



CITY COUNCIL AGENDA

October 12, 2020

Regular meeting 6:30PM

CITY COUNCIL CHAMBERS, CITY HALL
 29592 ELLENSBURG AVE
 GOLD BEACH OR 97444

DUE TO THE CORONAVIRUS, THE COUNCIL MEETING WILL BE CONDUCTED VIA VIRTUAL MEANS. Zoom meeting info is attached to this agenda.

Call to order: **Time:** _____

- 1. The pledge of allegiance**
- 2. Roll Call:**

Members	Present	Absent
Mayor Karl Popoff		
Council Position #1 Summer Matteson		
Council Position #2 Larry Brennan		
Council Position #3 Anthony Pagano		
Council Position #4 Becky Campbell		
Council Position #5 Tamie Kaufman BEGINNING VOTE		
City Administrator Jodi Fritts		

- 3. Special Orders of Business:**
 - a. Bob Chibante - Event Center on the Beach Redevelopment Master Plan
- 4. Consent Calendar:**
None Scheduled
- 5. Citizens Comments**
As presented to the Mayor at the beginning of the meeting
- 6. Public Hearing**
 - a. Amending Local Public Contracting Rules
- 7. Citizen Requested Agenda Items**
 - a. Request to address Council regarding Backyard Chicken Permit fee
- 8. Public Contracts and Purchasing**
None Scheduled

The City of Gold Beach is dedicated to enhancing quality of life, while promoting health, safety, and welfare of our citizens, businesses, and visitors in the most fiscally responsible manner. In doing this, the City will respect the past, respond to current concerns, and plan for the future, while maintaining environmental sensitivity in our beach oriented community

- 9. Ordinances & Resolutions**
a. Resolution R2021-09 Adopting Mobile Food Unit (MFU) permitting rules

- 10. Miscellaneous Items (including policy discussions and determinations)**
a. Annexations for November Council meeting
b. Councilor Concerns

- 11. City Administrator's Report**
To be presented at meeting

- 12. Mayor and Council Member Comments**
a. Mayor Karl Popoff
b. Councilors
1) Summer Matteson
2) Larry Brennan
3) Anthony Pagano
4) Becky Campbell
5) Tamie Kaufman

- 13. Citizens Comments**
As permitted by the Mayor

- 14. Executive Session**
No Executive Session Held

The next regularly scheduled City Council meeting is the **Monday, November 2, 2020, at 6:30PM** in the Council Chambers of City Hall, 29592 Ellensburg Avenue, Gold Beach, Oregon.

- 15. Adjourn Time: _____**

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Topic: Oct 12 GB City Council Meeting

Time: Oct 12, 2020 06:30 PM Pacific Time (US and Canada)

CLICKABLE LINK FOR COMPUTER, SMART PHONE, TABLET

(video or audio option)

<https://us02web.zoom.us/j/9118850296>

To Join by phone

Meeting ID: 911 885 0296

One tap mobile

+16699006833,,9118850296# US (San Jose)

+12532158782,,9118850296# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 911 885 0296

Find your local number: <https://us02web.zoom.us/j/9118850296>



SPECIAL ORDERS OF BUSINESS



GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **3 a.**
Council Meeting Date: October 12, 2020

TITLE: Event Center on the Beach Redevelopment Plan

SUMMARY AND BACKGROUND:

Bob Chibante, Fair Board Member asked to address the Council to present their redevelopment plan. Copy is attached and Mr. Chibante will join the meeting to go over their ideas.

**EVENT CENTER ON THE BEACH
HOME OF THE CURRY COUNTY FAIR**

2020 REDEVELOPMENT PLAN



125 W. Central Ave., Suite 400

Coos Bay OR 97420

(541) 269-9388

2020 REDEVELOPMENT PLAN

Directors:

- Ms. Chris Brose, Chair
- Mr. Rob Carillo, Vice Chair
- Mr. Bob Chibante
- Mr. Tim Scullen
- Ms. Erin Johnson
- Ms. Jeri Lynn Thompson

Staff:

- Ms. Kaitlyn Coleman, Manager

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INTRODUCTION

The Board of Directors of the Curry Fair adopted the “Event Center on the Beach Strategic Plan”.

The Strategic Plan established five major goals with Goal 1 being the most critical of the 5. Goal 1 calls for the redevelopment and rehabilitation of the event center/fairgrounds facilities and properties to accommodate future use and growth. This Redevelopment Plan is intended to serve as a “blueprint” for the redevelopment process.

The Board established a priority of repair and new construction projects based on current event center needs. The priority lists established by the Board were used in preparing the list of repair and construction projects and their attendant costs.

Each of the existing structures at the Event Center grounds, as well as certain areas of the site, were reviewed and notes were taken on their existing conditions and necessary rehabilitation and maintenance needs.

Also considered during the review process:

- the structures ability to serve the function housed therein.
- the structures age and remaining useful life.

An order of magnitude cost estimate was prepared for each proposed new facility and each existing facilities rehabilitation and maintenance needs. These estimates are based on current (2020) construction market cost and were undertaken without the benefit of construction drawings. A contingency of 20-25% of estimated cost should be added to the estimated cost until such time as estimates based on actual construction documents are available.

A financial review of the facilities should occur as a next step in the planning process. A review of the income generated (or usefulness) by a facility versus cost to rehabilitate or build new may ultimately establish the priority of projects as it will indicate the return on investment and ability of each project to generate income.

The Board’s priority listings are included in the Appendix of this document. The construction list may be reorganized in the future based upon the financial plan that is planned for as the next step in the redevelopment process. If so, then a review and/or modifications to the priorities established by the Board as a part of this Redevelopment Plan should be completed in conjunction with the financial plan.

SITE AND FACILITIES ANALYSIS

SITE ANALYSIS

SITE

The existing Event Center grounds, approximately 13.8 acres in area, is located between U.S. 101 on the east and the Pacific Ocean on the west. Surrounding the site, on both the north and the south, is intensive commercial development. A Modular/Mobile Home Park to the north and motel developments to the south.

The site consists of two terraces, both sloping toward the ocean, with a steeper connecting bank between the terraces. The undeveloped area closest to the ocean is proposed for development as a new Tent Camping / RV Park.

PROPERTY ACQUISITION

Opportunities to acquire adjacent property appears to be very limited. The Board should, however, if the opportunity occurs, acquire the adjacent land and should also consider acquiring some land east of Highway 101 for additional parking, should it become available. No assessment or valuation of the adjacent land has been undertaken, as timing and possible funding for such acquisition is not currently known.

ADDITIONAL PARKING

A piece of ground owned by the Gold Beach High School District, northeast of the Event Center property on which the High School Track Facility is located, includes an unimproved area west of the track. The Board should strive to reach an agreement with the School District in which the unimproved area is developed into parking with joint use of the area by the School District and the "Event Center". The property is ideally located to accommodate parking. The "Division of State Lands" permit for this area could be completed in conjunction with the RV Park permit, perhaps streamlining the overall process. The property cannot be purchased, as it is necessary for the School District to meet site area standards for the High School.

EXISTING FACILITIES ANALYSIS

EXISTING EVENT CENTER BUILDINGS

The following paragraphs describe each facilities needs in terms of its condition and its relative priority established by the "Board". The Redevelopment Plan Drawing illustrates graphically the recommended changes, modifications and improvements. It is obviously acceptable to change and modify the priority listing as the needs and desires of the Event Center change through time.

RECREATIONAL VEHICLE PARK / TENT CAMPING

A recreational vehicle park and tent camping area located adjacent to the beach on the west side of the Events Center property would greatly enhance the potential for the Events Center to act as a tourism draw. It would also increase the income potential of the Events Center.

The vegetation line separating the Events Center property from the State shore lands should be established in conjunction with the Division of State Lands and Oregon Parks System.

The cost of a R.V./camping park is dependent upon the number of sites that are possible. A design layout of the park should be completed to determine the number of sites possible and probable construction cost. A restroom facility needs to be located within 500 feet of all of the sites. Location, size and cost of the restroom facility will need to be determined during the R.V. park layout process. A laundry should be considered in conjunction with the restroom facility.

A R.V. park plan was started for the fairgrounds in 1996. The 1996 plan had a total of 45 sites and a restroom/laundry facility of approximately 1,860 sq. ft. The requirements for the park and the optimal R.V. sizes, as well as the addition of a tent camping area, should be reviewed and updated to comply with current R.V. sizes and available accommodations in the market area. RV spaces are also currently planned for the carnival area, 6 sites, and the area west of the horse stalls, also 6 sites, making a potential for 57 RV sites.

Estimated Budget:

57 sites @ \$25,000.00 each = \$1,425,000.00
Restroom/Laundry - 1,860 SF @ \$250/SF = \$465,000.00

Tent camping facilities can be constructed in the proposed RV park area until such time as the RV park is constructed or a continued combination of R.V. and tent sites can be considered. Repair and upgrading of the existing restroom should be accomplished in order to provide appropriate amenities for camping.

REGISTRATION/CAMP HOST

A small R.V. Park Registration facility at the southeast corner of the carnival area would provide check-in facilities and space for a camp host. The design should include a small lobby for the public side of check-in, a small public restroom, an employee counter and office and a small one or two bedroom apartment for the camp host. Size would be approximately 700 to 800 sq. ft.

Estimated Cost

800 sq. ft. @ \$200/sq. ft. = \$160,000.00

DOCIA SWEET

The redevelopment plans for Docia Sweet should include:

- Remodel and upgrade of entire building including existing finishes. The remodel should include: mechanical, electrical and technology systems upgrades and new LED lighting.
- A 2-story convention center addition to the north of Docia (cost shown separately)
- A kitchen upgrade to a commercial type kitchen, NOTE: relocation may be required to limit interference with main meeting area
- Separate dining and main meeting area
- Storage area and deck addition at northwest corner of building

The remodel of Docia and the addition of a convention area should accommodate as many different meeting/convention functions as possible, i.e. movable partitions for multiple space sizes and configurations, roll-up doors to accommodate access to interior for display of large items, breakout rooms, separate meeting and eating spaces, and several entries to allow multiple events to occur simultaneously.

Estimated Budget:

• Remodel Docia 15,836 sq. ft. @ \$80/sq. ft.	\$ 1,266,880.00
• Docia or convention center elevator	\$ 100,000.00
• deck and storage addition (420 sq. ft. + deck @ \$200/sq. ft)	\$ 84,000.00
• commercial kitchen equipment	\$ 100,000.00
	<u>\$ 1,550,880.00</u>
	Total

Included in remodel cost above:

• new lighting - 15,836 SF @ \$8.50/SF	\$ 134,606.00
• new single ply roof - 10,000 SF @ \$3.00/SF (Mechanically fastened)	\$ 30,000.00
• convention center addition - 38,700 SF @ \$250/SF	\$ 9,675,000.00

CURRY SHOWCASE

The exterior siding and fascia at the Showcase facility are in need of replacement, particularly on the south and west sides of the Showcase Building. Roof leaks in several areas also need repairs.

Upgrading of the interior with new lighting, carpeting and paint should be considered during the repair process.

Timing of repair work and upgrades to the Curry Showcase building should be carefully considered and improvement cost kept to a moderate level, as the construction of the proposed convention center, as currently planned, would require the removal of the Showcase structure.

Estimated Remodel Budget

3,600 sq. ft @ \$18/sq. ft. = \$64,800.00

O.S.U. BUILDING

The O.S.U. facility is in need of siding repair in several areas, particularly the northeast corner. O.S.U. would like to use the second floor for additional office space but would need restrooms on the upper level and an elevator to provide an accessible access route.

A remodel plan should be prepared that accommodates usage of the main second floor area for offices while maintaining the west facing windows and view. Locating the elevator and restrooms on the east end of the building would allow offices to be provided but also allow potential for future usage of the western end of the floor as a meeting space.

FAIR OFFICES

A two-story office expansion is also planned for the east end of the O.S.U. Building in conjunction with a new entry gate system. This expansion would allow for the street alignment proposed for the RV Park expansion and allow for the removal of the existing office facility. The new elevator can serve both O.S.U. and the office addition.

Estimated Cost

Remodel for Restroom

12' x 20' = 360 sq. ft. @ \$200/sq. ft. = \$ 48,000.00
Elevator Addition = \$100,000.00
\$148,000.00

Siding Repair

\$16/sq. ft. x 40 lin. ft. x 20' high = \$6,400.00

Two-Story Office Addition

1,800 sq. ft. @ \$200/SF = \$360,000.00

ARENA RESTROOM BUILDING

The Arena Restroom should be remodeled and an addition added to increase capacity. The restroom is central to the property and if sized correctly would help to eliminate the lineups and stress on the facility during peak usage periods i.e. fair time.

An addition to the south of the existing facility could roughly double the facilities current capacity. The addition and remodel should be designed to incorporate accessible facilities for the handicapped.

Estimated Budget

Addition size - 30'x30' = 900 sq. ft.
900 sq. ft. @ \$250/sq. ft. = \$225,000.00

Remodel existing
900 sq. ft. @ \$100/sq. ft. = \$ 90,000.00

Total: \$315,000.00

HORSE STALLS & COVERED HORSE ARENA

The events committee has determined that there is a market for the rental of horse stalls and a covered riding area. Horse enthusiasts from the I-5 corridor desire to come over and use the beach area for recreational riding and also need a covered exercise area when the weather is inclement.

The current stalls located at the northwest portion of the grounds are in fair condition, but have a couple needed upgrades. The translucent panels providing daylighting to the interior of the stalls need replacement. The sliding barn door hardware on each stall needs to be replaced.

Additional stalls are proposed on the south side of the existing paddock area. Thirty 12' x 12' stalls could be provided in a 34' x 185' long building, (6,290 sq. ft.) with a 10 ft. wide center aisle and with openings at each end.

The covered exercise area at the east end of the existing paddock is proposed at 65' x 80'.

Estimated cost for the new stalls

6,290 sq. ft. @ \$125/sq. ft. = \$786,000.00

Estimated cost for cover

65' x 80' = 5,200 sq. ft. @ \$125/sq. ft. = \$650,000.00

FLORAL BUILDING

The Floral Building is the oldest building on the Event Center campus and has reached the end of its useful life, however, it does have a recently completed new roof which should protect the building for the next 10 to 15 years. A new floral building with second story space for housing, or other designated use, is proposed for the area occupied by the current building. The second story portion could be used to house judges and performers at fair time and/or be rented out to supplement income. The presence of occupants on site would probably also reduce the potential for theft and vandalism on the property.

A two-story structure would screen the performance area from north wind and provide a good visual screen from the trailer court also to the north. The facility would be approximately the same length as the existing floral building, but approximately 30' wide. Size 195' x 30' x 2 stories equals 11,700 sq. ft.

Estimated cost

30' x 195' x 2 stories = 11,700 sq. ft. @ \$200/sq. ft. =	\$2,340,000.00
Elevator	= \$ 100,000.00
	<u>\$2,440,000.00</u>

SHOP / STORAGE LEAN-TO

The current shop area is woefully inadequate as a shop and/or a garage to house current event center vehicles. The current shop area should be put to use as a storage facility until such time as the convention center is constructed. A new shop can be located on the west side of the arena building. The new shop should be large enough to accommodate six vehicles. Three 16' wide garage doors and a man door should be included in the plan. A 30' x 20' area, 600 sq. ft., should be provided for tools, a work area and a restroom. The building should be approximately 2,400 sq. ft. in area and be insulated and heated. Additional storage space should also be included in this addition to the arena building.

Estimated Shop Budget

80' x 30' = 2,400 sq. ft. @ \$175/sq. ft. = \$420,000.00

Estimated Storage Budget

30' x 40' = 1,200 sq. ft. @ \$125/sq. ft. = \$150,000.00

LIVESTOCK BUILDING

The livestock building has repair needs similar to those of the arena building. They are:

- repair and protect insulation
- replace rusted man doors
- replace damaged roll-up door
- replace rusted girts at south end of building
- replace lighting with LED lights
- repair rusted metal siding around building
- concrete floor

The building is used to generate income by doubling as a vehicle storage facility when not otherwise in use. Providing a concrete floor would enhance this use of the facility. Interior floor drains should be provided in conjunction with this improvement.

The north end of the livestock building is set up as a dormitory that is used by the 4-H and as emergency fire crew housing.

A livestock building office and additional shower and restroom facilities are proposed as additions to the livestock building.

Estimated Budget

Office and shower / restroom facilities

525 sq. ft. @ \$250/sq. ft. = \$131,250.00

Concrete floor

18,000 sq. ft. @ \$8.50/sq. ft. = \$153,000.00

Repairs to existing structure

20,000 sq. ft. @ \$12/sq. ft = \$240,000.00

ARENA BUILDING

The Arena Building requires a number of improvements in order to continue to function successfully and house motorsport events as well. The building as originally designed may not have contemplated motorsports. The ventilation within the facility should be upgraded significantly.

Other improvements should include:

- repairing gutters and downspouts
- replacing translucent panels
- repairing the south 1/3 of the metal roofing
- replacing doors
- replacing and protecting damaged insulation
- replacing rusted siding
- replacing outside air louvers
- provide new LED lighting

FORESTRY BUILDING

The Forestry Building should be remodeled to reflect a façade that will be in keeping with the remodeled Curry Showcase and Docia.

The area to the south of the Forestry Building collects water which then infiltrates thru the wall and floor causing interior wetness and finish problems. The site drainage issues should be corrected and then the interior finishes repaired.

The entry gate just to the south of the Forestry Building should be developed to reflect the main entry area south of Curry Showcase.

Estimated Façade Cost

90 lin. ft. @ \$180/lin. ft. - \$16,200.00

Drainage Repair

Regrade and pave 30' x 90' area
2,700 sq. ft. @ \$5/sq. ft. = \$13,500.00
2 catch basins = 2 each x \$1,200.00 = \$2,400.00
Trench and fill 250 foot pipe to daylight = \$1,287.00
Pipe @ \$40/lin. ft. x 250 ft. = \$10,000.00
Total = \$27,187.00

Timing of repair work and upgrades to the Forestry Building should be carefully considered and improvement cost kept to a moderate level, as the construction of the proposed convention center, as currently planned, would require the removal of the structure.

STORAGE BUILDING (FORMER SHOP)

The former shop building should have its exterior remodeled to blend in with the Forestry Building and complement the new Floral Building.

Estimated Façade Cost

60 lin. ft. @ \$160/lin. ft. = \$9,600.00

Timing of repair work and upgrades to the storage building should be carefully considered and improvement cost kept to a moderate level, as the construction of the proposed convention center, as currently planned, would require the removal of the structure.

SITE IMPROVEMENTS

Several locations within the event center grounds require upgrading.

Surfacing

The carnival area, the space between the livestock building and the arena building and the area south of the horse arena become saturated and quite wet during the winter months. The storm water runoff from the building and the storm sewer system should be upgraded to divert water away from these areas. Grading and paving of the surfaces would allow for better storm water control and provide an appropriate travel surface for vehicles. Both areas currently suffer damage from vehicle traffic during wet periods. The drive surfaces thru out the event grounds and in the proposed RV Park should be provided with a storm water drainage system and be paved. Permeable paving, or other water quality measures, should be considered to offset impermeable surface storm water treatment requirements.

Communications

A campus wide PA system, or other form of alert system, should be provided to allow event and/or fair staff to communicate with all of the Event Center's facilities and grounds should the need arise. In addition, each of the facilities should be tied into a campus wide technology/wi-fi system.

Street Alignment

The existing offices and caretaker's house should be removed at the same time as the RV Park is constructed. At that time, the entrance to the Event Center should be aligned with 10th Street. This change would allow better traffic flow at fair time. A temporary light to facilitate peak traffic flow periods should be discussed with the Oregon Department of Transportation. This change would also allow for additional parking south of Docia Sweet. Signage and/or a reader board should be considered when this entrance upgrade occurs or sooner if possible.

Charging Station

A vehicle charging station should be constructed on site in one of the parking areas. Timing for the improvement can be based on demand or included in the convention center addition work.

UTILITIES

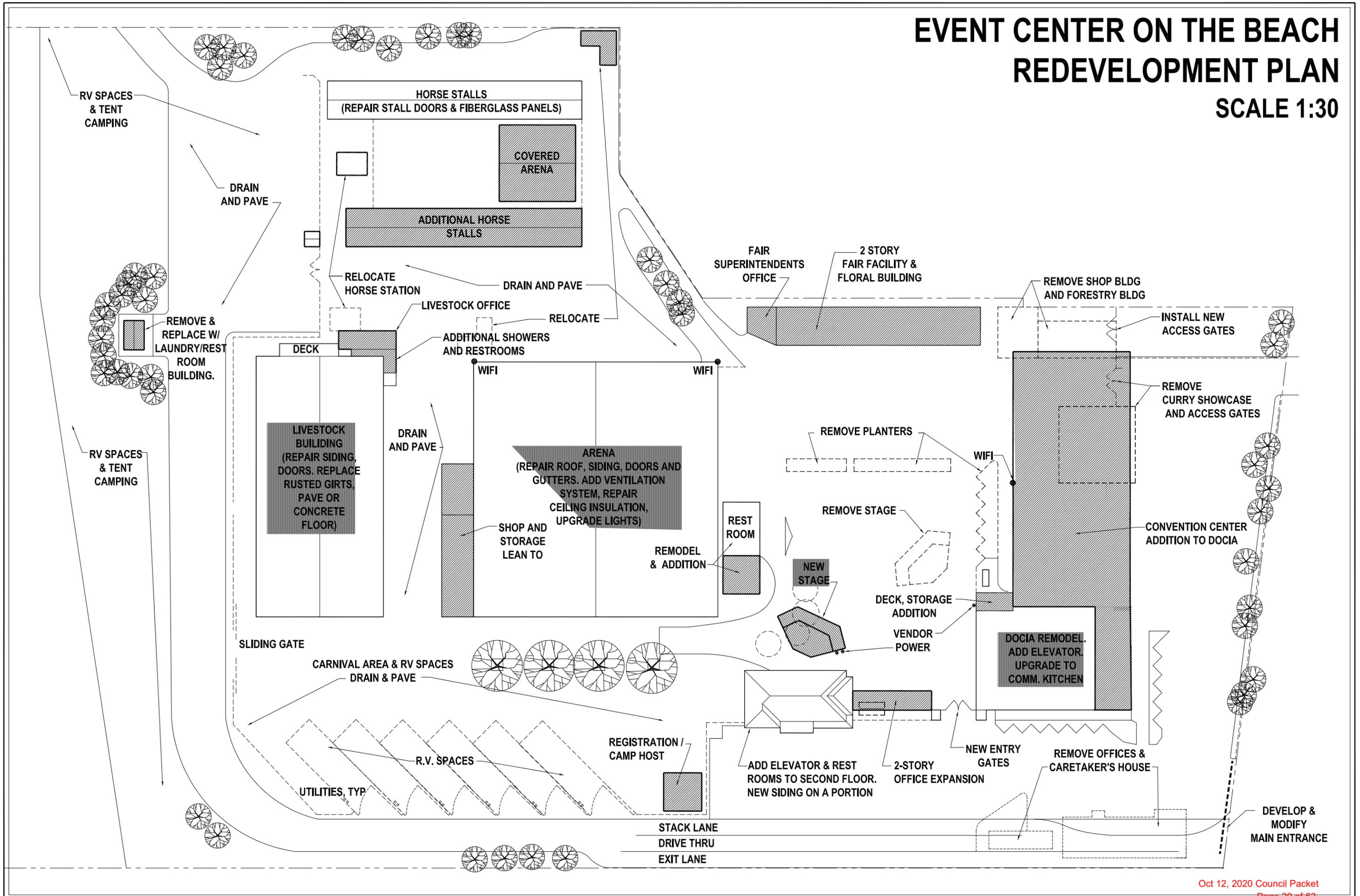
A review of primary utility infrastructure should occur prior to the initiation of any new construction. The existing storm drainage system should be upgraded and repaired at the same time or before surfacing of the lower terrace areas.

The sanitary sewer system should be adequate for connection of any new structures as a city main is located just to the south of Docia and then traverses the lower terrace heading north to a pump station.

Electrical service should be reviewed once the electrical load for any new construction (particularly the convention center) is established.

EVENT CENTER ON THE BEACH REDEVELOPMENT PLAN

SCALE 1:30



APPENDIX

- Project priority list
- Repair work priority list

CONSTRUCTION PRIORITY LIST

Task	Priority
Replace Front Sign	1
Tent Camping / R.V. Park	2
Convention Center	3
Docia Elevator	4
Resurface Grounds Lower	5
OSU Upgrades	6
Upper Arena Restroom	7
New stage location/vendor power	8
Resurface Grounds Carnival	9
Covered Horse arena	10
Docia Storage North	11
Horse Stables	12
Resurface Grounds Upper	13
Floral Building	14
Arena Area Storage and Main Shop	15
Access Gates	16
South Office Building	17
Livestock Office	18
Relocate Horse Station	19
Rv Restroom	20
Manure Storage	21
Charging Station	22

REPAIR PRIORITY LIST

Task	Priority
DOCIA ROOFING	1
SHOWCASE INTERIOR PAINTING	2
SHOWCASE FLOORING	3
EXTERIOR PAINTING BUILDINGS	4
DORMS (4H FUNDS)	5
ARENA ROOF SIDING/INSULATION/GUTTERS	6
FRONT LANDSCAPE	7
ARENA LIGHTING	8
ARENA VENTILATION	9
DOCIA LIGHTING	10
SWOCC INTERIOR	11
REPAIR CURRENT HORSE STABLES	12
CENTER LANDSCAPE	13
LIVESTOCK BUILDING SIDING	14
LIVESTOCK BUILDING DOORS	15
OFFICE ROOF	16
CONCRETE LIVESTOCK FLOOR w/ indoor 4h Animal wash station.	17
DOCIA WALKIN REFRIGERATION/FREEZER	18
New Property Fencing / Gates	19



CITIZEN REQUESTED AGENDA ITEMS



GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 7. a.
Council Meeting Date: October 12, 2020

**TITLE: Request to Address Council regarding Cost of Backyard
Chicken Permit**

SUMMARY AND BACKGROUND:

A citizen that recently moved to Gold Beach emailed at least two of the Councilors and expressed concern about the \$100 review fee for a backyard chicken permit. I am attaching a copy of Resolution R1213-02, adopted in October 2012. The \$100 fee was set in that resolution based on the fee for planning clearance review for land use. Land use review fee has been \$100 dating back to 2010.

I am attaching a copy of the email. I will send them a copy of the Council packet and virtual meeting invite in case they choose to attend.

On Mon, Sep 28, 2020, 4:42 PM Sage Halvorson <sagehalvorson@gmail.com> wrote:

Hi,

I want to submit the following as a public comment to the City of Gold Beach's city council. Sorry I couldn't find a comment submission spot on any of the council documents.

Thanks,

Sage Gang-Halvorson

My family and I are new residents of the Gold Beach area, and have moved to the area from Bandon. In Bandon we were allowed to keep for free four chickens which provide us with eggs. Coos Bay also has revised their small animal fees to \$0 recently. So it came as a surprise after selecting a house in Gold Beach to learn that the city of Gold Beach requires an inspection of the coop and chickens by city officials, and that this costs \$100. This is the same clearance I would need to build a brand new garage. My chicken coop is nowhere near as complex, and cannot possibly cost the city the same amount in resources or time to inspect. In this current economic and social climate most cities are promoting resiliency in their community. Particularly, in a rural area such as Gold Beach where accessing affordable food sources can be difficult. Allowing a small number of chickens to be affordably owned by city residents can offer a small step towards building this resiliency. Can you please reduce the \$100 fee to something that is more affordable?

Thank you ,

Sage Gang-Halvorson

RESOLUTION R1213-02

A RESOLUTION PROVIDING FOR STANDARDS TO ALLOW THE KEEPING OF BACKYARD CHICKENS WITHIN THE CITY OF GOLD BEACH

WHEREAS, in August 2012, the City Council received a request from a citizen to amend the Gold Beach Zoning Ordinance to allow for the keeping of backyard chickens for personal use; and

WHEREAS, several cities have eased restrictions on the keeping of backyard chickens for domestic purposes; and

WHEREAS, on August 13, 2012, the City Council discussed proposed regulations to allow the limited, responsible, keeping of chickens in residential use areas and directed staff to prepare an ordinance amendment allowing for the keeping of backyard chickens for personal use; and

WHEREAS, Ordinance No. 641 amended Ordinance No. 634 (The Gold Beach Zoning Ordinance) to redefine the definition of LIVESTOCK to permit backyard chickens under specific standards as defined by resolution of the City Council; and

WHEREAS, a public hearing on the permit fee for a Backyard Chicken Permit was held on October 8, 2012, in order to take testimony and consider the administrative costs associated with the program.

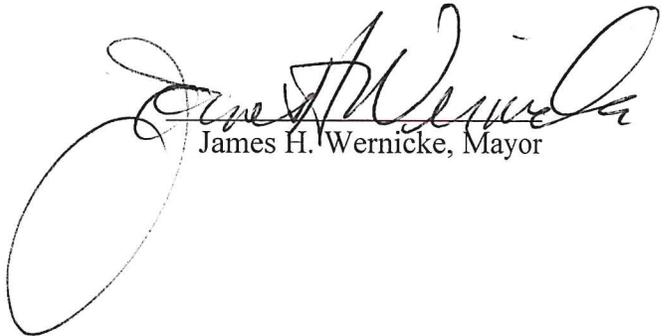
NOW, THEREFORE, BE IT RESOLVED: the City Council of the City of Gold Beach, Oregon, adopts the following standards for the keeping of backyard chickens within residential use areas of the City:

1. A permit shall be obtained from the City prior to the keeping of chickens. A permit is issued to the property and renters must obtain written approval from the property owner to apply for a permit.
2. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
3. No more than six (6) chickens are allowed on any one parcel, and the **keeping of a rooster is prohibited.**
4. Chickens shall only be kept upon property occupied by a single family dwelling.
5. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia (for example due to an injury or sickness) when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.

6. Chickens shall be kept in an enclosed coop or run at all times.
7. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
8. All chickens shall be housed in a coop.
9. Chickens and chicken coops shall only be located in a rear yard.
10. Chicken coops shall be limited to eighty (80') square feet and the highest point of the coop shall be no more than six feet tall above grade.
11. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
12. Chicken coop and/or run shall be setback a minimum ten feet from all property lines.
13. In order to minimize potential impacts to aquatic habitat, no coop shall be sited within a riparian area as defined by the Zoning Ordinance.

The permit fee for a Backyard Chicken Permit shall be set at: \$ 100 .

Passed by the City Council of the City of Gold Beach, County of Curry, State of Oregon, this 8th day of October, 2012.



James H. Wernicke, Mayor

ATTEST:


Candy Cronberger, City Recorder



City of Gold Beach

29592 Ellensburg Avenue
Gold Beach, Oregon, 97444
541-247-7029
www.goldbeachoregon.gov



BACKYARD CHICKEN PERMIT APPLICATION

Name of Applicant: _____

Property Address: _____

Mailing Address (if different than property address): _____

City/State/Zip: _____

Phone #: _____ Email: _____

Name, address & phone of Property Owner (if different than applicant): _____

A completed land use Permit Clearance Form must be submitted with this application. If you have questions regarding the applications please contact the City Planning Department.

This application for a permit to allow chickens is subject to the following conditions and is only permitted when consistent with the following standards:

1. A permit shall be obtained from the City prior to the keeping of chickens. A permit is issued to the property and renters must obtain written approval from the property owner to apply for a permit.
2. The keeping of chickens shall be limited to the purpose of egg collection for personal, non-commercial use.
3. No more than six (6) chickens are allowed on any one parcel, and the **keeping of a rooster is prohibited.**
4. Chickens shall only be kept upon property occupied by a single family dwelling.
5. Chickens may not be slaughtered or killed except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia (for example due to an injury or sickness) when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
6. Chickens shall be kept in an enclosed coop or run at all times.
7. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

8. All chickens shall be housed in a coop.
9. Chickens and chicken coops shall only be located in a rear yard.
10. Chicken coops shall be limited to eighty (80') square feet and the highest point of the coop shall be no more than six feet tall above grade.
11. Chicken coops shall be kept clean, dry, free of vermin and noticeable odors, and in good repair.
12. Chicken coop and/or run shall be setback a minimum ten feet from all property lines.
13. In order to minimize potential impacts to aquatic habitat, no coop shall be sited within a riparian area as defined by the Zoning Ordinance.

Applicant acknowledges that upon issuance of any permit by the City of Gold Beach that it is the obligation of the applicant to comply with any and all laws, ordinances and regulations governing the type of project permitted whether or not specified in the permit. The granting of an approval by the City of Gold Beach does not give the applicant any authority to violate or modify the provisions of any other federal, State or local law, ordinance or regulation with respect to regulation of construction, performance of construction and/or operation of the project.

Regarding property boundaries, the applicant acknowledges that the only accurate way to locate property lines is by a land survey conducted by a licensed professional. The City of Gold Beach makes no representation as to the accuracy or location of any boundaries related to the project and the applicant, by virtue of issuance of a permit by the City of Gold Beach, and agrees to hold harmless, defend and indemnify the City in any legal action related to property lines or boundaries.

I have read and understand the above application and I hereby certify that all conditions will be continually met, and that I will abide by all restrictions, administrative rules and applicable City Codes and Ordinances.

Applicant Signature: _____ **Date:** _____

Property Owner Signature: _____ **Date:** _____

**** PERMIT REVOCATION**** Failure to comply with the above statement will result in the revocation of the permit and possible further action including fines.

FINAL PERMIT APPROVAL

APPROVED: _____ DATE: _____

Conditions of Approval:

DENIED: _____ DATE: _____

Reason for Denial:



ORDINANCES & RESOLUTIONS



GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. 9. a.
Council Meeting Date: October 12, 2020

**TITLE: Continuation of Discussion: Food Cart/Mobile Vendor
Regulations & Draft Resolution R2021-09**

SUMMARY AND BACKGROUND:

At the September meeting the Council discussed the various concerns related to mobile food carts. After the discussion the Council directed staff to draft potential rules to address concerns regarding fire suppression within the units, garbage/refuse, FOG, and parking. The Council stated the mobile food carts would be permitted in the Commercial (4-C) and Public Facilities (7-PF) zones. Staff has put together a draft resolution for the Council’s review and consideration.

After the September Council meeting correspondence was received from Melanie Benit from the Institute for Justice (staff had included information from their website in the September packet) I have attached her email and also a copy of their model Mobile Food-Vendor Freedom Ordinance. The ordinance is good, but probably a lot more than what the Council was contemplating regulating—and some of their model addresses food safety requirements that, in Oregon, are covered by the state (through county health departments). Still, please take a moment to review it and decide if you would like to insert anything in our draft resolution.

We also received a copy of a letter which was published in one of the local papers. The letter purports to address food cart issues, but it is a thinly veiled attempt to dredge up complaints about other issues from the past. The complainant had evidently emailed at least one councilor who had forwarded me the email. Staff is not going to address the letter in this report. The individual has frequently voiced these same concerns in the past and the Council has declined to address them. The letter also contains the usual snarky comments regarding staff and a successful local business that the individual singled out several years back.

After reviewing the draft resolution if the Council wants to adopt it a suggested motion is:

SUGGESTED MOTION: I make the motion to adopt Resolution R2021-09, A RESOLUTION PROVIDING FOR PERMITTING STANDARDS FOR MOBILE FOOD UNITS (MFU) WITHIN THE CITY OF GOLD BEACH

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SECTION 9. Ordinances & Resolutions

PRIOR AGENDA REPORTS ON THIS TOPIC:

FROM SEPTEMBER AGENDA REPORT

In July, the Council adopted Resolution R2021-03 which placed a moratorium on new food cart/mobile vendors adjacent to Ellensburg Avenue until the Council had time to develop and adopt specific regulations for their use. Staff was also directed to prepare potential code amendments related to food cart/mobile vendors for Council consideration. During this process staff has discovered A LOT of information regarding food carts.

In sifting through the better nuggets staff felt it would be best to have the Council review some of the information and make some policy calls before staff can effectively write potential amendments. After digging deeper into this subject, it became apparent that there is a lot more to consider than what the initial conversations started with. Staff would like the Council to discuss and decide what exactly the City concerns are related to food carts within the City, and what issues good/bad need to be addressed through possible City regulations? In other words: what is the specific “problem(s)” we want/need to address and then we can better utilize the mined data to address those concerns/problems without having to reinvent the wheel ourselves.

Staff has whittled down the info to the attachment list below. It is still A LOT of info, but good perspectives from all angles--so valuable info to consider. I tried not to provide an avalanche of data to review, but it is admittedly quite a bit. What would be useful is if the Council could review this info and pull out of it the bits you like/don't like, and we can use those as the discussion foundations.

ATTACHED TO THIS REPORT:

- *Resolution R2021-03 the moratorium resolution - Councilors Matteson and Campbell would also like to discuss the finer details of this resolution as it relates to the fairgrounds and possibly other properties along Ellensburg.*
- *Oregon Health Authority (OHA) mobile unit guidelines – Curry County issues the food licensing permit for mobile vendors within the City. Their permits are supposed to be tied to these OHA rules. (NOTE: After reading the OHA rules staff has concerns that at least one of the current mobile vendors does NOT meet these OHA guidelines and therefore should not have been issued a permit to operate. Staff will be contacting the Health Department to discuss these concerns with their agency.)*
- *Info from 3 Oregon cities regarding their food cart regulations: Lincoln City, Eugene, and Portland (staff realizes Eugene and Portland are obviously much larger than us, but their info sheets and some of their rules are worth discussing)*
- *National League of Cities Food Truck Report – lots of good info they dug up and put together to help prevent reinventing the wheel.*
- *A portion of the 353(!) page APA Regulating Food Trucks packet. Again, lots of work already done by others. I did not include the full 353 pages, but here is the link if you want to see the entire document (much of it is copies of cities regulations—Washington DC has over 80 pages!) <https://planning-org-uploaded-media.s3.amazonaws.com/document/open-EIP36.pdf>*
- *Institute for Justice Food Truck Freedom report along with a copy of a letter they submitted to the City of San Diego during a planning process for food truck regulation. (Their concerns are worth noting. This is from their website: “IJ litigates to limit the size and scope of government*



SECTION 9. Ordinances & Resolutions

power and to ensure that all Americans have the right to control their own destinies as free and responsible members of society.”)

FROM JULY AGENDA REPORT

Staff brought this topic back up at the June meeting (see below). At that meeting the Council decided to prohibit any new food carts/mobile food vendors along Hwy 101 until the Council has adopted specific Code amendments to address the businesses. Staff was requested to prepare a resolution formalizing that decision.

FROM JUNE AGENDA REPORT

TITLE: Revisit Food Cart Regulation Discussion

SUMMARY AND BACKGROUND:

This is a Heads-Up notice only, for the July meeting staff would like to revisit the Food Cart regulation discussion that began last year. Staff have concerns about unregulated placement, sanitation, and quasi-structural issues that relate to fire/life safety codes. A few business owners have also brought specific concerns to staff that they would like to present to the Council. Hopefully in July we can meet in person with the public present so they can address the Council.

RESOLUTION R2021-09

A RESOLUTION PROVIDING FOR PERMITTING STANDARDS FOR MOBILE FOOD UNITS (MFU) WITHIN THE CITY OF GOLD BEACH

WHEREAS, The City Council recognizes that mobile food units can provide diversity in dining options for citizens and visitors and create entrepreneurial opportunities for new businesses when operated safely; and

WHEREAS, The City Code does not address food carts/mobile food vendor businesses and the Council is desirous to develop a permitting process to specifically ensure compliance with: OHA mobile food unit regulations, proper sanitation and FOG requirements, building code fire/life safety provisions, and traffic circulation and parking; and

WHEREAS, It is not the City Council's intention to regulate any of the food safety requirements for operating mobile food units and recognizes the Curry County Health Department as the agent for the Oregon Health Authority (OHA) Food Safety program.

WHEREAS, The City Council recognizes that the 2020 COVID-19 pandemic has created additional economic hardship in our community and does not wish to discourage new business opportunities. The Council also recognizes the need to support existing small businesses struggling through this health crisis.

NOW, THEREFORE, BE IT RESOLVED: The City Council of the City of Gold Beach, Oregon, hereby repeals Resolution R2021-03 and hereby adopts the following standards for the permitting of Mobile Food Units (MFU) within the City:

1. Mobile Food Unit is defined as: any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway, or waterway. A MFU must be designed and constructed to move as a single piece. A MFU may not consist of multiple components that are assembled at the operating location. Additions, porches, cabanas, stairs, or other similar structural elements shall not be permitted to be added to the mobile vehicle. While the MFU is not required to move locations, the MFU must be able to be mobile at all times. The unit must be on wheels that are functional and appropriate for the type of vehicle. The unit and all operations and equipment must be integral to the unit. This does not preclude the use of one outdoor cooking unit such as a BBQ if the unit is licensed as a Class IV with the health department.
2. MFU operators shall obtain a City MFU permit and business license prior to the commencement of any food service operations.

3. MFU operators shall maintain a valid food service permit through the Curry County Health Department. Proof of compliance with food service permitting shall be required prior to issuance of a City MFU permit.
4. Permitted MFUs may be located within the Commercial (4-C) and Public Facilities (7-PF) zones.
5. As part of the City MFU permit process the mobile food unit shall be inspected by the following City Departments:
 - a. Public Works: for compliance with the City's utility code specifically the Fat/Oil/Grease (FOG) provisions; and
 - b. Fire Department: for compliance with fire suppression requirements; and
 - c. Planning Department: for review of contrary building code issues, traffic safety and parking, and refuse receptacles.
6. The MFU operator shall ensure compliance with current Oregon Health Authority (OHA) regulations (OAR Chapter 333 Division 162). The City will provide applicants with a current copy of the OHA Mobile Food Unit Operation Guide during the permitting process.

The permit fee for an annual Mobile Food Unit (MFU) permit shall be set by Council resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF GOLD BEACH, COUNTY OF CURRY, STATE OF OREGON, AND EFFECTIVE THIS 12TH DAY OF OCTOBER, 2020.

APPROVED BY:

Karl Popoff, Mayor

ATTEST:

Jodi Fritts, City Administrator/City Recorder

Jodi E. Fritts

From: Melanie Benit <mbenit@ij.org>
Sent: Wednesday, October 7, 2020 11:19 AM
To: jfritts@goldbeachoregon.gov
Cc: Robert Frommer
Subject: Gold Beach Mobile Vending

Dear Jodi and Gold Beach Counselors,

I'm reaching out today in regards to mobile vending in Gold Beach. My organization, the Institute for Justice ("IJ"), is a national nonprofit, public interest law firm that strives to help entrepreneurs start and run businesses safely without excessive red tape. Through our [National Street Vending Initiative](#), IJ has worked in courts, in city council chambers, and in the streets to help improve vending conditions in cities across the United States.

We understand that Gold Beach City Council passed a moratorium on licensing any new food carts on the city's main street until Councilors had a chance to review city codes and draft new rules regarding their use and placement. We also understand that Counselors were presented with over a hundred pages of documents pertaining to regulating mobile vendors.

IJ has over two decades of experience working on these issues and can say with confidence that vendors can be regulated easily and safely. Based on those years of experience, IJ has developed a model Mobile Food Vendor Freedom Ordinance that cities can use as a template for how to regulate mobile vendors. That Model Ordinance provides clear standards regarding vending licensing and operations based on objective evidence from across the country. The Model Ordinance likewise simplifies the inspection process while keeping vendors' food safe and healthful. Our model can be found here: <https://ij.org/activism/legislation/model-legislation/model-mobile-food-vendor-freedom-ordinance/>

I've also listed below research that IJ has conducted in regards to the safety and economic benefits that vending businesses provide in case they're useful:

- [Street Eats, Safe Eats](#) tests the relative food safety of vendors compared to restaurants, hotels, and other brick-and-mortar eateries. IJ closely reviewed more than 260,000 food-safety inspection reports from seven large American cities where mobile vendors are covered by the same health codes and inspection regimes as restaurants and other brick-and-mortar businesses. The report found that, in each of those cities, food trucks and carts did just as well as, if not better than, restaurants and other fixed eateries.
- [Upwardly Mobile: Street Vending and the American Dream](#) presents the findings of a survey of 763 licensed vendors in the 50 largest cities in the United States, as well as an in-depth economic case study of New York City's vending industry. The survey's findings show that vending offers an accessible avenue to entrepreneurship, especially for economically disadvantaged groups. Vendors are hard-working business owners and job creators, and through their vending businesses, they make sizable contributions to their local economy.

We are more than happy to work with you to create laws that secure the many benefits that a vibrant vending community can engender. Please feel free to reach out with questions or to set up a phone call. We look forward to hearing from you about this important matter.

Sincerely,



Melanie Benit
Activism Associate
[Institute for Justice](#)
+1 (703) 682-9320—Ext. 211

IJ's Customized Legislative Service: <https://2021initiative.com/>

Mobile Food Vendor Freedom Ordinance

 ij.org/activism/legislation/model-legislation/model-mobile-food-vendor-freedom-ordinance

Starting a food truck has helped many entrepreneurs realize the American dream. These mobile kitchens create jobs and provide a serious economic boost to the communities they serve.

Unfortunately, many counties and cities have made it near impossible for food trucks to operate. Some have even banned food trucks altogether—often at the bequest of brick-and-mortar businesses that use the legislative process to prevent competition.

IJ's Model Mobile Food Vendor Freedom Ordinance helps local governments remove unnecessary obstacles for food truck entrepreneurs. The model creates a simple process for applying for a food truck license. It also provides clear standards regarding where and how food trucks can operate, permitting food trucks to operate across the city, including in residential areas, as long as certain conditions are met.

Additionally, the model streamlines inspections. Some counties and cities inspect food trucks on a routine basis and often more than restaurants, causing significant disruption to food trucks' businesses. The model prevents excessive inspections and makes sure that the city's inspection regime is rationally tied protecting public health and safety. It further protects public health and safety by making sure the county or city has the ability to investigate complaints of foodborne illness.

In counties and cities across America, food truck businesses have created economic opportunity and countless jobs. By enacting IJ's Model Mobile Food Vendor Freedom Ordinance, local governments have the opportunity to encourage and support these small businesses and reap the benefits they sow.

Model Legislation

Mobile Mobile Food/Vendor Freedom Ordinance

May 1, 2020

A BILL REGULATING MOBILE FOOD VENDORS.

WHEREAS mobile food vending is a popular and diverse part of local economies across the United States;

WHEREAS [COUNTY NAME] desires to support economic development, foster opportunities for small businesses and encourage mobile food vending;

WHEREAS [COUNTY NAME] seeks to increase consumer access to desired food foods;

WHEREAS [COUNTY NAME] agrees to simplify food vending regulations; and

WHEREAS [COUNTY NAME] seeks to protect public health and safety by ensuring mobile food vendors follow clear, narrowly tailored regulations that address demonstrable health and safety risks.

NOW, THEREFORE, BE IT ORDAINED BY THE (LEGISLATIVE BODY) OF [COUNTY NAME] AS FOLLOWS:

SECTION 1. DEFINITIONS.

The following words and phrases in this section shall have the meanings given, except where the context clearly indicates a different meaning:

- A. Applicant: A person applying to [COUNTY NAME] to operate as a mobile food vendor.
- B. Customer: Any person with whom a mobile food vendor conducts business, or any person who stops to purchase something from a mobile food vendor.
- C. Food Vending Vehicle: Any motorized vehicle used to sell food or beverages by a mobile food vendor.
- D. Mobile Food Vendor: Any person who dispenses food or beverages from a food vending vehicle for immediate service and/or consumption.
- E. Prepackaged Food: Any commercially labeled and processed food that is prepackaged to prevent direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.
- F. Private Property: All property that is not public property.

Model Mobile Food-Vendor Freedom Ordinance

May 1, 2020

A BILL REGULATING MOBILE FOOD VENDORS:

WHEREAS, mobile food vending is a popular and diverse part of local economies across the United States;

WHEREAS, [XXX Municipality] desires to support economic development, foster opportunities for small businesses and encourage mobile food vending;

WHEREAS, [XXX Municipality] seeks to increase consumer access to desired local foods;

WHEREAS, [XXX Municipality] aspires to simplify food vending regulations; and

WHEREAS, [XXX Municipality] seeks to protect public health and safety by ensuring mobile food vendors follow clear, narrowly tailored regulations that address demonstrable health and safety risks.

NOW, THEREFORE, BE IT ORDAINED BY THE [LEGISLATIVE BODY] OF [XXX MUNICIPALITY] AS FOLLOWS:

SECTION 1. DEFINITIONS.

The following words and phrases in this section shall have the meanings given, except where the context clearly indicates a different meaning:

- A. Applicant: A person applying to [XXX Municipality] to operate as a mobile food vendor.
- B. Customer: Any person with whom a mobile food vendor conducts business, or any person who stops to contemplate conducting business with a mobile food vendor.
- C. Food Vending Vehicle: Any motorized vehicle used to sell food or beverages by a mobile food vendor.
- D. Mobile Food Vendor: Any person who dispenses food or beverages from a food vending vehicle for immediate service and/or consumption.
- E. Prepackaged Food: Any commercially labeled and processed food that is prepackaged to prevent direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.
- F. Private Property: All property that is not public property.

- G. Public Property: Any property owned and operated by [XXX Municipality]. Public property includes all rights-of-way except public sidewalks and rights-of-way in city-owned parks.
- H. Sell: To transfer or exchange for value, to expose or offer for sale or exchange, or to procure, store, keep or have in one's possession or control for the purpose of selling.
- I. Person: Any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity and includes the individual or entity's employees or agents.

SECTION 2. MOBILE FOOD VENDING BUSINESS PERMITTED.

- A. No person may operate as a mobile food vendor in [XXX Municipality] without obtaining a mobile food vending license under this chapter and any other licenses or permits that may be required by other applicable state or county law.
- B. A separate mobile food vending license shall be required for each food vending vehicle operated by a mobile food vendor.
- C. A violation of this Chapter may result in the suspension or revocation of a mobile food vending license and civil penalties.

SECTION 3. LICENSE APPLICATION AND GENERAL STANDARDS.

- A. **Application requirements.** An applicant shall submit a written application, under oath, to [Pertinent Licensing Agency] on a form provided by [Pertinent Licensing Agency] for a mobile food vending license. The application shall contain the following information:
 - 1) The applicant's name, address and telephone number;
 - 2) The name, address and telephone number of any associated entities or organizations that the applicant is representing and copies of documents verifying that relationship;
 - 3) The applicant's primary residence and/or business addresses for the past five years;
 - 4) The nature of the food or beverages that the applicant will sell for the purpose of the [Pertinent Licensing Agency] establishing the applicant's food type classification; and
 - 5) Whether the applicant was denied a license to operate as a mobile food vendor or whether the applicant had a mobile food vending license suspended or revoked and, if so, the reasons for the denial, suspension or revocation.

- B. Requirements for each food vending vehicle.** In addition to the written application, an applicant shall provide the following information for each food vending vehicle:
- 1) A list of all vehicle license numbers, vehicle descriptions, vehicle identification numbers, and vehicle registration for the food vending vehicle(s);
 - 2) Proof of vehicle insurance for the food vending vehicle(s); and
 - 3) [If the state or municipality requires a special license or permit for commercial vehicles] A copy or proof of any additional licenses or permits required by the State or municipality for the food vending vehicle(s).
- C. Requirements for food vending vehicle drivers.** Any person who drives a food vending vehicle shall hold a current [classification/level required by this state for food vending vehicles] driver's license.
- D. Requests for information.** The applicant shall complete the application and submit additional information requested by the [Pertinent Licensing Agency] as allowed by this section. The applicant may submit one application for all vehicles which require a license but shall pay a separate licensing fee for each license. Failure to submit a complete application may result in denial of a license.
- E. Health inspection.** Within 30 days of receiving a complete application, the [Pertinent Health Agency] or its designee shall conduct a health inspection of the applicant's food vending vehicle prior to issuing a mobile food vending license. The purpose of the inspection is to ensure the applicant's food vending vehicle is safe for preparing, handling and selling food and the applicant follows [state's food code]. Upon passage of a health inspection, the applicant shall receive a health certificate for the food vending vehicle.
- F. Issuance of License.** The [Pertinent Licensing Agency] shall issue a mobile food vending license to the applicant upon receipt of a complete application and the applicant's food vending vehicle(s) passing an initial inspection. Licenses shall be valid for one year.
- G. Substitution of licensed food vending vehicles.** Licenses are not transferable, nor shall a license authorize the activities licensed by any person other than the licensee, except that the sale of a food vending vehicle identified in a license application, when replaced by another food vending vehicle on a one-for-one basis, will not invalidate the original license nor require a new license application. When replacing a food vending vehicle with another vehicle, the licensee shall provide the [Pertinent Licensing Agency] the information required by subdivision B of this section. The health inspection of a replacement vehicle shall take place as soon as practicable but no more than fourteen (14) calendar days from the [Pertinent Licensing Agency's] receipt of the information in subdivision B of this section.

- H. **Transfer of assets.** If a mobile food vendor transfers its mobile food vending business assets, the recipient of the assets shall, before operating, apply for and obtain a new mobile food vending license from the [Pertinent Licensing Agency].
- I. **Fees.** The [Pertinent Licensing Agency] is authorized to establish a reasonable schedule and classifications of fees not to exceed two hundred dollars (\$200) for a mobile food vending license. An applicant shall pay license fee established by the [Pertinent Licensing Agency] unless otherwise exempted.
- J. **Renewal.** Licenses shall be renewed annually. The [Pertinent Licensing Agency] shall send notice to the licensee. The licensee shall submit the renewal annually, prior to the license's expiration date. A licensee may continue operations while an application for renewal is pending with the [Pertinent Licensing Agency].
- K. **Unlawful conduct.** It is unlawful for any person to intentionally provide false information or to intentionally omit information on an application for a license under this Chapter.
- L. **Application guide.** The [Pertinent Licensing Agency] shall prepare a guide for applicants. The guide shall include instructions for applying for, obtaining, maintaining, and renewing a mobile food vending license and shall describe the standards used to inspect food vending vehicles. The guide shall be made available to applicants at the [Pertinent Licensing Agency's] office and on [XXX Municipality's] website.

SECTION 4. MOBILE FOOD VENDING VEHICLE OPERATIONS.

- A. **Compliance with state and local law.** Mobile food vendor shall follow any applicable state and local laws, including without limitation all fire codes, zoning codes, occupational tax codes, and any other applicable state or local code provisions.
- B. **Location of operations.** A mobile food vendor may operate in the following locations:
 - 1) **Public property.** A mobile food vendor may operate on public property, so long as the food vending vehicle is not parked within twenty (20) feet of an intersection. A mobile food vendor may operate from legal parking spaces, including metered spaces upon payment of appropriate fees, on the public right of way. When operating on public property, a mobile food vendor is subject to the same parking rules, restrictions, and obligations that a commercial vehicle would be subject to if not used by a mobile food vendor.
 - 2) **Private property.** A mobile food vendor may operate on private property under the following circumstances:

- (i) The property is in an Industrial, Commercial or Institutional Zoning District, and the vendor has permission of the property owner and/or his or her designee.
 - (ii) The property is in a Residential Zoning District, and the mobile food vendor has been invited by a resident in that district to operate on their property for the purpose of serving food to that resident or their guests.
- 3) **No interference with pedestrians or vehicles.** A mobile food vendor shall not interfere with or obstruct the passage of pedestrians or vehicles along any street, sidewalk or parkway.

C. **Operational standards.** When operating, a mobile food vendor shall:

- 1) Maintain a food vending vehicle in good operating order and visual appearance, including removing any graffiti that is not a part of the overall design or art featured on the vehicle;
- 2) Park so that its service window faces the sidewalk;
- 3) Serve customers through its service window;
- 4) Provide a waste receptacle for customers which is clearly marked and request its use by customers;
- 5) Pick up, remove and dispose of all refuse within twenty-five (25) feet of the vendor's operating area at the conclusion of service;
- 6) Submit to and pass any required health inspections; and
- 7) Display its mobile food vendor license and health certificate in a conspicuous location in its operating window for public view.

D. **Rulemaking authority.**

- 1) The [Pertinent Licensing Agency] may promulgate administrative rules regulating mobile food vendors and mobile food vending vehicles to implement this Chapter. Any rule adopted by the [Pertinent Licensing Agency] must be narrowly tailored to address a demonstrable health or safety risk.
- 2) Rules adopted pursuant to this section may not:
 - (i) Require a mobile food vendor to operate a specific distance from the perimeter of an existing commercial establishment or restaurant;

- (ii) Impose operating hours that differ from the operating hours imposed on restaurants;
- (iii) Require a mobile food vendor to enter into any agreement with a commercial establishment or restaurant;
- (iv) Require a mobile food vendor that only serves prepackaged food to have a handwashing sink in the vendor's food vending vehicle;
- (v) Require a mobile food vendor to associate with a commissary if the vendor carries all the equipment necessary to comply with health and safety standards and [the state food code];
- (vi) Limit the number of mobile food vendor licenses issued;
- (vii) Require the mobile food vendor to obtain any additional permits from [XXX Municipality], unless the mobile food vendor seeks to operate in a local, public park;
- (viii) Require a mobile food vendor to be fingerprinted;
- (ix) Require a mobile food vendor to install a GPS tracking device on the vendor's vehicle;
- (x) Require a mobile food vendor to stay in constant motion except for when serving customers;
- (xi) Require a mobile food vendor to maintain insurance that names [XXX Municipality] as an additional insured unless the vendor is attending an event sponsored by [XXX Municipality]; and
- (xii) Require a mobile food vendor to submit to inspections beyond the number and scope of the health inspections conducted by the [Pertinent Health Licensing Agency] unless there is an investigation of a reported foodborne illness.

SECTION 5. FOOD SAFETY; HEALTH INSPECTIONS AND CERTIFICATES

- A. **Food hygiene standards.** Mobile food vendors shall follow [the state food code].
- B. **Food safety certification.** At all times, at least one person working in a food vending vehicle must hold a current food safety certification.

- C. **Mobile food vendor classifications.** Upon receipt of a complete license application, the [Pertinent Health Licensing Agency] shall classify a mobile food vendor into one of the following three classifications for the purpose of conducting inspections:
- (i) **Mobile Food Type I Vendor.** A vendor who dispenses prepackaged foods and/or non-time/temperature control for safety (non-TCS) beverages or poses a low risk of harm to the public shall be classified as a Mobile Food Type I Vendor.
 - (ii) **Mobile Food Type II Vendor.** A vendor who dispenses food that requires limited handling and preparation shall be classified as a Mobile Food Type II Vendor.
 - (iii) **Mobile Food Type III Vendor.** A vendor who prepares, cooks, holds and serves food from the food vending vehicle shall be classified as a Mobile Food Type III Vendor.
- D. **Health inspections.** For the purpose of protecting public health and safety, the [Pertinent Health Licensing Agency] shall ensure that mobile food vendors are inspected on an ongoing, randomized basis pursuant to the frequency set forth in subdivision H of this section based on their classification and inspection grade.
- E. **Recordkeeping.** [XXX Municipality] shall establish and maintain a database to record the names of licensees, inspections, inspection reports and public complaints. The database shall also allow mobile food vendors to provide periodic itineraries to the [Pertinent Health Licensing Agency].
- F. **Inspection criteria and grading.** Health inspections shall be conducted by the [Pertinent Health Licensing Agency] using inspection criteria based on the state food code and a score-based grading system established by [Pertinent Health Licensing Agency] based on objective factors. The inspection criteria shall provide a letter-grade format that rates the vendor with an “A,” “B,” “C,” or “F” grade, based on the score received during the inspection. If a vendor receives two consecutive “A” grades, it shall be given a certificate of excellence. If a vendor receives an “F” grade, the [Pertinent Licensing Agency] may suspend the vendor’s license until the vendor corrects the violations, is re-inspected and receives a grade of “A,” “B,” or “C.”
- G. **Health certificate.** Upon completion of an inspection, the [Pertinent Health Licensing Agency] shall issue a health certificate to the mobile food vendor displaying the vendor’s letter grade or achievement of excellence and record the grade in the database.
- H. **Frequency of Inspections.** Health inspections shall occur on a randomized basis, pursuant to the following frequency, based on the mobile food vendor’s classification.

- 1) **Mobile Food Type I Vendors.** A Mobile Food Type I Vendor shall be inspected only upon the [XXX Municipality] being notified of a public health or safety complaint regarding the vendor. If the inspection reveals a violation of law, the vendor shall become subject to inspections at the frequency set for a Mobile Food Type II Vendor until the vendor obtains a certificate of excellence.
 - 2) **Mobile Food Type II Vendors.** A Mobile Food Type II Vendor shall be inspected once per calendar year. If a Mobile Food Type II Vendor receives a certificate of excellence, it shall become subject to inspections at the frequency set for Mobile Food Type I Vendors. If a Mobile Food Type II Vendor holding a certificate of excellence receives a score lower than an “A” on a subsequent inspection, the vendor shall lose its certificate of excellence and return to being inspected once per year.
 - 3) **Mobile Food Type III Vendors.** A Mobile Food Type III Vendor shall be inspected twice per calendar year. If a Mobile Food Type III Vendor receives a certificate of excellence, it shall be inspected at the frequency set for Mobile Food Type II Vendors. If a Mobile Food Type III Vendor holding a certificate of excellence receives a score lower than an “A” on a subsequent inspection, the vendor shall lose its certificate of excellence and return to being inspected twice per calendar year.
- I. **Changing classifications.** The [Pertinent Health Licensing Agency] shall specify the categories of foods or beverages that mobile vendors in each classification may serve. If a mobile food vendor seeks to serve food or beverages that may require the vendor to be reclassified, the mobile food vendor shall notify the [Pertinent Health Licensing Agency] of the nature of the food or beverages to be sold, and the [Pertinent Health Licensing Agency] shall reclassify the mobile food vendor.
 - J. **Notice of location for inspections; administrative warrant.** The mobile food vendor may provide the locations where the vendor operates on social media. A mobile food vendor who does not provide the locations where the vendor operates on social media shall submit periodic itineraries to [Pertinent Health Licensing Agency] using the database created under Section 5E. The mobile food vendor may request the [Pertinent Health Licensing Agency] obtain an administrative warrant prior to conducting an inspection.
 - K. **Inspection costs; reimbursement.** The [Pertinent Licensing Agency] shall determine the average cost of conducting a health inspection. The [Pertinent Licensing Agency] shall charge the mobile food vendor an inspection fee at the time the mobile food vendor applies for or renews a license, based on the average cost of conducting an inspection, multiplied by the number of annual inspections required for the upcoming year as required by this section. A mobile food vendor may request reimbursement for an inspection that was not conducted at the expiration of the mobile food vending license or when the vendor renews a license. The [Pertinent Licensing Agency] shall reimburse the vendor for any inspection that was not conducted in the previous year within thirty (30) calendar days following receipt of a mobile food vendor’s request.

SECTION 6. LICENSE DENIAL, SUSPENSION, REVOCATION AND APPEALS

- A. The Director of the [Pertinent Licensing Agency] may deny, suspend or revoke a license issued under this Chapter. A license may be denied, suspended or revoked only for the following reasons:
- 1) Fraud, misrepresentation or a false statement contained in the application for a license.
 - 2) Fraud, misrepresentation or a false statement made in connection with the selling of food.
 - 3) Any facts or conditions that would justify the denial of the original application.
 - 4) Three (3) or more violations of this chapter over a period of twelve (12) months.
 - 5) The receipt of an “F” grade during an inspection or an investigation in response to a complaint.
- B. Any person who has been notified regarding the denial of their mobile food vending application or the possible suspension or revocation of their mobile food vending license may appeal to the [Pertinent Administrative Review Board] within fourteen (14) calendar days of receipt of said notice. Other than as described in subdivision C of this section, no license shall be suspended or revoked prior to a hearing if a mobile food vendor requests a hearing within the 14-day period required. Upon receipt of a request for a hearing, the [Pertinent Administrative Review Board] shall hold a hearing within fourteen (14) calendar days and issue findings of fact, conclusions of law and a decision.
- C. When circumstances demonstrate that continued operation by a mobile food vendor poses an imminent threat to the public’s health and safety, the [Pertinent Licensing Agency] may immediately suspend or revoke a mobile food vending license. The mobile food vendor may request a hearing before the [Pertinent Administrative Review Board] regarding the suspension or revocation within fourteen (14) calendar days of receiving notice of the suspension or revocation. Any hearing regarding the summary suspension or revocation of a license shall be given priority over all potential license denial, suspension or revocation proceedings and shall be held within seven (7) calendar days from the date the [Pertinent Licensing Agency] receives a mobile food vendor’s request for a hearing. The [Pertinent Administrative Review Board] shall issue findings of fact, conclusions of law and a decision.
- D. It is unlawful for a mobile food vendor whose license has been suspended or revoked to operate. If the [Pertinent Licensing Agency] suspends or revokes a license, the mobile food vendor shall immediately cease all food vending operations.

- E. A mobile food vendor aggrieved by an order issued by the [Pertinent Administrative Review Board] may appeal the order to state district court.

For more information, contact:

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<https://ij.org/issues/economic-liberty/vending/#:~:text=Through%20its%20National%20Street%20Vending,to%20earn%20an%20honest%20living.&text=Please%20e%2Dmail%20us%20at%20activism%40ij.org>.



National Street Vending Initiative

The Institute for Justice's Fight to Legalize Street Vending

Article | Institute for Justice

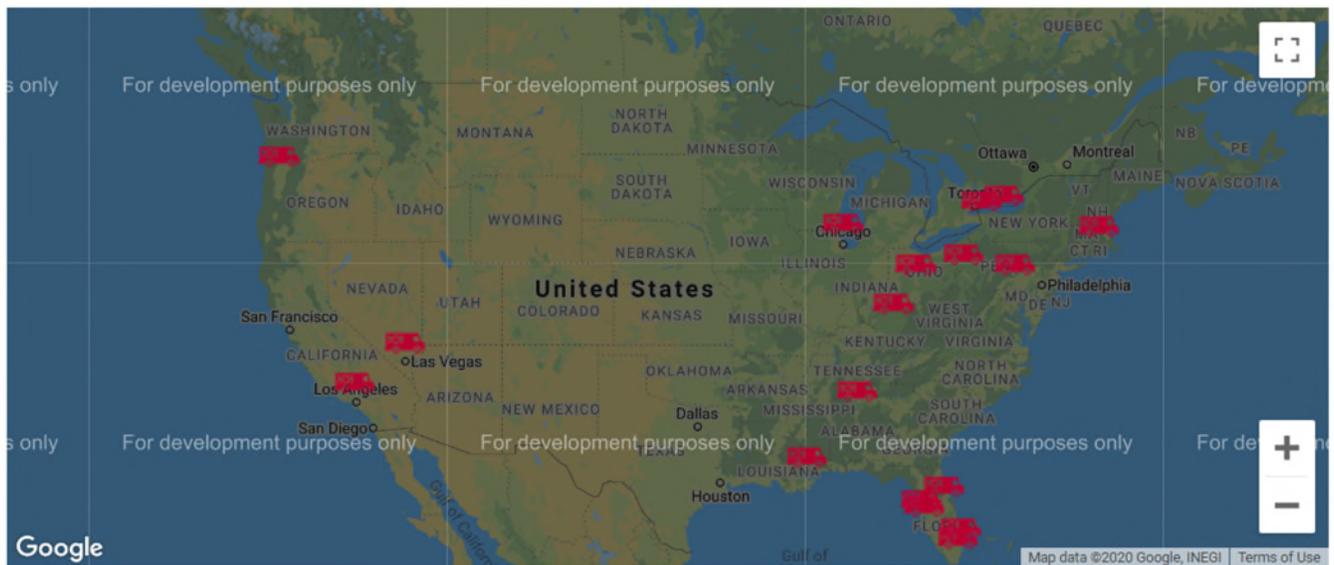
Through its National Street Vending Initiative, the Institute for Justice challenges anti-competitive laws that harm street vendors by unconstitutionally restricting their right to earn an honest living. The initiative helps vendors defeat such restrictions by bringing lawsuits in state and federal courts, equipping vendors to fight these restrictions through activism, and educating the public about the social and economic importance of street vending.

In 2016, we launched a new [case](#) challenging Baltimore's strict regulations on food trucks. We also released a new [report](#) that revealed how Chicago's food truck red tape hinders economic opportunity and stifles consumer choice.

STREET VENDORS: Does your city have laws that seem designed to keep you from competing with other businesses? Do these laws make it difficult—or even impossible—for you to run your business? If so, we can help. Please e-mail us at activism@ij.org.

Here, you can check out the initiative’s interactive map about our ongoing and past work in cities across the country, learn the about the experiences of street vendors who are fighting protectionist laws, read our educational publications on street vending and follow newsworthy developments about street-vending laws in cities throughout the United States.

Vending Cities



Recent Cases



South Padre Island Food Trucks

Millions of visitors flock to South Padre Island every year to enjoy the sun and surf. The island is the most popular beach destination in Texas. With all of those mouths to feed one would expect that South Padre is a thriving destination for food-truck entrepreneurs. Not so. Unlike cities across Texas, the City of...



Fort Pierce Food Trucks

Fort Pierce's business owners keep inviting food truck owners Benny Diaz and Brian Pepper to set up on their properties. The business owners know that legions of fans follow Benny's Taco Trap and Brian's Creative Chef on Wheels food trucks everywhere they go. But Benny and Brian cannot accept any invitations to serve food because...



Fish Creek, WI Vending

Two million tourists annually come to Wisconsin's lovely Door County for breathtaking lakeside views, water sports, cherry picking and much more. Unfortunately, one town there—Gibraltar—made Door County a little less lovely. In a fit of anti-competitive pique, Gibraltar banned restaurants on wheels, to the detriment of the town's entrepreneurs and their customers. Lisa and Kevin...


[ISSUES](#)
[CASES](#)
[NEWS](#)
[WHAT WE DO](#)
[SUPPORT IJ](#)







LAWSUIT

No Day at the Beach for South Padre Island's Food Trucks

 Filed: February 28, 2019
 Location: South Padre Island, TX
 Status: Pending



LAWSUIT

Food Truck Owners Challenge One of the Most Anti-Competitive Vending Restrictions in the Country

 Filed: December 6, 2018
 Location: Fort Pierce, Florida
 Status: Pending



LAWSUIT

No Meals on Wheels—Wisconsin Town Stops Family Business From Operating State-Licensed Food Truck on Its Own Private Property

 Filed: October 9, 2018
 Location: Fish Creek, WI
 Status: Pending



LAWSUIT

Food-Truck Owners Challenge Ban on Competition

📅 Filed: August 21, 2018
📍 Location: Carolina Beach, NC
📌 Status: Closed



LAWSUIT

How Louisville Helps Restaurants Shut Down Their Food-Truck Competition, and How IJ Is Going to Stop It.

📅 Filed: June 28, 2017
📍 Location: Louisville, KY
📌 Status: Closed



LAWSUIT

Food Truck Entrepreneurs Sue City Over Vending Law

📅 Filed: May 11, 2016
📍 Location: Baltimore, MD
📌 Status: Closed



LAWSUIT

No One Should Need Their Competitors' Permission to Operate a Business

📅 Filed: October 6, 2015
📍 Location: San Antonio, TX
📌 Status: Closed



LAWSUIT

Sweet Home Chicago?: Food Trucks Get the Cold Shoulder in the Windy City

📅 Filed: November 14, 2012
📍 Location: Chicago
📌 Status: Closed



LAWSUIT

Vindicating the Right to Earn an Honest Living Under the Florida Constitution: IJ Files Suit on Behalf of Vendors in Hialeah, Fla.

📅 Filed: October 13, 2011
📍 Location: Hialeah, FL
📌 Status: Closed



LAWSUIT

Atlanta Strikes: Out Challenging Atlanta, Georgia's Unconstitutional Vending Monopoly

📅 Filed: July 28, 2011

📍 Location: Atlanta

🔒 Status: Closed



LAWSUIT

El Paso Mobile Food Vendors Challenge City's Effort to Run Them Out of Town

📅 Filed: January 26, 2011

📍 Location: El Paso, TX

🔒 Status: Closed



LAWSUIT

Vindicating the Right to Earn an Honest Living in the Evergreen State: Local Entrepreneur & Institute for Justice challenge San Juan County Vending Ordinance

📅 Filed: September 16, 2009

📍 Location: San Juan County

🔒 Status: Closed



MISC. ITEMS

(Including policy discussions and determinations)



SECTION 10. MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. a.**
Council Meeting Date: October 12, 2020

TITLE: Annexations for November hearing

SUMMARY AND BACKGROUND:

Last year, Public Works Superintendent Will Newdall and I had discussed the annexation of our water intake and water treatment plant parcels due to the upcoming capital projects. It's time to start that process now. As fate would have it, at the same time two adjacent property owners came in to talk with staff about how they could go about the annexation process. Good timing! These will be our first annexations since 2007.

Voluntary annexations that don't require an election or public hearing process are fairly easy to process. The major requirement is the proposed parcels have to be located within our Urban Growth Boundary (UGB). If they are, and the property owner is the one requesting the annexation, then it just requires their consent to annexation and the Council's acknowledgement. There's a lot of paperwork on staff's part to make things happen, but the Council and applicant process wise it's fairly painless.

The parcels that are requesting annexation are (vicinity and subject property maps attached):

The City owned parcels: 3614-16 tax lots 200/307/312/313

Patel parcel: 3614-16 tax lot 302

Wallace parcel: 3614-16 tax lot 314

Because proposed annexations are located within UGBs--where the state wants to see development, the approval standards are pretty simple:

- Located within the UGB,
- The proposed zoning is consistent with the Comp Plan
- The land is contiguous (as defined by ORS) to the present City limits
- Adequate facilities can be/are provided to the property
- The annexation is consistent with the Comp Plan

Generally, when we annex parcels we convert the unincorporated County zoning to a similar City zoning designation--which is what staff will be proposing. The City parcels are currently zoned Public Facilities they will be proposed as City 7-PF Public Facilities. The Patel parcel is zoned Industrial. The proposal will be for the majority of the parcel to be City 5-I Industrial and approximately 20 acres City Commercial 4-C (to allow for low intensity recreational and

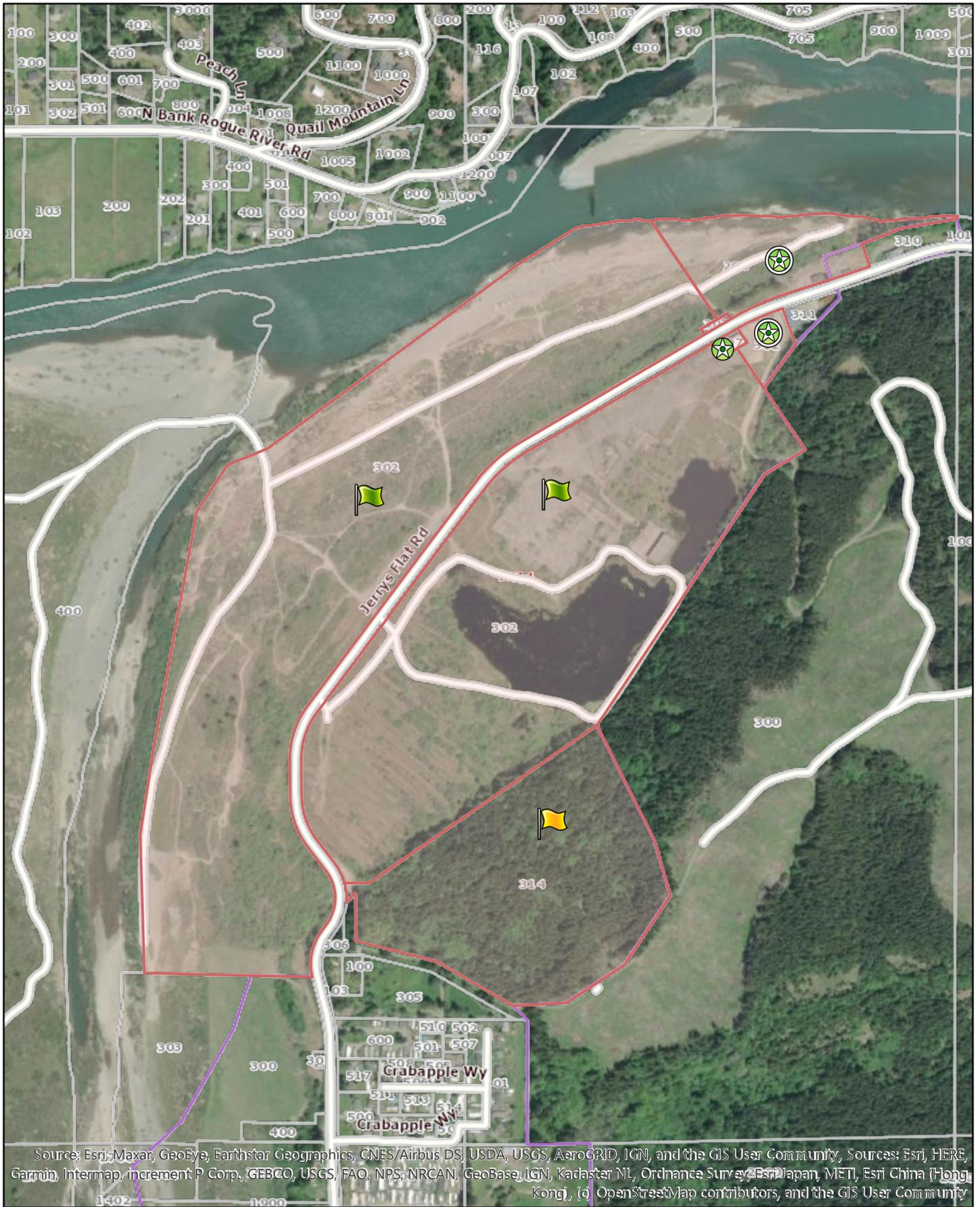


SECTION 10. MISC ITEMS (including policy discussions & determinations)

accessory uses). The Wallace parcel is zoned Residential and will be proposed at City Residential 2-R.

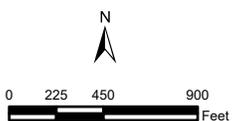
More detail will be provided next month. I'm bringing it to you this month in case you have questions or need me to do any research. This will help streamline the public hearing next month. The hearing is needed for the zoning designation part.

Attached are maps of the proposed parcels.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.



PARCELS TO BE ANNEXED

Lane County, Oregon

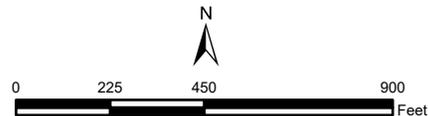
Oct 12, 2020 Council Packet

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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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Lane County, Oregon

CITY PARCELS

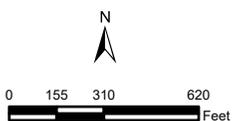
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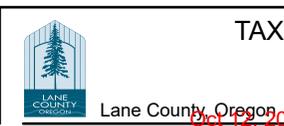
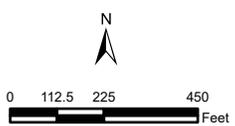
Lane County, Oregon

TAX LOT 302



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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TAX LOT 314



SECTION 10. MISC ITEMS (including policy discussions & determinations)

GOLD BEACH CITY COUNCIL AGENDA REPORT

Agenda Item No. **10. b.**
Council Meeting Date: October 12, 2020

TITLE: Councilor Concerns

SUMMARY AND BACKGROUND:

Councilors have brought a few concerns to staff in the past month. No report to address, but just a discussion topic for the meeting.