



MEMORANDUM

"make it happen"

City of Beaverton
Community Development Department

To: Planning Commission
From: Scott Whyte, Senior Planner *SW*
Date: May 6, 2009
Subject: Continued Public Hearing on TA2009-0003 - Text Amendments to Section 40.80.15.1 & 2 of the Development Code, Temporary Use - Mobile Sales.

Background: On April 8, 2009, the Planning Commission opened the Public Hearing for TA2009-0003 and received public testimony. The Commission then closed the hearing and deliberated on the proposed text amendments as identified in the Staff Report prepared for TA2009-0003, dated April 1, 2009.

During the period of deliberation, the Commission generally agreed to:

1. Remove Criterion No. 12 (Business of Similar Nature) and replace with text referencing hours of operation allowed by the zone.
2. Add a condition of approval that would allow limited space for customer seating provided this space does not obstruct or occupy required parking (i.e., Option 9(b) as described in Exhibit 1 of the Staff Report dated April 1, 2009).

During the period of deliberation, the Commission expressed different opinions on:

1. Hours allowed at any one site within a 24-hour period.
2. The duration in which a permit should be allowed and permit renewal.

Revised Text (attached) as proposed by staff: In response to the comments and testimony received on April 8, staff has revised the draft text amendments as shown in Exhibit 1 of the Staff Report dated April 1, 2009. To this Memorandum, staff has attached revised draft text (Exhibit 1). The revised text incorporates specific edits as recommended by the Commission on April 8. In addition, the revised text shows other revisions proposed by staff, summarized as follows:

1. Hours of operation (proposed at six with additional hour for set-up/clean-up)

2. Permit Duration (proposed at one year)
3. Permit Renewal (proposed for year with new Section introduced to Chapter 50 – Procedures)

The staff explanation to these changes is described below:

1. **Hours of Operation:** The draft text revisions (Exhibit 1) would allow a total of seven hours at any one site approved under permit. While there was no consensus from the Commission as to maximum hours, most members thought the current maximum period (of four hours) was too restrictive. Herein, staff proposes a total of seven hours which would be consistent with the period allowed by the City of Hillsboro, specifically six hours of operation with one additional hour for both set-up and clean-up of the temporary use.

On the topic of hours, staff also received a concern related to traffic impacts together with a proposal to possibly regulate mobile sales on properties situated along or near certain streets/intersections known to exceed an acceptable level of service standard. Herein staff is not proposing revised text that would address this concern. As explained in the Staff Report of April 1, the ITE trip generation manual does not provide trip generation ratios for this use. Also, staff is unaware of any City or County that regulates the operation of temporary mobile sales this way. From the information compiled by staff upon meeting with Beaverton mobile sales operators (Exhibit 3 of the April 1 Staff Report), trip generation appears to vary greatly depending on the location. At the hearing of April 8, the Commission received testimony from Julia Ramirez, an operator who parks her vehicle next to the Beaverton Transit Center where 80% of her customers are walk-up.

If the Commission supports increasing hours per day, text changes are necessary to the Threshold description under 40.80.15.1 and Condition No. 4 as shown (Exhibit 1 hereto).

2. **Permit Duration:** To the attached revised draft, staff is recommending that permit duration be extended for a period of one year as opposed to 180 days. Staff acknowledges this would benefit the applicant, but the City also benefits as the one-year period would be easier for staff to administer and enforce. Also, a one-year period would be consistent with the same period when applicants are expected to renew their Business Licenses (through the City) and mobile food handler permits through the Department of Health & Human Services (Washington County). The City provides a six-month Business License option, but most operators pay an annual fee.