



# PLANNING COMMISSION AGENDA

June 7, 2022 - 6:00 p.m.

Email [planning@centralpointoregon.gov](mailto:planning@centralpointoregon.gov)  
to request a Zoom link for virtual participation

**I. MEETING CALLED TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Planning Commission members, Tom Van Voorhees (chair), Amy Moore, Jim Mock, Pat Smith, Kay Harrison, Brad Cozza, Robin Stroh

**IV. CORRESPONDENCE**

**V. MINUTES**

Review and approval of the May 3, 2022 Planning Commission meeting minutes.

**VI. PUBLIC APPEARANCES**

**VII. BUSINESS**

A. Continued Public Hearing and consideration of text amendments adding Central Point Municipal Code (CPMC) Chapter 5.44 to provide standards and application requirements for placement of mobile food vendors inside the city limits. **Applicant:** City of Central Point. **File No.** ZC-21003. **Approval Criteria:** CPMC 17.10, Zoning Text Amendments. (Gindlesperger)

B. Public hearing and consideration of a Floodplain Development Permit to complete channel restoration improvements in Horn Creek. **File no.** FP-22001. **Applicant:** City of Central Point.

**Note:** This public hearing has been cancelled and will be re-noticed at such time the City is ready to proceed. A notice of cancellation was mailed to those entitled to notification in accordance with CPMC 17.05.400.

**VIII. DISCUSSION**

**IX. ADMINISTRATIVE REVIEWS**

**X. MISCELLANEOUS**

**XI. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the Planning Commission meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail at: [deanna.casey@centralpointoregon.gov](mailto:deanna.casey@centralpointoregon.gov).

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta pública de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201.

**City of Central Point  
Planning Commission Meeting Minutes**

May 3, 2022

**I. MEETING CALLED TO ORDER AT 6:03 P.M.**

**II. Pledge of Allegiance**

**III. ROLL CALL**

Planning Commission members, Jim Mock (acting chair), Amy Moore (remotely), Brad Cozza, Kay Harrison, Pat Smith and Tom Van Voorhees (remotely)

Also in attendance were Planning Director Stephanie Holtey, Community Planner Justin Gindlesperger, Public Works Director Matt Samitore and Planning Secretary Karin Skelton.

**IV. CORESPONDENCE**

None.

**V. MINUTES**

Brad Cozza made a motion to approve the April 5, 2022 minutes. Pat Smith seconded the motion. ROLL CALL: Amy Moore, abstain; Jim Mock, yes; Brad Cozza, yes; Tom Van Voorhees, yes; Kay Harrison, abstain, Pat Smith, yes. Motion passed.

**VI. PUBLIC APPEARANCES**

None

**VII. BUSINESS**

Planning Director Stephanie Holtey requested the Planning Commission revise the order of the Public Hearings to Move item A (Mobile food vendors) to be heard last and hear items B (Scenic Site Plan and Architectural Review) and C (Scenic Class C Variance) first so the people who came to speak at these hearings would not have to wait. The Commissioners agreed.

- B. Public hearing and consideration of a Site Plan and Architectural Review application for site improvements at Scenic Middle School that include construction site access, circulation and parking lot improvements, establishing a separated bus-loading zone, construction of additional classrooms, relocating existing modular classrooms and installation of an additional modular classroom. Applicant: School District #6; Agent: O'Connor Law, LLC (Daniel B. O'Connor). File No. SPAR-22002. Approval Criteria: CPMC17.72, Site Plan and Architectural Review. (Gindlesperger)**

Acting Chair Jim Mock read the rules for a quasi-judicial hearing. The commissioners had no conflict of interest or bias to disclose. Kay Harrison stated she sits on the Bond Oversight Committee for the school district but feels this will not impact her ability to make a fair and impartial decision.

Tom Van Voorhees and Jim Mock said they had each made a site visit. Mr. Mock indicated the site visit helped him to envision the proposed bus route in relation to the

surrounding neighborhood. They both indicated they felt confident to be able to make a fair and impartial decision.

Community Planner Justin Gindlesperger stated both the Site Plan and Architectural Review and the Variance applications are being processed concurrently and it is important to focus on the criteria for each one separately. He introduced the Site Plan and Architectural Review application. He reviewed the location and configuration of the school including access points and floodplain area. He stated this project is scheduled to be completed in two phases. Phase 1 is a modification to the existing parking lot on the north, adding 45 spaces. There will be a reconfiguration of the parent drop off area to alleviate circulation problems and there is a proposed new bus route along the rear of the property. Phase 2 will provide additional classroom space.

Issues include landscape design with regard to the parking area interior and buffer design and perimeter landscape. Also a Storm water management plan is needed to address the additional impervious area.

Additionally the applicant will be required to install signage identifying the fire lane as an area of "no parking" and prohibiting unattended vehicles.

A New landscape plan will be required to address the threat of mortality to the existing trees in the parking lot due to proximity to improvements.

With regard to the proposed bus route there are 2 issues. The proximity of the existing school buildings to Aurora lane will require a Class C Variance to address the insufficient landscape buffer. This will be presented and discussed as part of the Variance application, the subsequent item on the agenda.

The improvements that extend into the area of the property that is in the floodplain will require a floodplain development permit.

With regard to the proposed bus route taking access from Aurora Lane and exiting onto Comet, the approval will depend upon whether or not the variance is granted. Mr. Gindlesperger said Staff is recommending approval of the Site Plan and Architectural Review with the bus route being contingent upon the granting of the variance.

Ms. Holtey asked if the site plan is approved and the variance is denied, will the improvements to the parking lot still be able to move forward. He said yes.

### **The Public Hearing was Opened**

#### **Dan O'Connor, Agent for Applicant School District #6. Jacksonville, Oregon**

Mr. O'Connor stated there were two concurrent applications one for a site plan review regarding parking lot improvements and new bus route and a separate variance application for landscape standards for the proposed bus route.

He said the applicant has had a meeting with an arborist and the design has been changed to protect trees that might be adversely impacted.

He indicated the proposed entrance to the school from Aurora Lane is too close to an existing residence on the east side of the project site. He said they plan to move that entrance 20 feet to the west to provide the required landscape buffer.

Mr. O'Connor said the School District has been working to improve traffic conditions for quite some time. He said he has personally observed chaotic traffic conditions during the peak drop off and pick-up times. . The extension of Rock Way has helped, however the combination of busses and parents dropping off or picking up causes traffic queuing all the way out to Scenic Ave. He added the additional parking and separation of busses and parents' vehicles would improve conditions

Mr. O'Connor reviewed the proposed bus route noting there was more than 600 feet for the busses to stack behind the fence on school property. He added they would not idle so as to keep their impact to a minimum.

Mr. O'Connor reserved the right to rebuttal.

The Commissioners discussed the option for parents to use Rock Way to enter and pick up their children at the north drop off zone in the parking lot.

Mr. O'Connor said that some do that now, but combined with the bus traffic there results in a lot of confusion. He showed the current bus route through the school property. He said the parents would not be allowed to continue to drop off children at the Aurora Lane location. Parent drop off and pick up would be limited to the north end of the parking lot. He said the primary goal was to separate cars and busses.

### **Public Comments**

#### **Mitchell and Sunshine Price (remotely)**

The Mitchells sent a chat message via Zoom stating they spoke with Spencer Davenport from the School District and he said parents would continue to be allowed to use Aurora Lane to drop off and pick up.

#### **Amy Morris** **1217 Crown Ave.**

Ms. Morris stated the traffic is already bad in the neighborhood and she did not believe parents would stop using the Aurora Lane drop off location. She outlined how her property has been impacted by students and traffic and her attempts to coordinate with the School District for some resolution to ongoing problems. She stated there were RV's, boats, trailers and cars parked on both sides of the road. There was no room for busses to drive without seriously impacting traffic. She added there were no stop signs or crosswalks in the neighborhood and bus traffic would exacerbate safety issues for pedestrians. Additionally, whatever routes the busses took out of the neighborhood would cause problems.

#### **Terry Nave** **1105 Comet**

Mr. Nave said he concurred with Ms. Morris' testimony that there was already a bad traffic situation on Aurora and adding 14 busses would only cause greater problems. He said with vehicles parked on both sides of the street leave barely enough room for the busses to travel and it would bottleneck everything and make it more difficult for

residents to leave for work or return home. He also mentioned there were students coming from Crater as well and there were already significant safety issues.

The commissioners clarified that there were sidewalks on the south side of Aurora lane only.

**Mark Saltmarsh**

**1203 Comet Ave.**

Mr. Saltmarsh stated that he agreed with Mr. Nave. He said the busses would not be able to navigate the corner from the school onto Comet Ave. He said the busses would make the current traffic situation much worse and stated that the streets aren't wide enough for bus traffic.

**Gary Pierson**

**1020 Comet Ave.**

Mr. Pierson stated the variance was the application most people were there for.

Ms. Holtey explained this application is for the SPAR which is the overall plan. If there are comments about the variance it will be the next application.

Mr. Pierson provided an aerial photo of the end of Comet Avenue and the location of the track on the school property. He expressed concern about how the busses would be able to make the turn onto Comet Ave. He expressed concern about the safety of children who walked home from school.

**Frida Ochoa**

**1205 Comet Ave**

Ms. Ochoa said she lives at the end of Comet Ave. She said all the schools in the area route children through this neighborhood. She said the traffic is extremely bad. She reported that it takes her 25 minutes to get from Comet to Upton Road in the mornings. She said there are no stop signs and no crosswalks within the neighborhood and there have been many near misses between parents dropping-off students and the pedestrian traffic. She said the streets are not made for busses. She said the garbage people won't even drive down Comet to pick up because there is no way for them to turn around. She asked if the property adjacent to the campus which is owned by the Housing Authority could possibly be used for the bus pick up and drop off.

**Amy Morris**

**1217 Crown Ave.**

Ms. Morris asked about the criteria for noticing.

Stephanie Holtey explained notices were required to be sent to all residents within 250 feet of a project. Additionally four notices were posted on the property. She said this is consistent with the City's Municipal Code. Ms. Holtey added that several years ago the noticing requirements were changed from 100 feet to 250 feet in an effort to better communicate with residents that own property around a project site. For this application, 144 notices were mailed to people living within the 250-ft radius surrounding the Scenic Middle School property.



**Sunshine Price (remotely)**

**113 Aurora Lane**

Ms. Price said she concurs with Amy Morris and Frida Ochoa. She asked if any studies or measurements were taken of Comet and Aurora. She also asked how wide a bus is.

She said she had concerns about the weight of the busses and whether they would cause damage to the track at the school as the ground there can become soggy. Also she was concerned for student safety while using the track.

Said she got information from the School District that they could not stop parents from dropping off on Aurora and pedestrians and cars would still be allowed. She said this conflicts with the school's presentation. Currently cars park on both sides of Aurora and there is no room for two cars to pass. There are no stop signs and no crosswalks. She asked if stop signs and crosswalks would be installed. She was concerned about safety for children. She also asked where will pedestrians enter and how will they avoid the bus traffic?

Ms. Price asked about emergency vehicles and how will they be able to operate with the traffic problems. She asked if this the only option?

Rebuttal

**Dan O'Connor, Agent**

Mr. O'Connor stated that most of the comments were related to the variance application. He showed the locations of the ingress and egress for the busses. He explained the duration of the bus traffic would be approximately 15 minutes twice daily during the school year. Mr. O'Connor reiterated that buses would be parked behind the existing fence and will not be idling. He said the suggestion of using the Housing Authority property was not viable as the School District did not own it. He added the proposed bus route was reviewed and approved by a licensed registered traffic engineer.

Mr. O'Connor examined the exhibit submitted by Mr. Pierson.

Public Works Director Matt Samitore asked for clarification as to whether or not parents would continue to be allowed to drop off students on Aurora. Mr. O'Connor said he spoke with Spencer Davenport of the School District and the school intended to ban access from Aurora to the school except for children who rode the bus or walked. However, he said the school does not have the power to issue citations to parents who disobey the rules. There will be a school official at the pedestrian gate on Aurora to help enforce the rule.

Amy Moore asked Mr. Samitore if there were things the city could do to alleviate some concerns, such as marking the north side of Aurora a no parking zone? Possibly put sidewalks on that side as well?

Mr. Mock suggested Mr. Samitore respond after the public hearing was closed.

**Terry Nave**  
**1105 Comet**

Mr. Nave stated that if the ban on dropping students off on Aurora can't be enforced what if the parents just drop off on another nearby street?

**Dan O'Connor**

The whole point of the parking lot expansion is to facilitate an easier drop off situation for the parents at the parking lot location.

**Gary Pierson**

**1020 Comet Ave.**

Mr. Pierson expressed concern about parking and traffic on Aurora and pedestrian safety. He asked if parking would be limited on other streets. He said property values will go down because of limited parking.

**Dan O'Connor**

Mr. O'Connor responded that there is no parking allowed on the north side of Aurora now. It is yellow striped. Mr. O'Connor requested the public hearing be closed at this point.

Ms. Holtey said unless there was new testimony the time for public comment and rebuttal should be closed.

**Sunshine Price (remotely)**

**113 Aurora Lane**

Ms. Price stated Mr. O'Connor had not answered her question regarding the dimensions of busses and traffic lanes.

**Dan O'Connor**

Mr. O'Connor said the reason he did not answer those questions is because they are relevant to the variance application not the parking lot application.

Mr. Mock acknowledged the difficulty of separating the two applications.

Ms. Holtey addressed the commissioners outlining the options for the meeting at this time

1. Close the public hearing (no motion required)
2. Keep the record open for 7 days to accept addition written testimony
3. Continue the hearing (motion and second required)

She explained that a lot of the comments concerned the Variance and it would be her suggestion the public hearing be closed so the planning commission could deliberate on the Site Plan and Architectural Review. Public comments would be allowed during the variance hearing.

**The Public Hearing was Closed.**

Mr. Gindlesperger stated the criteria for approval are in CPMC Section 17.72 and the design and development standards in 17.75. Those criteria are listed on page 38 of the Agenda Packet. The conditions of approval recommended by staff are there as well. Approval of the Site Plan and Architectural Review application would allow the school to move forward with the improvements shown, and the bus route would be contingent upon approval of the variance. Staff is recommending approval of the application with the conditions of approval listed on page 38 of the packet.

Mr. Gindlesperger stated the decision at this meeting would be a final decision on this application.

He reminded them the bus route is only approved if the variance is approved. If it is not approved, the proposed route would be subject to the standard requirements for landscape and buffer and would not go forward.

Kay Harrison Moved to approve the Site Plan and Architectural Review for Scenic Middle School on lands within the Civic zoning district. Pat Smith seconded the motion.

The commissioners clarified this was the final decision and the application was not being forwarded to the City Council. They discussed alternate bus routes and various locations where drop off and pick up might be located and the pros and cons of the various sites.

The Commissioners had concerns regarding the turning radius out of the school onto Comet.

Ms. Holtey recapped the Site Plan Architectural Review application as presented in the packet and during the staff report. She reviewed the proposed improvements including the entrance of the parking lot on the north side to expand to repave and provide a connective sidewalk system from Scenic Avenue to the campus. She reiterated that the proposed parking lot improvements add 45 parking spaces. Each space measures 9 feet by 19 feet and the drive aisles are 24 feet wide as required per the applicable standards in the code. They are also proposing additional parent drop off and pick up areas within the main parking lot.

She stated the second component of the proposed Site Plan is the Bus route. She acknowledged that there has been a lot of testimony and questions regarding the function of the bus route. Ms. Holtey reminded the Commissioners that the property is within a Civic zoning district, which which permits schools and all of the accessory facilities and uses thereto. The question is whether the proposed improvements meet the standards in the Code. She noted that the proposed bus route does not meet the landscape standards in the code and that is the reason for the request for a variance. There is a condition that if the variance is not granted the bus route would not be approved for construction.

**ROLL CALL:** Tom Van Voorhees, yes; Kay Harrison, yes; Amy Moore, yes; Pat Smith, yes; Brad Cozza, yes. Motion passed.

7:20 A 5 minute Break was announced

7:48 Meeting was reconvened

**C. Consideration of a Class "C" Variance application to the standards in CPMC 17.75.039(G) "Parking/Loading Facility Perimeter and Screening" and Table 17.75.03 "Parking/Loading Facility Perimeter and Street Frontage Landscaping" for the development of a new bus route and loading area for Scenic Middle School. The 13.58 acre site is located at 1955 Scenic Avenue and is identified on the Jackson County Assessor's map as 37S 2W 03AB,**



**Tax Lot 4300. Applicant: School District #6; Agent: O'Connor Law, LLC  
(Daniel B. O'Connor) Associated File: SPAR -22002**

Dan O'Connor requested Mr. Mock read the rules for a quasi-judicial hearing for the variance application as it was separate from the Site Plan Architectural Review.

Mr. Mock Read the rules for a quasi-judicial hearing.

The Commissioners had no conflict of interest, ex parte contact or bias to declare.

Kay Harrison stated she sits on the Bond Oversight Committee for the school district but feels this will not impact her ability to make a fair and impartial decision.

Tom Van Voorhees and Jim Mock said they had previously stated they had made a site visit which would not affect their ability to make a fair and impartial decision.

Planning Director Stephanie Holtey acknowledged the planning commissioners were volunteers from the community who would listen to staff reports and consider each application against the relevant approval criteria set forth in the Central Point Municipal Code (CPMC). She stated it was important to recognize that everyone in the room cares very much about these issues and each person deserves an orderly and respectful opportunity to express their viewpoints without interruption or distraction.

She explained the School District is attempting to address and correct issues regarding access, circulation and parking to relieve traffic congestion. The current application is a Class C Variance to address landscape buffers for the proposed bus route on the south side of the school. The location of the pavement for the bus route does not meet the standards in chapter 17.75039(G)(1). Specifically table 17.75.03. She said there is a revised staff report provided which addresses the proposed driveway on Aurora Lane which will be the entrance for the buses. The driveway was abutting the adjacent residential property and will be moved 20 feet to the west. There is also a draft resolution provided for the Commissioners' reference.

The intent of the school district is to separate the bus traffic and parent traffic in order to alleviate congestion. Currently traffic is queuing onto Scenic Avenue from the main parking area and causing problems. The expansion of the parking lot will encourage parents to drop off and pick up from that area rather than Aurora Lane.

Ms. Holtey reviewed the proposed bus route and stated there was approximately 700 feet for the busses to park and load behind the school fence. The busses would enter from Aurora Lane and exit on Comet Ave. She explained there is a 13 foot walkway and loading platform adjacent to the school building. This loading area has access to the internal campus areas.

She provided an aerial view of the school saying there is an existing loading drive coming down from the north side parking lot going around the back side of the school and ending in what appears to be a fire turn around. The proposal would extend that existing pavement and connect it to Comet Avenue and to Aurora Lane.

She provided a street view of the fence on the school property and the location of the proposed bus entrance from Aurora. She said it was 29 to 30 feet between the buildings

and the property line. She provided a street view of the area of Comet Drive where the proposed exit for the busses was located.

Ms. Holtey reviewed the proposed bus route showing a five foot existing buffer along the route between the pavement and the property line. This buffer would be continued along the proposed route to the west. On the east side there is no buffer provided along the street frontage. She explained that municipal code section 17.75.03 requires parking lot and loading areas provide landscaping and screening. The code specifies the purpose of that is to reinforce circulation routes.

The applicant is requesting the variance to allow the bus route with no street frontage buffer along Aurora Lane. The application notes that the School will maintain the existing fence to provide screening and reinforce circulation. Additionally, Ms. Holtey pointed out the area next to a residential property on Comet Way. The proposal is to maintain the existing 5-foot buffer width, which is 15-ft less than the required buffer width adjacent to residential properties.

Ms. Holtey explained that no City code can adequately address every situation. There are times when some flexibility is required to address reasonable but unique situations. That is when variances are granted. However, she stated that they are rare.

She explained the six different criteria a variance request must meet.

- Is the use appropriate
- Is there a hardship that is not self-imposed
- Is this variance materially detrimental to the purposes of the code the City policies and regulations and surrounding properties.
- Is there an Impact to existing systems
- Is this the minimum necessary

Ms. Holtey explained in detail how the variance request meets each of the criteria either outright or with a condition of approval.

The Commissioners clarified the bus route and that the busses would not park in the public right-of-way. They expressed concern about the sharp corner turning onto Comet Drive.

Ms. Holtey stated that notices were posted at four places on the school property and were mailed to residents within 250 feet of the school property.

Since the notices were sent out, verbal comments have been received from two residents. Both residents expressed concerns about quality of life and property values being negatively impacted. She added there had been a request from another resident to participate virtually in this meeting but that individual has never signed in. There have been no written comments received to-date.

Ms. Holtey asked Public Works Director Matt Samitore to provide the Public Works staff report on the application.

Mr. Samitore stated there were fire hydrants and a water cut off valve that are in direct conflict with the proposed bus route which would have to be protected. He added there

is a significant storm drain line at the end of Comet and we will need to verify there will be no damage to the storm drain system from bus traffic.

He said the proposed turning radius would need to be verified with an engineer. He said there were a lot of comments about public streets. Aurora Lane is a minor public street which was created as part of a Planned Unit Development years ago. Since that time, City standards have changed. He reviewed the streets in the Kings Court subdivision saying they were 30 to 32 feet curb to curb which is a standard city street width. There is nothing to prohibit any vehicle using those streets. Everyone has access to public streets.

Mr. Samitore said the city intersections without traffic controls are monitored annually and most of the time they do not meet warrants. He explained that there are rigorous state standards that must be met before a stop sign can be installed, however the City would be happy to do a study if there is an area of concern. He said he concurs with the traffic engineer's assessment. If traffic is able to be reduced that would be an improvement to the transportation system.

In response to the commissioners suggestion to route the busses from Aurora and travel up the existing drive to exit on Scenic, Mr. Samitore said there are topographic issues on the west side of the school which would cause problems with that route. It would take significant and expensive improvements to allow that to happen.

Ms. Holtey asked if Mr. Samitore would recommend any additional conditions of approval. He responded he would like to hear from the applicant regarding the connections for the pedestrians dropped off on Aurora. He asked if there is school person monitoring the pedestrian gate on Aurora.

Ms. Holtey asked if the site plan and architectural review was conditioned to adequately address any public works issues with the improvements. Mr. Samitore said it was. He expressed agreement with the application.

Ms. Holtey stated staff's recommendation to approve the variance application subject to the conditions of approval.

She explained the variance application needs to meet all the approval criteria in order to be approved.

The commissioners had questions regarding the turn radius onto Comet

Ms. Holtey explained there is a condition of approval to verify the turning radius is adequate.

#### **Public Hearing was opened**

#### **Dan O'Connor, Agent**

Mr. O'Connor said based on the staff's presentation there is sufficient evidence in the record to meet the criteria for approval. With regard to limiting or preventing people from dropping off and picking up on Aurora, it is suggested local children who walk to school be given special identification such as a lanyard in order to use the supervised pedestrian gate.

Existing vegetation in the 5 foot landscaping buffer will remain. He added the turn onto Comet can be designed to preserve existing vegetation and improve the radius. The School District will stipulate to these things.

He explained that without the variance to separate busses and personal vehicles, the busses would have to load and unload on Aurora which would create more problems. The variance is intended to minimize impacts to residents on Aurora by allowing the busses to load and unload off the street. He said the existing fence will partially screen the busses and they would not be idling.

He clarified there would be a school presence on Aurora encouraging parents to relocate their drop off and pick up location. He added that signage and a police presence for the first few weeks of school might help.

Mr. O'Connor said it was necessary to allow pedestrian entry at the gate on Aurora because local children use it. He acknowledged there will always be some people who do not follow the rules. He stressed that everything possible would be done to encourage drop off in the north parking lot.

**Todd Powell, Engineer.**

Mr. Powell stated all possible bus routes have been thoroughly explored, but could not make them work to alleviate the problems. They needed to address the traffic queuing up all the way to Scenic and the conflicts between parents' vehicles and busses. They needed to create additional space for parent drop off. Just rerouting the busses did not create that space. After describing all of the alternatives explored, Mr. Powell explained separating busses and expanding the north parking lot was found to be the only viable solution to minimize traffic congestion.

He explained the turn for busses onto Comet was designed using a radius of 25 feet which is what is standard for emergency vehicles including fire trucks. He noted that the proposed radius is actually 30 feet. In addition, the width of the paved lane is 15.5 feet which will allow the busses to increase that radius at they turn onto Comet.

He said the application drawings are for planning purposes. The engineering will not be done until after the application is approved, which is typical for any development process.

Regarding the relocation or preservation of fire hydrants, they will be relocated and replaced to bring them up to code. He added the storm drain would be protected.

Mr. O'Connor reserved the right to rebuttal

**Public Hearing Opened.**

Mr. Mock asked for the approval criteria be displayed.

Mr. Mock requested comments to be directed to the approval criteria.

**Amy Morris**  
**1217 Crown Ave.**

Ms. Morris stated the curb across from her house is not red it is yellow and does not continue very far beyond the gate. She said people always park there, including teachers. She said expanding the parking lot was a good idea. She was concerned about removal of any existing landscaping across from her house because that would expose the buses more. She said the fence is not sufficient to mask the busses. She added that property values would be negatively impacted. She outlined ongoing problems impacting her property with the school traffic, both pedestrian and vehicular. She has not been able to resolve these problems with the school. Ms. Morris stated the lanyard suggestion would not work because the students would lose them. She expressed her frustration with the proposed bus route and the problems it would cause, stating that as citizens their opinions should be considered, along with the negative impact to their properties.

**Mitchell Price (remotely)**  
**113 Aurora**

Mr. Price expressed appreciation for the City staff efforts to present clear and understandable data. He said the residents of the neighborhood were not given any advance notice nor had their input been solicited.

He said he concurred with his wife's comments [on the Site Plan Architectural Review].

He said the proposal fixes one problem and creates others.. He felt the outcome should be a "win/win" situation for all.

Mr. Price said Central Point Municipal Code (CPMC) 17.75.03(G) states  
"The parking lot landscaping shall be used to reinforce pedestrian and vehicular circulation, including parking lot entries, pedestrian access ways and parking aisles."

He said there would be safety issues with children arriving on foot trying to navigate through the busses to the school. He stated the code says "to achieve this objective, the following minimum standards shall apply. However additional landscaping may be recommended during the site plan." Mr. Price said the applicant was not meeting these standards. He stated he also felt that there was no visual buffering and the busses would be visible even behind the fence.

Mr. Price referenced CPMC 17.75.03 regarding planting areas and expressed dismay that none of those requirements would be met if the variance was granted.

He read from CPMC 17.75.03 (1) Perimeter and Street Frontage Landscaping Requirements. "The perimeter and street frontage of all parking facilities shall be landscaped according to the standards set forth in the table." He observed this also was not going to be followed. He commented that he thought the City should follow the rules set forth in the CPMC. He said his children attended Scenic and now Crater and he appreciated the school district, but he could understand the feelings of the residents.

Mr. Price referenced CPMC 17.64.01 saying it had to do with loading requirements. He read (E), "In no case shall any portion of the street or alley be counted as a part of the required parking or loading space. Such spaces shall be designed and located as to avoid undue interference with the public use of streets or alleys." He stated his belief



was that the busses would cause undue interference with the public use of the streets or alleys and the variance should be denied because of this.

Mr. Price referenced CPMC 17.75.13(1), General Connectivity, Circulation and Access Standards. "In achieving the objective of maintaining and enhancing the City's small town environment it is the City's goal to base its development pattern on a general circulation grid using a workable block system." He stated the variance should be denied because it did not follow this code.

Mr. Price said he thought the City should work with the School District on improving Scenic Avenue. In all the time the school has been here the street has not be widened or signaled or had any four way stops installed. He said there should also be a dedicated bus lane.

Mr. Price expressed his opinion that lanyards would not work and simply asking parents to relocate the drop off location to the north parking lot would not work.

**Mark Saltmarsh**  
**1203 Comet Ave**

Mr. Saltmarsh stated the gate at the end of Comet is currently locked and he thought if it was unlocked parents would attempt to drop off or pick up there and would conflict with the busses leaving the school.

**Gary Pierson**  
**1020 Comet Ave**

Mr. Pierson expressed concern about the variance saying it seemed quite a stretch to try to justify it. He thought the turn onto Comet was too sharp and did not think the variance should be approved until it was proven the busses could make the turn. He asked how often variances were granted. He believed it was excessive to allow such severe reduction to the code standards. He expressed concern about the floodplain and impact on Griffin Creek.

Ms. Holtey responded that Griffin Creek is a natural stream and it is a fish bearing stream.

Mr. Pierson stated those impacts needed to be considered.

**Frida Ochoa**  
**1205 Comet Ave.**

Ms. Ochoa said she was concerned about busses making the corner onto Comet and possibly hitting her home or various cars belonging to family members who parked in the street. She said the street was not wide enough for busses. The garbage men wouldn't drive down the street because they could not turn around. It was too narrow. She was concerned their end of the street might be designated a no parking zone to accommodate the busses.

Rebuttal

**Dan O'Connor, Agent**

Mr. O'Connor showed the slide with the site plan of the school property. He stated he believed the lanyard system would work. He said the school official at the pedestrian

gate will be able to recognize the children who regularly access the school at that point. The lanyards can be replaced if lost. He did not believe the arguments in opposition pertained to the application.

He stated he wanted to be very clear. He acknowledged the concerns of the residents and stated the School District was not trying to spring anything on anyone. He explained the situation was a serious safety issue. He showed how the traffic queued on Scenic Avenue. He said they needed to separate the busses from the parental vehicles. He said he did not think people were understanding this south bus route could be designed without any need for a variance. The variance is intended to minimize impacts on the residents to the south. Mr. O'Connor said he agreed with the comment about the yellow curb and the teachers parking there. He said once the parking lot is expanded they will be directed to park in the lot. That strip of the street would be designated as a no parking area. He acknowledged some parents might unload at that location but it would be only a minute or two and not all day parking. He reiterated the intention of the variance was to minimize impacts on the property owners to the south.

Mr. O'Connor stated that concludes his rebuttal. He requested that the public record now be closed.

#### **The Public Hearing was closed**

Matt Samitore stated the City could place a reader board at the entrance to the school indicating local access only, with no drop off.

Brad Cozza Made a motion to approve the variance request, Resolution 896. Amy Moore seconded the motion.

The Commissioners requested the approval criteria be displayed again.

They acknowledged the valid concerns of the property owners. They noted the street is 32 feet wide. There are no other areas in the City where bus access is restricted.

They discussed whether or not they believed this was self-imposed by the School District.

There was concern about parents continuing to drop off children on Aurora. They agreed that having Public Works review the neighborhood to see if stop signs were warranted would be a help. They discussed safety issues and acknowledged the parking lot did need improvement.

They noted the busses could simply use Aurora to load and unload without going onto the school property. They acknowledged moving the busses off the street made sense.

They clarified the reason for the improvements and bus route was to separate the busses and passenger vehicles. They acknowledged there would still be safety issues with children entering from Aurora and having to cross where the busses were waiting to load. They stressed the fact that solid communication from the school regarding the changes would be important.

Amy Moore stated the approval criteria have been met. She said it is unfortunate the situation on Aurora has existed for so long and there should be ongoing efforts to improve traffic at that location.

They discussed the traffic issues on Scenic Avenue and possible mitigation efforts. Matt Samitore stated there could be no new evidence entertained. He said all the intersections were identified for planned improvements over the next 20 years as set forth in the Transportation System Plan.

ROLL CALL: Tom Van Voorhees, no; Kay Harrison, no; Amy Moore, yes; Pat Smith, yes; Brad Cozza, yes. Motion passed.

**A. Public Hearing and consideration of text amendments adding Central Point Municipal Code (CPMC) Chapter 5.44 to provide standards and application requirements for placement of mobile food vendors inside the city limits. Applicant: City of Central point. File No. ZE-21003. Approval Criteria: CPMC 17.10, Zoning Text Amendments (Gindlesperger)**

The Commissioners agreed that due to the time, this item should be continued.

Justin Gindlesperger introduced the text amendments adding Chapter 5.44 for mobile food vendors. He recommended the public hearing be opened and continued to the June 7, 2022 Planning Commission meeting.

**The Public hearing was opened.**

Tom Van Voorhees made a motion to continue the public hearing to the June 7, 2022 meeting. Kay Harrison seconded the motion.

ROLL CALL: Tom Van Voorhees, yes; Kay Harrison, yes; Pat Smith, yes; Amy Moore, yes; Brad Cozza, yes. Motion passed.

**VIII. DISCUSSION**

**VIII. ADMINISTRATIVE REVIEWS**  
None.

**X. MICELLANEOUS**

**X. ADJOURNMENT**

Pat Smith moved to adjourn the meeting. All members said aye. Meeting was adjourned at 9:54 p.m.

---

Tom VanVoohees, Planning Commission Chair

June 7, 2022

### **Item Summary**

Public hearing for text amendments to expand opportunities for mobile food vendors, establish clear standards, and create an application process for authorizing mobile food vendors on a temporary and semi-permanent basis within City limits. **Applicant:** City of Central Point.

### **Staff Source**

Justin Gindlesperger, Community Planner II

### **Background**

In response to increased interest from the public in permitting food trucks in Central Point, the Citizens Advisory Committee (CAC) and Planning Commission met throughout last year (2021) to evaluate expanding the use of food trucks, permitting other mobile food businesses, and discuss possible regulations for their use within the City. The intent of the amendments is to provide clear standards and application procedures to expand opportunities for mobile food businesses in the City.

On March 3, 2022, the Planning Commission considered the mobile food business text amendments and forwarded them to City Council with a recommendation for approval. Prior to the City Council hearing, a few questions and changes were suggested by the City's legal counsel during legal review that exceeded the scope of the Planning Commission's recommendation. For this reason, staff is bringing the mobile food business amendments back to the Planning Commission. At the April 5<sup>th</sup> Planning Commission meeting, the code amendments and changes were included as an information and discussion item.

The public hearing scheduled on May 3<sup>rd</sup> was continued until June 7<sup>th</sup> for Planning Commission consideration of the recommended changes. At the June 7<sup>th</sup> meeting, staff will present the recommended changes for formal consideration and public hearing.

### **Issues**

The primary issue in considering the amendments for mobile food businesses is to establish clear standards for the expanded use of mobile food businesses that are consistent with statewide planning goals and the Central Point Comprehensive Plan.

### **Findings of Fact and Conclusions of Law**

The proposed zoning text amendments have been reviewed against and found to comply with the applicable review criteria in CPMC 17.10, Zoning Map and Text Amendments as

demonstrated in the Planning Department Findings of Fact and Conclusions of Law (Attachment "B").

**Action**

Open a public hearing and consider the proposed text amendments to CPMC 5.44, Mobile Food Businesses, close the public hearing and 1) forward to the Council for approval, 2) make revisions and forward the ordinance to the Council, or 3) deny the application.

**Recommendation**

Approve Resolution No. 894, a Resolution recommending approval of the amendments to CPMC 5.44, Mobile Food Businesses.

**Attachments**

Attachment "A-1" – Draft Amendments to CPMC 5.44

Attachment "A-2" – Draft Amendments to Title 17 - Zoning

Attachment "B" – Planning Department Findings of Fact

Attachment "C" – Resolution No. 894



## **CPMC 5.44 Mobile Food Businesses**

5.44.010	Purpose
5.44.020	Definitions
5.44.030	Mobile Food Vendors
5.44.040	Mobile Food Pods
5.44.050	Mobile Food Courts
5.44.060	Specialty Food Vendors
5.44.070	Denial, revocation or suspension of permit
5.44.080	Penalties

### **5.44.010 Purpose.**

Expand opportunities for mobile food businesses and establish clear standards and application process for authorizing mobile food businesses on a temporary and semi-permanent basis.

### **5.44.020 Definitions.**

A. "Mobile Food Business" means mobile food services provided in a motorized vehicle, trailer or push cart located on private property with permission of the property owner(s). There are four (4) types of mobile food businesses for purposes of this code:

1. "Mobile Food Vendor" means a single mobile food retailer that is located on single parcel of land.
2. "Mobile Food Pod" means two (2) to three (3) Mobile Food Vendors that are located on a single parcel of land.
3. "Mobile Food Court" means a group of four (4) to twelve (12) Mobile Food Vendors located on a single parcel of land.
4. "Specialty Food Vendor" means a mobile retailer of pre-packaged or whole food products that do not involve onsite preparation. Specialty food vendors operate for durations that do not exceed fifteen (15) minute time periods **in public and private parking lots with owner consent, and the public-right-of-way**. An example of a specialty food vendor is an ice cream truck.

**B. "Mobile Food Vendor Permit" means a permit that applies to Mobile Food Vendors and Specialty Food Vendors in accordance with the standards set forth in CPMC 5.44 as provided below.**

### **5.44.030 Mobile Food Vendors.**

A. Applicability.

1. Permitted Use. Mobile Food Vendors shall be a permitted use on privately owned property in the C-N, C-4, C-5, GC, M-1, M-2 and Civic zoning districts subject to the application procedures and standards in items B-D of this section below.

2. **Special Events.** Mobile Food Vendors associated with Special Events as defined in CPMC 5.42 shall obtain a Special Event Permit from the Parks Department and are exempt from the requirements of this Chapter.
  3. **Parks.** Mobile Food Vendors are only permitted in **Don Jones Park, Pfaff Park, and Twin Creeks Park** subject to a Special Event Permit obtained by the Parks Department. Mobile Food Vendors are not permitted in any other parks or the public right-of-way.
- B. **Application Requirements.** Mobile Food Vendors shall obtain the required application approvals, as applicable, prior to locating and operating the Mobile Food Vendor business as follows:
1. **Minor Site Plan & Architectural Review Approval (Type I).** **Except as provided in subsection 5.44.030(A)(2-3), a Minor Site Plan and Architectural Review (Type I) is required to verify that the proposed location for a Mobile Food Vendor business is consistent with Site Plan and Architectural Review standards for development in the city in accordance with CPMC 17.72 and the Mobile Food Vendor site standards identified in Section 5.44.030(C). Type I procedures are set forth in CPMC 17.05.200.**
  2. **Business License.** Mobile Food Vendors shall obtain a business license prior to conducting business per CPMC 5.04.030.
  3. **Mobile Food Vendor Permit** is required for individual Mobile Food Vendors subject to demonstrated conformance with the site standards in accordance with Sections 5.44.030(B)(1) or 5.44.040(B)(1); and, the operational standards in 5.44.030(C), respectively.
  4. Jackson County Environmental Health Permit.
  5. Oregon Liquor and Cannabis Commission (OLCC) Liquor License and Alcohol Service Permits if alcohol sales are part of the mobile food business.
- C. **Mobile Food Vendor Standards.** The following site and operational standards shall apply to Mobile Food Vendors:
1. **Operational Requirements.**
    - a. Business activity shall be limited to the hours of 7:00 a.m. to 11:00 p.m.
    - b. Mobile Food Vendor vehicle (i.e. truck, trailer or pushcart) shall be removed from the site each day when the business activities have ceased.
  2. **Location Requirements.**

- a. Mobile Food Vendor vehicle (i.e. pushcart, truck, trailer ,etc.) shall comply the base zone setbacks set forth in Title 17, the clear vision areas in the Public Works Standard Specifications and the following location requirements:
  - b. The Mobile Food Vendor vehicle shall be placed on a paved surface.
  - c. **The Mobile Food Vendor shall be located:**
    - 1. **Except as provided in 5.44.040.C.3 at least 50-ft from other permitted Mobile Food Vendor location(s);**
    - 2. **A minimum of 15-feet from a fire hydrant; and**
    - 3. **At least 300-feet from residential zoning districts if the Mobile Food Vendor utilizes a generator for power.**
  - d. Mobile Food Vendors, including all items associated with their operation, shall be located to avoid obstructing any existing or required pedestrian pathway, driveway, and drive aisles; and,
  - e. Mobile Food Vendors shall not create a traffic or safety hazard.
3. **Parking.**
- a. The Mobile Food Vendor vehicle shall not occupy required off-street parking spaces for the primary use on the site.
  - b. Two (2) off-street parking spaces shall be provided in accordance with the off-street parking standards in CPMC 17.75.039.
  - c. Shared parking between the Mobile Food Vendor and the primary use is subject to the requirements in CPMC 17.64.040(D).
4. **Utilities.** The Mobile Food Vendor vehicle shall be self-contained unless the site has permanent utility connections permitted by the Central Point Building Official.
- a. Temporary connection to power is permitted provided that extension cords are covered or screened to prevent a tripping hazard.
  - b. Generators used for mobile food businesses **shall be consistent with applicable Fire Code.**
5. **Support Equipment and Accessories.**
- a. Awning(s) may be provided to shelter customers provided the awning(s) are integral to the Mobile Food Vendor vehicle, have a minimum vertical

clearance of seven (7) feet eight (8) inches, and be able to be closed or removed.

- b. No support equipment or accessories, including but not limited to counters, awnings, etc. shall extend more than four (4) feet from the edge of the cart, trailer or vehicle in any direction.
  - c. The cooking mechanism, including BBQ grills must be enclosed and permanently built into the structure of the vehicle.
6. Signage shall be limited to what can be physically attached to the vehicle, except for temporary signs authorized by Chapter 15.24. Unsecured menu boards and sidewalk signs are prohibited.
7. Trash and Recycling.
- a. Mobile Food Vendors shall provide trash and recycling receptacles for use by business patrons.
  - b. Mobile Food Vendor operators are responsible for keeping the site and adjacent right-of-way areas clean and attractive. Operators shall collect and appropriately dispose of any litter on the same throughout operating hours.
8. No waste shall be discharged into the city's storm drain system, directly or indirectly, as provided in CPMC 8.05, Storm Drain Protection.

#### **5.44.040 Mobile Food Pods.**

- A. Applicability. Mobile Food Pods shall be a permitted use on privately owned property in the C-N, C-4, C-5, GC, M-1, M-2, and Civic zoning districts subject to the application requirements and standards in Sections 5.44.040(B-C).**
- B. Application Requirements. Mobile Food Pod locations and Mobile Food Vendors operating within approved Mobile Food Pod are subject to the following application requirements:**
- 1. Major Site Plan & Architectural Review Approval (Type II) is required to verify that the proposed location and configuration of a Mobile Food Pod meets the Site Plan and Architectural Review requirements for development in the city in accordance with CPMC 17.72 and the Mobile Food Pod site standards in CPMC 5.44.040(C). This application applies to the property owner or authorized agent to establish an approved Mobile Food Pod that can accommodate individual Mobile Food Vendors. Type II procedures are set forth in CPMC 17.05.300.**
  - 2. Each Mobile Food Vendor within an approved Mobile Food Pod shall satisfy the application requirements for Mobile Food Vendors per CPMC 5.44.030(B)(2-5).**

**C. Mobile Food Pod Standards. The following site and operation standards shall apply to Mobile Food Pods:**

1. **The site plan and architectural development standards are consistent with the base zoning district;**
2. **Design and development standards in CPMC 17.75, as applicable; and**
3. **Mobile Food Vendor standards in CPMC 5.44.030(C), except that the minimum distance between Mobile Food Vendors within a mobile food pod shall be 10-feet.**

**5.44.050 Mobile Food Courts.**

**A. Applicability.** Mobile Food Courts shall be a conditional use on privately owned property in the CN, C-4, C-5, and GC zoning districts subject to the application requirements and standards in Sections 5.44.050(B-C).

**B. Application Requirements. Mobile Food Courts shall obtain the following application approvals in accordance with CPMC 17.05.100, Table 17.05.1:**

- a. **Conditional Use Permit approval is required in accordance with the application requirements and criteria in CPMC 17.76. As provided in Table 17.05.01, Conditional Use Permits are subject to Type III procedures set forth in CPMC 17.05.400.**
- b. **Major Site Plan & Architectural Review is required to verify that the proposed location and configuration of a Mobile Food Court meets the development standards for the base zoning district in accordance with CPMC 17.72 or CPMC 17.66, as applicable, and the Mobile Food Court site standards in CPMC 5.44.050(C). As provided in Table 17.05.01, the Major Site Plan Review for Mobile Food Courts shall be subject to Type III procedures set forth in CPMC 17.05.400.**

2. **Each Mobile Food Vendor within an approved Mobile Food Court shall satisfy the application requirements for Mobile Food Vendors per CPMC 5.44.030(B)(2-5).**

**C. Mobile Food Court Standards. The site and operation standards for Mobile Food Vendors and Mobile Food Pods in CPMC 5.44.030(C) and 5.44.040(C), respectively, shall apply to Mobile Food Courts except as modified below:**

1. **Overnight parking is allowed provided that each mobile food business vehicle remains operable and road-ready.**



2. Designated, paved parking pads shall be provided for each mobile food vehicle to be located within the Mobile Food Court.
3. Outdoor equipment and accessories are permitted and include items such as tables and seating, canopies, grills, and other amenities for guests.
4. Restroom facilities shall be plumbed in accordance with the Oregon Specialty Building Codes. No portable/chemical toilets are permitted.
5. Full utility connections shall be provided for mobile food businesses operating in the Mobile Food Court, including:
  - a. Water.
    - i. A site dedicated master water meter is required. The size, installation and applicable fees shall be coordinated with the Public Works Department.
    - ii. Private water line extensions from the master water meter to each vendor shall be required per the Uniform Plumbing Code.
  - b. Sanitary sewer. The Mobile Food Court shall be connected to sanitary sewer lines consistent with Rogue Valley Sewer Services requirements.
  - c. Underground power shall be stubbed to each mobile food business parking pad.

#### 5.44.060 Specialty Mobile Food Vendor.

Specialty Mobile Food Vendors shall obtain a Central Point Business License **and Mobile Food Vendor Permit**. Specialty Mobile Food Vendors are subject to the following requirements:

- A. Specialty Mobile Food Vendors may be authorized to conduct business **within the public right-of-way, and public and private parking lots with written property owner consent**.
- B. Specialty food vendors shall limit the length of sales activity to no more than fifteen (15) minutes in a single **location in the public right-of-way and no more than fifteen (15) minutes in a parking lot on public or private property. Moving the Specialty Food Vendor vehicle to a new space on the same property to conduct sales activity in excess of fifteen (15) minutes is prohibited and shall be grounds for suspending, revoking or denying future Specialty Food Vendor permit as provided in Section 5.44.070 and/or 5.44.080.**
- C. Specialty Food Vendors shall not impede traffic on any road right-of-way.
- D. Trash receptacles shall be provided by the Specialty Food Vendor for customers.

E. Specialty Food Vendors shall be limited to operating between 10:00 a.m. and 7:00 p.m.

#### 5.44.070 Denial, Revocation or Suspension of Permit.

- A. The **Planning Director or designee** may deny, revoke or suspend a **Mobile Food Vendor Permit** upon finding that any provision herein or condition of approval will be or has been violated.
- B. Upon denial, revocation or suspension of a permit as described in subsection (A) above, **the Planning Director or designee** shall give written notice of such action to the applicant or permittee stating the action taken and the reason. The decision shall be effective immediately. **The Planning Director's decision is final and may not be appealed.**

#### 5.44.080 Penalties.

Any violation of this chapter shall be an infraction as defined in Section 1.16.010 and is punishable by a fine as set forth in that section. **The Planning Director** or designee is authorized to issue a citation to any person or business violating the provisions of this chapter. After two (2) infractions, **the Mobile Food Vendor Permit** authorization shall be revoked for a period of at least one (1) year.

Title 17  
ZONING

Chapters:

- 17.05 Applications and Development Review Procedures
  - 17.05.100, Table 17.05.1
- 17.29 Civic District
  - 17.29.050 Use categories and zone districts
- 17.32 C-N, Neighborhood Commercial District
  - 17.32.020 Permitted Uses
  - 17.32.030 Conditional Uses
- 17.44 C-4, Tourist and Office-Professional District
  - 17.44.020 Permitted Uses
  - 17.44.030 Conditional Uses
- 17.46 C-5, Thoroughfare Commercial District
  - 17.46.020 Permitted Uses
  - 17.46.030 Conditional Uses
- 17.48 M-1, Industrial District
  - 17.46.020 Permitted Uses
  - 17.46.030 Conditional Uses
- 17.65 TOD Districts and Corridors
  - 17.65.050 Zoning regulations – TOD district Table 1

**TABLE 17.05.1**

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Annexation				
Quasi-Judicial	Type III	Chapter <a href="#">1.20</a>	City Council	No
Legislative	Type IV	Chapter <a href="#">1.20</a>	City Council	No
Comprehensive Plan & UGB Amendments				
Major	Type IV	Chapter <a href="#">17.96</a>	City Council	No
Minor	Type III	Chapter <a href="#">17.96</a>	City Council	No
Conditional Use Permit	Type III	Chapter <a href="#">17.76</a>	Planning Commission	Yes
Conversion Plan	Type II	Chapter <a href="#">16.32</a>	Director	Yes
Extensions				
Type I Procedures	Type I	Section <a href="#">17.05.200(G)</a>	Director	Yes
Type II Procedures	Type II	Section <a href="#">17.05.300(G)</a>	Director	Yes
Home Occupation	Type I	Section <a href="#">17.60.190</a>	Director	Yes

**TABLE 17.05.1**

<b>LAND DEVELOPMENT PERMIT*</b>	<b>PROCEDURAL TYPE</b>	<b>APPLICABLE REGULATIONS</b>	<b>APPROVING AUTHORITY</b>	<b>120-DAY RULE</b>
<b>Mobile Food Business</b>				
<b>Mobile Food Vendor</b>	<b>Type I</b>	<b>Section 5.44.030 Chapter 17.72</b>	<b>Director</b>	<b>Yes</b>
<b>Mobile Food Pod</b>	<b>Type II</b>	<b>Section 5.44.040 Chapter 17.72</b>	<b>Director</b>	<b>Yes</b>
<b>Mobile Food Court</b>	<b>Type III</b>	<b>Section 5.44.050 Chapter 17.76 Chapter 17.72</b>	<b>Planning Commission</b>	<b>Yes</b>
<b>Specialty Food Vendor</b>	<b>Type I</b>	<b>Section 5.44.060</b>	<b>Director</b>	<b>No</b>
<b>Land Division</b>				
Tentative Plan, Partition	Type II	Chapter <a href="#">16.36</a>	Director	Yes
Tentative Plan, Subdivision	Type III	Chapter <a href="#">16.10</a>	Planning Commission	Yes
Final Plat	Type I	Chapter <a href="#">16.12</a>	Director	No
<b>Property Line Adjustment/Consolidation</b>	Type I	Chapter <a href="#">16.10</a>	Director	Yes
<b>Modification of Approval</b>				
Major	Type III	Section <a href="#">17.09.300</a>	Planning Commission	Yes
Minor	Type II	Section <a href="#">17.09.400</a>	Director	Yes
<b>Nonconforming Use Designation</b>	Type III	Section <a href="#">17.56.040</a>	Planning Commission	No
<b>Planned Unit Development</b>	Type III	Chapter <a href="#">17.68</a>	Planning Commission	Yes
<b>Right-of-Way Vacation</b>	Type IV	Chapter <a href="#">12.28</a>	City Council	No
<b>Site Plan and Architectural Review</b>				
Minor	Type I	Chapter <a href="#">17.72</a>	Director	Yes
Major	Type II	Chapter <a href="#">17.72</a>	Director	Yes
<b>TOD District/Corridor Master Plan</b>	Type III	Chapter <a href="#">17.66</a>	Planning Commission	Yes
<b>Tree Removal</b>	Type II	Chapter <a href="#">12.36</a>	Director	Yes

**TABLE 17.05.1**

<b>LAND DEVELOPMENT PERMIT*</b>	<b>PROCEDURAL TYPE</b>	<b>APPLICABLE REGULATIONS</b>	<b>APPROVING AUTHORITY</b>	<b>120-DAY RULE</b>
Variance				
Class A	Type II	Section <a href="#">17.13.300</a>	Director	Yes
Class B	Type III	Section <a href="#">17.13.400</a>	Planning Commission	Yes
Class C	Type III	Section <a href="#">17.13.500</a>	Planning Commission	Yes
Zoning Map and Zoning and Land Division Code Text Amendments				
Minor	Type III	Chapter <a href="#">17.10</a>	City Council	Yes
Major	Type IV	Chapter <a href="#">17.10</a>	City Council	No

\* An applicant may be required to obtain approvals from other agencies, such as the Oregon Department of Transportation, or Rogue Valley Sewer. The city may notify other agencies of applications that may affect their facilities or services.

17.29.050 Use categories and zone districts.

<b>Use Categories</b>	<b>Civic Zoning (C)</b>
<b>Commercial</b>	
Entertainment	N
Professional Office	N
<u>Retail Sales and Service</u>	
Sales-Oriented/Concessions	C1
<b>Mobile Food Vendors and Mobile Food Pods</b>	<b>L2</b>
Personal Service-Oriented	N
Repair-Oriented	N
Drive-Through Facilities	C1
Quick Vehicle Service	N
Vehicle Sales, Rental and Repair	N

N – Not permitted  
P – Permitted  
C – Conditional Use

C1 – Conditional Use limiting sales oriented space to a maximum of four hundred square feet

L1 – School athletic and play fields only. School building and parking lots not permitted.

**L2 – Mobile Food Vendors and Mobile Food Pods are only allowed subject to the requirements in CPMC 5.44, Mobile Food Businesses.**

#### 17.32.020 Permitted Uses

The following uses and their accessory uses are permitted outright, subject to compliance with all applicable municipal, State and Federal environmental, health, and safety regulations as well as the requirements for site plans in Chapter 17.72:

- A. Professional and financial offices and personal service establishments;
- B. Retail stores, shops and offices supplying commodities or performing services other than vehicle and fuel sales;
- C. Eating and drinking establishments **including Mobile Food Vendors and Mobile Food Pods as provided in CPMC 5.44;**
- D. Desktop publishing, xerography, copy centers;
- E. Temporary tree sales, from November 1st to January 1st;
- F. Public and quasi-public utility and service buildings, structures and uses;
- G. Neighborhood shopping centers, which may include any of the permitted uses in this section;
- H. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and with the intent of the C-4 district as provided in Section [17.60.140](#), Authorization for similar uses.

#### 17.32.030 Conditional Uses

The following uses and their accessory uses are permitted in the C-N district when authorized in accordance with Chapter [17.76](#) of this title:

- A. Automobile repair facilities and related fuel sales;
- B. Outdoor storage of commodities associated with a permitted, special permitted or conditional use. All storage shall be within an area surrounded by a solid wall or fence six feet in height unless otherwise specified in the conditional use permit. In no case shall materials or equipment be stored higher than the wall or fence;
- C. Churches or similar religious institutions;
- D. Medical or dental offices and similar health care services;
- E. Family-oriented commercial recreation establishments including, but not limited to, pool/billiard centers, health spas, exercise or physical fitness centers, martial arts schools, arcades/amusement centers, and similar facilities that are neighborhood oriented and consistent with the purpose and intent of the neighborhood convenience center.
- F. **Mobile Food Courts as provided in CPMC 5.44.**



### 17.44.020 Permitted Uses

The following uses are permitted in the C-4 district:

- B. Tourist and entertainment-related facilities, including but not limited to:
  1. Convenience market, meat, poultry, fish and seafood sales; fruit and beverage stands;
  2. Drugstores;
  3. Automobile service station, automobile and recreational vehicle parts sales and repairs, and truck rentals;
  4. Motel and hotel;
  5. Walk-in movie theater;
  6. Bowling alley;
  7. Photo and art galleries;
  8. Photo processing pickup station;
  9. Travel agencies;
  10. Barber and beauty shops;
  11. Sit-down restaurants or dinner houses (including alcohol);
  12. Cocktail lounges and clubs serving alcoholic beverages;
  13. Tavern with beer only;
  14. Commercial parking lot;
  15. Community shopping centers which may include any of the permitted uses in this section and may also include but not be limited to:
    - a. Supermarkets;
    - b. Department stores;
    - c. Sporting goods;
    - d. Books and stationery;
    - e. Gifts, notions and variety;
    - f. Florists;
    - g. Leather goods and luggage;
    - h. Pet sales and related supplies;
    - i. Photographic supplies;
    - j. Health food;
    - k. Self-service laundry;
    - l. Antique shop;
    - m. Delicatessen;
    - n. Pastry and confectionery;
    - o. General apparel;
    - p. Shoes and boots;
    - q. Specialty apparel;
    - r. Jewelry;
    - s. Clocks and watches, sales and service;
    - t. Bakery, retail only;
    - u. Bicycle shop;
    - v. Audio, video, electronic sales and service;
    - w. Printing, lithography and publishing;

16. **Mobile Food Vendors and Mobile Food Pods as provided in CPMC 5.44;**
17. State-regulated package liquor stores;
18. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and with the intent of the C-4 district as provided in Section [17.60.140](#), Authorization for similar uses;
19. Large retail establishments.

#### 17.44.030 Conditional Uses

A. The following uses are permitted in the C-4 district when authorized in accordance with Chapter [17.76](#), Conditional Use Permits:

1. Campgrounds and recreational vehicle overnight facilities;
2. Drive-in movie theater;
3. Golf course/driving range;
4. Ice and roller skating rinks;
5. Dance halls;
6. Billiard/pool halls;
7. Miniature golf courses;
8. Amusement center (pinball, games, etc.);
9. Nonindustrial business/vocational schools;
10. Physical fitness/conditioning center; martial arts schools;
11. Carwash;
12. Taxicab dispatch office;
13. Ambulance/emergency services;
14. Day care center;
15. Drive-in fast food outlets;
16. Other specialty food outlets, **including Mobile Food Courts as provided in CPMC 5.44;**
17. Television and radio broadcasting studio;
18. Accessory buildings and uses customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure;

19. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

17.46.020 Permitted Uses

The following uses are permitted in the C-5 district:

C. Retail outlets, including but not limited to:

1. Auto and truck sales (new and used),
2. Tire sales and service,
3. Glass and mirror sales and service,
4. Wallcovering, floorcovering, curtains, etc.,
5. Major appliances sales and service,
6. Hardware sales,
7. Monument sales,
8. Supermarket,
9. Convenience market,
10. Drugstore,
11. Feed, seed and fuel (within enclosed structure),
12. Electrical and plumbing supplies,
13. Heating and air-conditioning equipment;
14. Stone, tile and masonry supplies,
15. Nursery and gardening materials and supplies,
16. Antique shop,
17. Art and engineering supplies,
18. Pawnshop,
19. Sit-down restaurants, including service of beer, wine and liquor,
20. Drive-in fast food establishments,
21. Tavern, beer sales only,
22. Public/quasi-public utilities and services,
23. Florist sales,
24. Pet sales,

25. General apparel;
26. Furniture sales, including used furniture,
27. Sporting goods sales, including firearms,
28. State-regulated package liquor stores,
29. Community shopping centers, which may include any of the permitted uses in this section and the C-4 district,
30. Large retail establishment eighty thousand square feet or less as defined in Section [17.08.010](#), Retail establishment, large; and,
31. **Mobile Food Vendors and Mobile Food Pods as provided in CPMC 5.44.**

17.46.030 Conditional Uses

The following uses are permitted in the C-5 district when authorized in accordance with Chapter [17.76](#):

1. Automobile and truck paint shops;
2. Recreational vehicle overnight facilities;
3. Drive-in movie theater;
4. Heavy equipment sales and service;
5. Mobile home and recreational vehicle sales;
6. Boats and marine equipment sales and service;
7. Motorcycle and snowmobile sales and service;
8. Dinner houses and restaurants serving alcoholic beverages;
9. Cocktail lounges and clubs;
10. Other specialty food outlets, Mobile Food Vendors;
11. Meat, fish, poultry and seafood, light processing and sales;
12. Dairy products sales;
13. Paint and related equipment and supplies;
14. Cleaning and janitorial supplies;
15. Secondhand store or thrift shop;
16. Mortuary;
17. Amusement center (pinball, games, etc.);
18. Manufacturing for on-premises sales;

19. Taxidermist;
20. Auction house (excluding livestock);
21. Wholesaling of permitted use products;
22. Adult businesses, as defined in Chapter [5.24](#);
23. Small engine sales and service;
24. Vocational, technical and trade schools, including facilities related to industrial trades;
25. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure;
26. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type or size;
27. Large retail establishments greater than eighty thousand square feet as defined in Section [17.08.010](#), Retail establishment, large;
28. Regional shopping centers;
29. **Mobile Food Courts as provided in Chapter 5.44.**

#### 17.48.020 Permitted Uses

The following uses and their accessory uses are permitted in an M-1 district, subject to the limitations imposed in Section [17.48.030](#):

- A. Warehousing;
- B. Storage and wholesaling of prepared or packaged merchandise;
- C. Dwellings for a caretaker, watchman, or other person regularly employed on the premises;
- D. Administrative, educational and other related activities and facilities in conjunction with a permitted use;
- E. Ambulance and other emergency service facilities, including police and fire stations;
- F. Municipal corporation and public utility buildings, structures and yards, including the storage, repair and maintenance of vehicles and equipment;

- G. All types of automobile, motorcycle, truck, and equipment sales, service, repair and rental, including automobile and truck service stations;
- H. Boat building, sales and repair;
- I. Cold storage plants, including storage and office;
- J. Printing, publishing and book binding;
- K. Scientific research or experimental development of materials, methods of products, including engineering and laboratory research;
- L. Vocational, technical and trade schools, including facilities related to industrial trades;
- M. Retail and/or wholesale lumber and building materials sales yard, not including concrete mixing;
- N. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, signs, stone monuments, upholstery and welding;
- O. Assembly, manufacture, or preparation of articles and merchandise from previously prepared materials, such as canvas, cloth, cork, fiber, tobacco, wire, wood, excluding sawmills and other wood processing plants, and similar materials;
- P. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfumes, pharmaceuticals, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as vinegar and yeast;
- Q. Processing uses such as bottling plants, creameries, blue-printing and photocopying, laundries, carpet cleaning, tire retreading, recapping and rebuilding;
- R. Manufacture of electric, electronic, or optical instruments or related devices;
- S. Manufacture of products used by the medical and dental professions, including artificial limbs, dentures, hearing aids, surgical instruments and dressings, and similar products;
- T. Developer's project and sales offices, including mobile homes adapted to that purpose, during construction only;
- U. Planned unit developments, subject to the provisions of Chapter [17.68](#);



V. Mini-storage facilities;

**W. Mobile Food Vendors and Mobile Food Pods as provided in Chapter 5.44;**

X. Other uses not listed in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the M-1 district.

17.65.050 TOD Districts and Corridors

Table 1 TOD District Land Uses							
Use Categories	Zoning Districts						
	LMR	MMR	HMR	EC	GC	C	OS
<u>Commercial</u>							
Entertainment	N	N	C	P, L7	P, L8, L9	L8	L10
Professional Office	C	L3	L3, L4	P	P	P	N
Retail Sales and Service							
Sales-oriented	C	L3	L3	P	P	N	N
Personal service-oriented	C	L3	L3, L4	P	P	N	N
Repair-oriented	N	N	N	P	P	N	N
Drive-through facilities	N	N	N	P	P	N	N
Quick vehicle service	N	N	N	P	P	N	N
Vehicle sales, rental and repair	N	N	N	P	P	N	N
Tourist Accommodations							
Motel/hotel	N	N	C	P	P	N	N
Bed and breakfast inn	C	C	P	P	P	N	N

N--Not permitted.

P--Permitted use.

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

L1--Only permitted as residential units above ground floor commercial uses.

L2--School athletic and play fields only. School building and parking lots are not permitted.

L3--Permitted in existing commercial buildings or new construction with ground floor businesses with multifamily dwellings above ground floor. Maximum floor area for commercial use not to exceed ten thousand square feet per tenant.

L4--Second story offices may be permitted in areas adjacent to EC zones as a conditional use.

L5--Only permitted as a transition between lower density zones and/or when adjacent to an environmentally sensitive area.

L6--Permitted only when part of an existing or proposed senior housing project on abutting property under the same ownership within the MMR or HMR district.

**L7—Mobile Food Vendors, Mobile Food Pods and Mobile Food Courts are prohibited as provided in CPMC 5.44, Mobile Food Businesses.**

**L8—Mobile Food Vendors and Mobile Food Pods are subject to the application requirements and provisions in CPMC 5.44, Mobile Food Businesses.**

**L9—Mobile Food Courts may be permitted in the GC zone as a conditional use in accordance with CPMC 5.44, Mobile Food Businesses and per CPMC 17.76, Conditional Use Permits.**

**L10—Mobile Food Vendors may be permitted in Twin Creeks Park subject to a Special Event Permit in accordance with CPMC 5.44.030(A)(3).**

**FINDINGS OF FACT  
AND CONCLUSIONS OF LAW  
File No.: ZC-21003**

**Before the City of Central Point Planning Commission  
Consideration of a Zone Text Amendments to Central Point Municipal Code  
Chapter 5.44, Mobile Food Businesses.**

<b>Applicant:</b>	)	Findings of Fact
City of Central Point	)	and
140 South 3 <sup>rd</sup> Street	)	Conclusion of Law
Central Point, OR 97502		

**PART 1  
INTRODUCTION**

The proposed text amendment aims to expand opportunities for mobile food vendors, establish clear standards, and create an application process for authorizing mobile food vendors on a temporary and semi-permanent basis within City.

The zone text amendment request is a legislative amendment, which is processed using Type IV application procedures. Type IV procedures set forth in Section 17.05.500 provides the basis for decisions upon standards and criteria in the development code and the comprehensive plan, when appropriate.

Applicable development code criteria for this Application include CPMC 17.10, which includes compliance with the statewide planning goals, comprehensive plan and Transportation Planning Rule. The amendment's compliance with applicable criteria are presented in Part 2 and summarized in Part 3.

**PART 2 - ZONING CODE COMPLIANCE**

**17.10.200 Initiation of amendments.**

A proposed amendment to the code or zoning map may be initiated by either:

- A. A resolution by the planning commission to the city council;
- B. A resolution of intent by the city council; or for zoning map amendments;
- C. An application by one or more property owners (zoning map amendments only), or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1989 §1(part), 2014).

***Finding CPMC 17.10.200:** The Planning Commission is being asked to consider Resolution No. 893 to forward a favorable recommendation to the City Council regarding proposed changes to Central Point Municipal Code (CPMC) Chapter 5.44, Mobile Food Businesses. Action on this Resolution satisfies CPMC 17.10.200(A).*

**Conclusion 17.10.200:** *Consistent.*

**17.10.300 Major and minor amendments.**

There are two types of map and text amendments:

A. Major Amendments. Major amendments are legislative policy decisions that establish by law general policies and regulations for future land use decisions, such as revisions to the zoning and land division ordinance that have widespread and significant impact beyond the immediate area. Major amendments are reviewed using the Type IV procedure in Section 17.05.500.

B. Minor Amendments. Minor amendments are those that involve the application of adopted policy to a specific development application, and not the adoption of new policy (i.e., major amendments). Minor amendments shall follow the Type III procedure, as set forth in Section 17.05.400. The approval authority shall be the city council after review and recommendation by the planning commission. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006).

**Finding CPMC 17.10.300:** *The proposed amendments are legislative changes to land use regulations in CPMC 5.44. The changes consist of new text and regulations for future land use decisions, qualifying as a Major Amendment and have been processed in accordance with Type IV procedures in CPMC 17.05.500.*

**Conclusion CPMC 17.10.300:** *Consistent.*

**17.10.400 Approval criteria.**

A recommendation or a decision to approve, approve with conditions or to deny an application for a text or map amendment shall be based on written findings and conclusions that address the following criteria:

A. Approval of the request is consistent with the applicable statewide planning goals (major amendments only);

**Finding CPMC 17.10.400 (A):** *The proposed amendments have been reviewed against the Statewide Planning Goals and found to comply as follows:*

Goal 1- Citizen Involvement. *This goal requires that all citizens be given the opportunity to be involved in all phases of the planning process. As evidenced by the land use notifications in the newspaper on 2-16-2022, notice to DLCD on December 28, 2021 and advertisement on the City's website ([www.centralpointoregon.gov/projects](http://www.centralpointoregon.gov/projects)), the City has duly noticed the application as necessary to allow the opportunity for citizen participation in the public hearings scheduled with the Planning Commission (3-1-2022) and City Council (3-10-2022) for the proposed text changes consistent with Goal 1.*

Goal 2 – Land Use Planning. *Goal 2 addresses the land use planning procedures in Oregon, including the need to adopt comprehensive plans and implementing ordinances based on factual information. The proposed amendments are consistent with existing policy in the comprehensive plan and are aimed at establishing clear standards with expanded opportunities. The proposed changes are based on factual information from the municipal code and guidance documents consistent with City standards.*

Goal 3 – Agricultural Lands. Goal 3 addresses agricultural land within rural areas. The proposed text amendments do not affect agricultural lands or agricultural buffers that would be required adjacent to agricultural lands outside the urban growth boundary. On this basis, Goal 3 does not apply to the proposed text amendments.

Goal 4 – Forest Lands. Goal 4 addresses forest lands within rural areas. The proposed text amendments do not affect forest lands or lands adjacent to forest lands; therefore, Goal 4 does not apply.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 establishes a process for each natural and cultural resource to be inventoried and evaluated. If deemed to be significant, local governments may preserve, allow uses that conflict with the resource, or allow a combination of the two. In Central Point, floodplains and historic structures have been inventoried, and ordinances have been adopted to minimize impacts to each. The proposed text amendments would not affect any implementing ordinances that require or protect open spaces, natural resources, or scenic or historic areas associated with significant Goal 5 resources in the City.

Goal 6 – Air, Water and Land Resources Quality. Goal 6 requires local comprehensive plans and implementing ordinances to comply with state and federal regulations on air, water and land quality resource requirements. Because the proposed amendments are focused primarily on expanding commercial activity on developed sites, the amendments will not impact the ability of development projects to comply with any applicable state or federal air, water or land quality requirements.

Goal 7 – Areas Subject to Natural Hazards. Goal 7 requires appropriate safeguards when planning for development in floodplains or other areas subject to natural hazards. In Central Point, floodplain development is regulated in accordance with CPMC 8.24, Flood Damage Prevention. Earthquake and fire safety is a function of building and fire codes. The proposed amendments would not impede or otherwise conflict with the standards set forth in CPMC 8.24, the building code or fire code as necessary to protect against flood, earthquake, or fire damages.

Goal 8 – Recreational Needs. This goal requires communities to inventory existing parks and recreational facilities, and to project the needed facilities to serve all populations within the community. Amending standards and regulations for mobile food businesses within Central Point would not generate any additional need for parks and recreation services.

Goal 9 – Economy of the State. Goal 9 addresses diversification and improvement of the economy and specifically addresses commercial and industrial land. The proposed amendments provide regulations for temporary and semi-permanent commercial uses located on existing commercial lands. The amendments are consistent with Goal 9 as it strengthens the standards for development and will not adversely affect the availability of commercial lands within the City.

Goal 10 – Housing. Goal 10 requires local communities to plan for and accommodate housing needs in the City. The proposed amendments regulate temporary and semi-permanent businesses on commercial properties. As such, the proposed text amendments are not expected to have impacts on housing needs in the City.



Goal 11 – Public Facilities and Services. Goal 11 calls for efficient planning of public services such as sewer, water, law enforcement and fire protection to assure that public services are planned in accordance with a community's needs and capacities rather than to be forced to respond to development as it occurs. Public facilities and services are planned in accordance with the Comprehensive Plan Public Facilities Element and updated master plans for water, stormwater, etc. The proposed amendments will not affect the provision of services or generate additional need for services not already planned.

Goal 12 – Transportation. Goal 12 aims to provide a safe, convenient and economic transportation system. The proposed amendments provide regulations for temporary and semi-permanent commercial uses on commercially zoned lands that are considered in the current transportation system. As such, the proposed text amendments are not expected to have impacts on transportation facilities.

Goal 13 – Energy. Goal 13 has to do with conserving all forms of energy encourages communities to look within existing urban areas for potential redevelopment before looking to expand. The proposed amendments provide regulations for temporary and semi-permanent commercial uses that provide additional commercial opportunities within the existing urban area. As such, the proposed text amendments are not expected to increase energy utilization.

Goal 14 – Urbanization. Goal 14 has to do with managing the City's growth in conjunction with project need based on population and land use. The proposed amendments will not affect population growth or land need; therefore, Goal 14 does not apply.

Goals 15- Applies to the Willamette Valley and does not apply to the City of Central Point.

Goals 16-19 - Applies to coastal areas, which are not adjacent to or within the boundaries of the City of Central Point and are, therefore, not applicable.

**Conclusion CPMC 17.10.400(A):** Based on the nature of the proposed amendments and the findings above, the proposed changes to CPMC 5.44 are consistent with all applicable Statewide Planning Goals.

B. Approval of the request is consistent with the Central Point comprehensive plan (major and minor amendments);

**Finding CPMC 17.10.400 (B):** A review of the Central Point Comprehensive Plan identified the following relevant policies:

**Citizen Involvement:**

Policy 3 – Citizen Influence. Whenever possible, citizens shall be given the opportunity to be involved in all phases of the planning process, including (1) data collection, (2) plan preparation, (3) adoption, (4) implementation, (5) evaluation, and (6) revision.

Finding Citizen Involvement Policy 3 – Citizen Influence: The proposed text amendments are being initiated by the City based on feedback from the community to expand opportunities and establish regulations for temporary and semi-permanent mobile



food businesses. In order to promote awareness of the proposed amendments, the City published notice of two (2) duly public hearings that have been scheduled with the Planning Commission (3/1/2022) and City Council (3/10/2022) to receive testimony. In addition to publishing notice in the newspaper on February 16, 2022, notice was provided to DLCD and information was posted on the City's website ([www.centralpointoregon.gov/projects](http://www.centralpointoregon.gov/projects)).

Conclusion Citizen Involvement Policy 3 – Citizen Influence: As evidenced by the City's collaboration with business community and efforts to promote awareness of the proposed amendments and public involvement process, the proposed amendment was processed in accordance with Policy 3 for Citizen Involvement.

**Economic Element:**

Policy 5 – Business Innovation. Encourage innovation, research, development, and commercialization of new technologies, products, and services through responsive regulations and public sector approaches.

Finding Economic Element Policy 5 – Business Innovation. The City has based the proposed text amendments on identified needs within the business community for expanded opportunities for temporary and semi-permanent uses, notably mobile food businesses. For example, the Economic Element notes the limited availability of vacant commercial lands and low redevelopment potential of existing developed areas. The proposed amendments provide expanded opportunities to mobile food businesses that can locate on developed and under-developed lands on a temporary or semi-permanent basis, providing expanded business opportunities within the current development patterns

Conclusion Economic Element Policy 5 – Business Innovation. Consistent.

**Land Use Element:**

Goal 1: To create an economically strong and balanced commercial sector of the community that is easily accessible, attractive, and meets the commercial needs of the local market area.

Finding Land Use Goal 1: Mobile food vending can provide a low-cost way to enter business ownership, providing an increase in businesses and business activity in the commercially zoned areas of the city. The proposed amendments expand opportunities to expand the use of mobile food businesses within Central Point in response to growing interest in this industry.

Conclusion Land Use Goal 1: Consistent.

**Conclusion CPMC 17.10.400(B):**Based on the evaluation of applicable Comprehensive Plan policies, the proposed zoning text amendment is consistent with the Central Point Comprehensive Plan.

C. If a zoning map amendment, findings demonstrating that adequate public services and transportation networks to serve the property are either available, or identified for construction in the city's public facilities master plans (major and minor amendments); and

***Finding CPMC 17.10.400 (C):*** *The proposed zoning text amendment does not include changes to the zoning map.*

***Conclusion CPMC 17.10.400(C):*** *Not applicable.*

D. The amendment complies with OAR 660-012-0060 of the Transportation Planning Rule. (Ord. 1989 §1(part), 2014; Ord. 1874 §3(part), 2006. Formerly 17.10.300(B)).

***Finding CPMC 17.10.400 (D):*** *The proposed text amendment does not involve any changes that would affect trip generation or public transportation facilities, such as an increase in density or parking standards.*

***Conclusion CPMC 17.10.400(D):*** *Given the nature of the proposed amendments and lack of impact to traffic, existing or planned transportation facilities, the proposed amendment complies with the TPR.*

### **PART 3 – CONCLUSION**

As evidenced in findings and conclusions provided in Part 2, the proposed zone text amendment is consistent with applicable standards and criteria in the Central Point Municipal Code, including the Statewide Planning Goals (where applicable), Comprehensive Plan, and Statewide Transportation Planning Rule.

**PLANNING COMMISSION RESOLUTION NO. 894**

**A RESOLUTION FORWARDING A FAVORABLE RECOMMENDATION FOR MAJOR AMENDMENTS TO CPMC 5.44 AND VARIOUS SECTIONS IN TITLE 17, ZONING REGARDING MOBILE FOOD BUSINESSES**

**FILE NO. ZC-21003**

Applicant: City of Central Point

**WHEREAS**, on March 1, 2022 the City of Central Point Planning Commission approved Resolution No. 893 forwarding a recommendation to the City Council to approve Major Amendments to the Central Point Municipal Code (CPMC) adding Chapter 5.44 to provide application requirements, procedures and standards for mobile food businesses;

**WHEREAS**, prior to the City Council public hearing, the City Attorney and Planning staff identified the need to make additional revisions to clarify the application process, standards for mobile food businesses and permit denial and revocation. Additionally, it was necessary to make changes in Title 17, Zoning, for cross-reference purposes;

**WHEREAS**, on April 5, 2022, the Planning Commission discussed the proposed revisions to CPMC 5.44 and Title 17 and unanimously directed staff to schedule a public hearing on May 3, 2022 to consider the changes;

**WHEREAS**, on May 3, 2022, the Planning Commission voted unanimously to continue the public hearing to June 7, 2022 to consider the changes;

**WHEREAS**, on June 7, 2022 the Planning Commission, at a duly scheduled public hearing, considered major amendments to CPMC 5.44 – Mobile Food Businesses and various sections in Title 17, Zoning as identified in Exhibit "1" – Staff Report dated June 7, 2022;

**WHEREAS**, the Planning Commission finds that the above referenced code amendments comply with the approval criteria set forth in CPMC 17.10, including the Statewide Planning Goals, Comprehensive Plan and Transportation Planning Rule as evidenced by the Planning Department Findings of Fact and Conclusions of Law identified as Attachment "B" in the Staff Report dated June 7, 2022 (Exhibit 1).

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Central Point Planning Commission, by this Resolution No. 894, does hereby forward a favorable recommendation to the City Council to approve the amendments as set forth in the Staff Report dated June 7, 2022 attached hereto by reference as Exhibit "1" including all attachments therein, which are herein incorporated by reference.

**PASSED** by the Planning Commission and signed by me in authentication of its passage this 7th day of June 2022.

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
City Representative

Planning Commission Resolution No. 894 (06-07-2022)