actions

The City's long-term strategy consists of actions rated as having a moderate- or low-priority. Long-term actions are those that the City can consider during future updates of the HIP and are not intended for immediate implementation. They are included here for reference and to demonstrate compliance with the Regional Plan.

3.3.1 Evaluate Feasibility of a Multiple Unit Limited Tax Exemption Program.

Priority	Moderate
Background	Through the Multiple Unit Limited Tax Exemption (MULTE) Program, the City can incentivize diverse housing options in the downtown or other high density zones around employment centers. The state enables and the city would have to develop and adopt a program that establishes a competitive process to offer a full tax exemption on structural improvements over a 10-year period. The process can require that certain percentage of the units be set aside as affordable, as well as other items deemed to be in the public interest (i.e. design elements, transit stops, etc.). To implement a MULTE program the City would need to set the program criteria, length of the tax abatement, and where it would apply, and negotiate approval with other taxing districts (i.e. Urban Renewal, FD3, SD6, etc.).
Action	Evaluate feasibility of developing MULTE program for Central Point to encourage multifamily housing development projects in the City's high density zones. Explore regional development and implementation options through the Rogue Valley Council of Governments (RVCOG).
Goals & Policies	Housing Element: 1.4, 2.1, 4.2, 4.3
Performance Measures	Complete a feasibility study for a MULTE program in Central Point.

3.3.2 Consider a Tiny House/Micro Housing Ordinance.

Priority	Moderate
Background	<p>Micro housing, including tiny houses, are small format homes typically 500 square feet or less. Micro housing can be provided as a stand-alone unit or small multifamily units. Stand-alone tiny homes on wheels have gained popularity for a simple, mobile lifestyle. Current regulations in Oregon limit the viability of tiny homes on wheels; however units built on permanent foundations are allowed subject to building code standards.</p> <p>The benefit of permitting micro housing is that smaller homes allow for smaller lots and more efficient use of land. Due to smaller size and land needs, they can provide the opportunity for more affordable housing, especially for homeowners. The scale of impact will depend on the market for smaller homes and the nature of regulations enacted.</p>
Action	Consider an ordinance allowing micro housing, including tiny homes
Goals & Policies	Housing Element 6.1 Regional Plan Element: 4.1.5
Performance Measures	Develop a draft ordinance for consideration by the CAC, Planning Commission and City Council.

3.3.3 Evaluate Flood Risk/Insurance Requirements on Housing Affordability.

Priority	Moderate
Background	<p>Flood insurance is mandatory for all structures that are financed through a federally affiliated lender. There are over 275 structures in the high risk floodplain and 73% of which were built before 1982 and are "Pre-FIRM." Consequently many of these homes were built too low, without sufficient flood openings, with HVAC and/or utilities located below the flood elevation, etc. These risk factors can increase the cost of insurance premiums and total housing cost.</p> <p>The extent of the problem for homeowners and renters is not known. As the City prepares to update its Hazard Mitigation Plan, exploring the impact of flood insurance and risk on housing cost should be looked at and addressed.</p>
Action	Conduct a study to evaluate the impacts of flood risk and insurance on total housing cost. Address findings in the Hazard Mitigation Plan update and the Comprehensive Plan as appropriate.
Goals & Policies	Housing Element: Goal 1 and 2.
Performance Measures	<ul style="list-style-type: none"> • Address flood risk/insurance impacts on housing cost, including mitigation options in the Hazard Mitigation Plan. • Incorporate findings into the Comprehensive Plan.

3.3.4 Evaluate Single-Family Housing Rehabilitation Grant/Loan Program.

Priority	Low
Background	Rehabilitating single family homes that are in poor condition improves living conditions in these dwellings and can be more affordable than redeveloping the site. Through Urban Renewal a program has been authorized to provide low interest loans or grants for this purpose. The CAC and Planning Commission recommend observing the performance of Urban Renewal's program before considering expanding it to other areas in the City.
Action	Based on observations of the Urban Renewal Program, evaluate development of a low interest loan or grant program to support rehabilitation of older single-family homes in poor condition outside of the Urban Renewal area.
Goals & Policies	Housing Element: 4.2, 4.4, 6.3
Performance Measures	Report on the Urban Renewal's program at the next HIP update and consider feasibility of expanding it to other areas of town via another funding mechanism.

3.3.5 Promote Affordable Housing Services and Support Offered by the City and Other Organizations.

Priority	Low
Background	There are several organizations in the region that offer services and support to low-income households. Instead of reinventing the wheel, the City should consider assembling a list of resources and make these available to those in need.
Action	Develop a list of housing services and support and make available through the City's website, in print (as needed) and/or in the City's newsletter.
Goals & Policies	Housing Element: 2.1, 2.2, 2.3, 2.4 Regional Plan: 4.1.12
Performance Measures	Create a resource for affordable housing as a webpage, handout, and/or newsletter publication.

3.3.6 Develop a SDC Discount/Waiver Program as a Gap Financing Tool to Support Qualified Affordable Housing Projects.

Priority	Low
Background	SDCs are a prepaid impact fee for public infrastructure (i.e. water, streets, storm drainage, and parks). The cost varies depending on the use and its impact on the City's infrastructure. In some cases, the cost of SDCs may decrease financial viability of affordable housing projects. To address this,

the City can consider developing a program to pay the SDCs for qualified affordable housing projects. Both the CAC and Planning Commission recommended that any assistance be limited to federal and non-profit entities that assure the project will remain affordable for low-income households over the life of the project.

Although SDC discounts/waivers have not been needed in the past, developing a program to assist affordable housing partners assures timely response in the event the need arises.

Action	Consider a code amendments and funding sources to offer SDC discounts/waivers to federal and non-profit affordable housing partners.
Goals & Policies	Housing Element: Policy 1.4, 2.1, 2.2, 4.2
Performance Measures	Prepare draft code amendments for consideration by the CAC, Planning Commission and City Council.

4 Reporting and Cycle Updates

The Central Point HIP involves a range of actions, some ongoing and others with a discreet beginning and end. To remain current within housing needs in the City it is necessary to track progress and periodically adjust the City's housing strategy. For this reason, the HIP will be updated on a 5-year cycle. The updates provide the opportunity to evaluate progress and scale the housing strategy to adapt to both housing needs and staff and resource capabilities. At the conclusion of the 5-year cycle, staff will present a brief report to the Citizen's Advisory Committee and Planning Commission summarizing activities implemented, observed changes in housing characteristics, if any, and recommend changes for the next 5-year HIP. Based on input and direction from the Citizen's Advisory Committee and Planning Commission, a revised HIP will be forwarded to the City Council for consideration and approval by Council Resolution.

FLOOD DAMAGE PREVENTION CODE AMENDMENTS



April 13, 2021

Agenda Item: VI-B

Discussion regarding amendments to CPMC 8.24, Flood Damage Prevention.

Applicant: City of Central Point. **File No.** ZC-21002.

Staff Source

Justin Gindlesperger, Community Planner II

Background

The City's floodplain management program supports community resiliency through preventive and corrective measures. These measures include requirements for zoning, subdivisions, buildings and building codes and the overall floodplain environment. The City participates in the National Flood Insurance Program (NFIP), which has minimum management standards for communities, but the City implements higher standards to promote a stronger community.

Floodplain Program

Participation in the NFIP provides base floodplain management standards and makes federal flood insurance available for all residents and business owners in the community. This is important because 1) flood insurance provides financial protection for at-risk structures; and 2) federal law requires flood insurance as a condition of financing for properties in high risk flood hazard areas.

The City also participates in the Community Rating System (CRS), which is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the NFIP. In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts that address the three goals of the program:

1. Reduce and avoid flood damage to insurable property
2. Strengthen and support the insurance aspects of the National Flood Insurance Program
3. Foster comprehensive floodplain management

Participation in the CRS requires documentation, certification and adhering floodplain management standards. In anticipation of the City's upcoming verification visit for the 2020-2021 cycle this fall, the Planning Department is amending the floodplain development regulations for consistency with Federal and State guidance. During this meeting, staff will review the updates to the floodplain development regulations. Attached is a copy of the draft amendments to the floodplain development regulations.

ISSUES:

The primary issue in considering the amendments to the floodplain development regulations is to provide consistency with Federal and State requirements and to identify local policies and actions that can be implemented to reduce flood losses and protect City residents from the dangers of flooding

ACTION:

Consideration of the draft amendments to the floodplain development regulations.

ATTACHMENTS:

Attachment "A" –Draft Amendments to CPMC 8.24 (Mark-up)

CPMC 8.24 Flood Damage Prevention

8.24.010 Statutory Authorization

The ~~Legislature of the state~~ State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city ordains and sets out the provisions of this chapter.

8.24.030 Statement of Purpose

J. Participate in and maintain eligibility for flood insurance and disaster relief.

8.24.050 Definitions

"Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths ranging from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. AO zones are characterized as having sheet flow, and AH zones indicate ponding. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zones designating areas of special flood hazard on flood insurance rate maps always include the letters A or V. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR. Also known as the special flood hazard area (SFHA).

"Base flood elevation (BFE)" means the water surface elevation to which floodwater is anticipated to rise during the base flood in relation to a specified datum. The BFE is depicted on the flood insurance rate map (FIRM) to the nearest foot and in the flood insurance study (FIS) to the nearest tenth of a foot.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment and materials located within the area of special flood hazard. Exemptions to the definition of development, for the purpose of administering this chapter, include:

1. Signs, markets~~markers~~, aids, etc., placed by a public agency to serve the public provided the encroachment in the special flood hazard area is no larger than a standard utility pole; and
2. Residential gardens; provided, that they do not result in unauthorized, substantial alteration of topography; and provided, that gardening methods do not include the use or application of pesticides, herbicides, fertilizers or other toxic materials.

"Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot~~a~~ designated height.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures and that any subsurface waters related to the base flood will not damage existing or proposed buildings development is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practical means, reasonably safe from flooding means that the lowest floor is at least two feet above Highest Adjacent Grade.

"Water dependent use" means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term does not include long term storage, manufacture, sales or service facilities.

8.24.060 Lands to which this chapter applies

A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations. Nothing in this chapter is intended to allow uses or structures that are otherwise prohibited by the zoning regulations or specialty codes.

B. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the the community has assumed or relinquished floodplain management regulatory authority.

8.24.200 Development in Regulatory Floodways

E. Temporary encroachments in the regulatory floodway for the purposes of capital improvement projects, including bridges and culverts, shall be allowed even may be permitted if the encroachment results in an increase in flood levels during the occurrence of the base flood discharge, and without obtaining provided that a Conditional Letter of Map Revisions (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled. Temporary encroachments shall comply with all other applicable flood hazard reduction provisions of this chapter and may be permitted when:

1. The project is limited as to duration with the days and dates that the structure or other development will be in the regulatory floodway, as specified in the floodplain development permit;
2. Accessory structures (i.e., construction trailers) are restricted from the regulatory floodway;
3. The project limits placement of equipment and material in the regulatory floodway to that which is absolutely necessary for the purposes of the project. Justification that demonstrates compliance with this requirement will be documented by the applicant in the required floodplain development permit application submittal documentation; and

~~4. The applicant identifies any insurable structures affected by temporary changes to the area of special flood hazard or BFE and notifies owners of any increased risk of flooding. Documentation demonstrating compliance with this provision shall be provided to the city as part of the floodplain development application; and~~

~~5~~ 4. The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.

F. Projects for stream habitat restoration may be permitted in the floodway, provided:

1. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023);

2. The project does not result in a potential rise in the flood elevation;

~~23. A qualified professional (a registered professional engineer, or staff of NRCS, the county, or fisheries, natural resources or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep Conditional Letter of Map Amendment (CLOMR) is applied for and approved by the Federal Insurance Administrator for any rise in the base flood levels, as close to zero as practically possible given the goals of the project and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled; and~~

~~3. No structures would be impacted by a potential rise in the flood elevation; and~~

4. An agreement to monitor the project, correct problems and ensure that flood carrying capacity remains unchanged is included as part of the local floodplain development approval

8.24.250 Floodplain Development Standards for Construction

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, ~~and~~ air-conditioning, plumbing, duct systems, and equipment and other service facilities shall be elevated at least one foot above the BFE and/or

designed or located to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilation, air conditioning, plumbing, duct systems, and other equipment and services that are replaced as part of a substantial improvement shall meet all requirements of this section.

C. Structures Located in Multiple or Partial Flood Zones.

In coordination with the State of Oregon Specialty Codes:

1. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.

2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

G. Manufactured Dwellings. In addition to subsections A and B of this section, new, replacement and substantially improved manufactured dwellings are subject to the following standards:

1. Manufactured dwellings shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is elevated a minimum of eighteen inches above the BFE; or if no base depth is specified in an area of shallow flooding (flood zones AO and AH), shall be elevated at least two feet above the highest adjacent grade;

2. Manufactured dwellings supported on solid foundation walls with enclosed areas below the BFE are prohibited unless the foundation walls are designed to automatically equalize hydrostatic forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect, or meet or exceed the minimum criteria set forth in subsections (E)(2)(a)(i) through (iii) of this section;

3. The bottom of the longitudinal chassis frame beam in A zones shall be at least twelve inches above the BFE;

4. The manufactured dwelling shall be anchored to prevent flotation, collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors; and

5. Electrical crossover connections shall be a minimum of twelve inches above the BFE.

Refer to FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional information

H.I. Recreational Vehicles. In all areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the zoning ordinance must either:

1. Be placed on the site for fewer than one hundred eighty consecutive days;

2. Be fully licensed and ready for highway use; be on its wheels or jacking system; be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of subsection ~~G-H~~ of this section, Manufactured Dwellings, and including the elevation and anchoring requirements.

~~H.J.~~ Accessory Structures. Relief from the elevation or dry floodproofing ~~standards-requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones~~ may be granted for an accessory structure ~~containing no more than two hundred square feet. Such a structure must~~ that meets the following standards:

1. In compliance with State of Oregon Specialty Codes, accessory structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed accessory structure will be located more than 20 feet from all property lines. Accessory structures on properties that are zoned as non-residential are limited in size to 120 square feet.

~~1. 2.~~ Be located and constructed to minimize flood damage;

~~2. 3.~~ Be designed so as to not impede flow of flood waters under base flood conditions;

~~3. 4.~~ Be prohibited in the regulatory floodway;

~~4. 5.~~ It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;

~~5. 6.~~ Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored ~~below BFE, or where no BFE is available lower than three feet above grade, in an accessory structure~~ unless confined in a tank installed in compliance with this chapter;

~~6. 7.~~ Be constructed of flood resistant materials;

~~7. 8.~~ Be firmly anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

8. Have electrical service and/or mechanical equipment elevated or flood-proofed ~~to or a~~ minimum of one foot above the BFE as set forth in subsection (B)(3) of this section; and

9. Be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or meet the minimum design criteria set forth in subsections (E)(2)(a)(i) through (iii) of this section.

8.24.270 Interpretations and Variances

B. Variances. Exceptions to the standards and criteria of this chapter shall be made in writing to the floodplain administrator on the form provided by the city and include, at a minimum, the same information required for a floodplain development permit, a written explanation for the basis of the variance request and any necessary documentation to show the variance is warranted and meets the criteria established in subsection (B)(2) of this section.

1. Procedural Requirements. Variances shall be subject to the procedural requirements set forth in Section 17.05.400 for a Type III (quasi-judicial) review procedure.

2. Variance Criteria. The city shall approve, approve with conditions, or deny an application for a variance based on the following criteria:

e. Variances may be issued for a water-functionally dependent use; provided, that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

3. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the Base Flood Elevation increases risks to life and property. Such notification and a record of all variance actions, including justification shall be maintained in accordance with Section _____.

MOBILE FOOD CART REGULATIONS



April 13, 2021

Agenda Item: VI-B

Discussion regarding standards and regulations for Mobile Food Vendors and other vending units, such as food trucks, trailers and carts within the City of Central Point.

Staff Source

Justin Gindlesperger, Community Planner II

Background

The Central Point Municipal Code (CPMC) permits the placement and operation of mobile vending units on private property within the Tourist and Office Professional (C-4) commercial zoning district, as a permitted use, and within the Thoroughfare (C-5) commercial district, as a conditional use. The CPMC does not permit the operation of mobile vending units within the right-of-way of streets or alleys.

Discussion:

The popularity of food trucks, food carts, and mobile vending units has increased in the Rogue Valley throughout the past few years. In the past few months, the Planning Department has received several requests to increase the areas within the City that are available to mobile vending. There is interest in specific properties within the Artisan Corridor along Front Street that are for sale (the Yellow Basket property), properties with large parking areas (Poblano's and CraterWorks), or currently vacant/undeveloped properties (Creamery property at Pine Street & S. Haskell Street).

While 'mobile vending units' is not defined in CPMC 17.08 - Definitions, it is generally accepted that the term includes food trucks, trailers, and carts that are moveable vehicle(s) operating as a temporary use for the purpose of offering ready-to-eat food for sale. The use of mobile vending units is typically divided into two (2) categories: as temporary uses on private property, either individually or as a group or 'pod', and mobile vending in the right-of-way, usually in an on-street parking zone.

Central Point does not permit mobile vending units within the right-of-way and applications for units on private property would follow the site plan review process to ensure the site is compatible with the placement of the unit and there are no safety concerns. In the C-5 zone, applications for mobile vending would follow the conditional use permit process and require a public hearing before the Planning Commission. All mobile vending units are required to obtain

a business license to operate within City limits and must be licensed by the Jackson County Health Department. The City does not have additional permits or inspections of mobile vending units.

There are currently two (2) mobile vendors operating within city limits, with one (1) located along E Pine Street and one (1) unit located along S. Front Street. The zoning along Front Street does not include mobile vending as permitted uses, units have been permitted along Front Street as temporary uses. In reviewing these requests, the Planning Department has considered the locations in regard to proximity to other brick-&-mortar businesses, access and circulation, business hours, and number of days operating.

The purpose of this discussion is to identify advantages and concerns from expanding the use of mobile vending units in Central Point and discuss additional regulations, standards and permitting processes necessary to ensure safe and appropriate location and operation of these units.

Issues

Despite their popularity, the use of food trucks and other mobile vending units has been limited due to either a lack of specific regulations permitting their use or restrictions on their placement. The American Planning Association has published guidance for communities interested in expanding the use of mobile vending (Attachment “A”). As this publication points out, there are many benefits to expanding the use of mobile vending units in Central Point. But there are questions and concerns that remain, including:

- Location – where should food trucks and other mobile vendors be permitted to set up?
- Hours – how long can a food truck be open?
- Duration – how long can a food truck operate from a single location?
- Safety – can the use of food trucks be expanded without creating safety issues due to fire hazards or sanitation concerns?

Attachments

Attachment “A” – Zoning Practice – Food Truck Feeding Frenzy

Action

Discuss mobile vending in Central Point.

Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



Jill Bahm/Clearing

➡ One of the hallmarks of the current food truck boom is an increased focus on "in-truck" preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of "buying local" and "food as entertainment" that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven't disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business (www.socalmfva.com). And this fall, Roam—a first-ever industry conference for mobile food

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of September to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article.

Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Authors

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suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry (www.wsfcongress.com).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn't really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today's food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (§30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages "green carts" that offer fresh produce in certain areas of the city and has special regulations for these uses (www.nyc.gov/greencarts).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- **It provides an opportunity to increase jobs and businesses.** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- **It offers opportunities to provide food choices where zoning precludes restaurants.** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.** Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (§5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66-74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Hirschler

➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

nity and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). It a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

Jill Behm/Clearzening

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

REFERENCES

- ◆ American Heart Association. 2012. "Mobile Food Vending near Schools Policy Statement." Available at www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_446658.pdf.
- ◆ Berk, Keith, and Alan Leib. 2012. "Keeping Current: UCC—Food Truck Regulations Drive Controversy." *Business Law Today*, May. Available at <http://apps.americanbar.org/buslaw/blt/content/2012/05/keepingcurrent.pdf>.
- ◆ Edsall, Larry. 2013. "Food Trucks Inspire Mobile Bookstore," *Detroit News*, July 11. Available at www.detroitnews.com/article/20130711/AUTO03/307110040/1121/aut006/Food-trucks-inspire-mobile-bookstore.
- ◆ Frommer, Robert, and Bert Gall. 2012. *Food Truck Freedom*. Washington, D.C.: Institute for Justice. Available at www.ij.org/images/pdf_folder/economic_liberty/vending/foodtruckfreedom.pdf.
- ◆ Emergent Research. 2012. "Food Trucks Motor into the Mainstream." Intuit, December. Available at <http://network.intuit.com/wp-content/uploads/2012/12/Intuit-Food-Trucks-Report.pdf>.
- ◆ Longmont (Colorado), City of. 2011. *Mobile Food Vendors Longmont Municipal Code Amendment*. Planning & Zoning Commission Communication, June 20, 2011. Available at www.ci.longmont.co.us/planning/pz/agendas/2011/documents/final_mobilefoodvendors.pdf.
- ◆ Martinson, Gabrielle. 2013. "In its First Summer, District's Food Truck is a Success." *The Journal*, July 16. Available at www.journalimpls.com/news-feed/in-its-first-summer-districts-food-truck-is-a-success.

table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for "Food Vending Group Sites," defined as "the stationary operation of three (3) or more 'mobile food vendors' clustered together on a single private property site, public property site, or within a specific section of public right-of-way" (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

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