

# City of Brookings

## WORKSHOP Agenda

### **CITY COUNCIL**

**Monday May 1, 2017, 4:00pm**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

#### **A. Call to Order**

#### **B. Roll Call**

#### **C. Topics**

1. Vision Obstructions [Building, Pg. 2]
  - a. Proposed changes to Chapter 17.128 and related map [Pg. 3]
  - b. BMC Section 17.128.040 [Pg. 7]
  - c. Samples of requirements from other municipalities [Pg. 8]
2. Transient Businesses [Building, Pg. 27]
  - a. Proposed changes to Chapter 5.05.020 [Pg. 28]
  - b. Additional Chapter 5.20 [Pg. 29]
  - c. Example code from Grants Pass [Pg. 31]
3. Downtown Master Plan [Planning Pg. 55]
  - a. Updated plan [Pg. 58]
  - b. Oregon Main Street participants [Pg. 59]
  - c. Notes from public workshops [Pg. 60]
  - d. Central Building parking plan [Pg. 67]
  - e. Memo to City Council [Pg. 68]

#### **D. Council Member Requests for Workshop Topics**

#### **E. Adjournment**

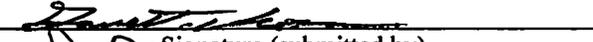
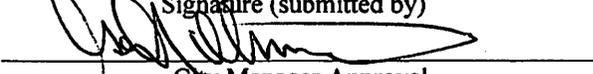
All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## Council WORKSHOP Report

Meeting Date: May 1, 2017

Originating Dept: PW/BD

  
Signature (submitted by)  
  
City Manager Approval

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**Subject:** Revisions to section 17.128.040 “Vision obstructions and vision clearance area” of the Brookings Municipal Code.

**Financial Impact:** There would be no financial impact to the City due to the amendment of this code.

Reviewed by Finance & Human Resources Director: \_\_\_\_\_

**Recommendation:** Staff is looking for direction/support of vision clearance areas for single and two family residential driveways prior to scheduling a workshop and hearings before the Planning Commission. Once the Planning Commission has approved the code revision staff shall bring this revision before the council and ask for a motion to approve a vision clearance setback at residential driveways.

**Background/Discussion:** Currently Brookings Municipal Code Chapter 17.128.040 provides vision clearance areas for properties that are located at the intersection of two streets. Objects such as signs and vegetation are limited to three feet in height in the vision clearance area.

Reports of near misses and unreported accidents from police, public works and citizenry have been shared about vision clearance issues between automobiles and pedestrians at residential driveways due to fences and vegetation against the back of sidewalks/curbs.

To increase safety at the intersection of single and two family residential driveways and streets, three different scenarios have been provided for review. Option 1 would require any fence, hedge or any other visual barrier within ten (10) feet of the front property line to be less than three (3) feet in height. Option 2 would require a vision clearance area that mirrors the existing requirements located at the intersection of two streets but the legs are reduced to ten (10) feet. Option 3 would be the same as Option 2 but would limit the requirements to those driveways that are accessed from the streets with high pedestrian traffic around the schools. Diagrams are provided that show a visual for Option 1 and 2. A map showing the streets around the school for Option 3 is provided as well.

**Attachment(s):**

- a. Proposed changes to Chapter 17.128, Section 040 “Vision obstructions and vision clearance area” Options 1-3 and related map.
- b. Section 17.128.040 “Vision obstructions and vision clearance area” of the Brookings Municipal Code.
- c. Vision clearance and front yard fence requirements from nearby municipalities.

**17.128.040 Vision obstruction and vision clearance area.**

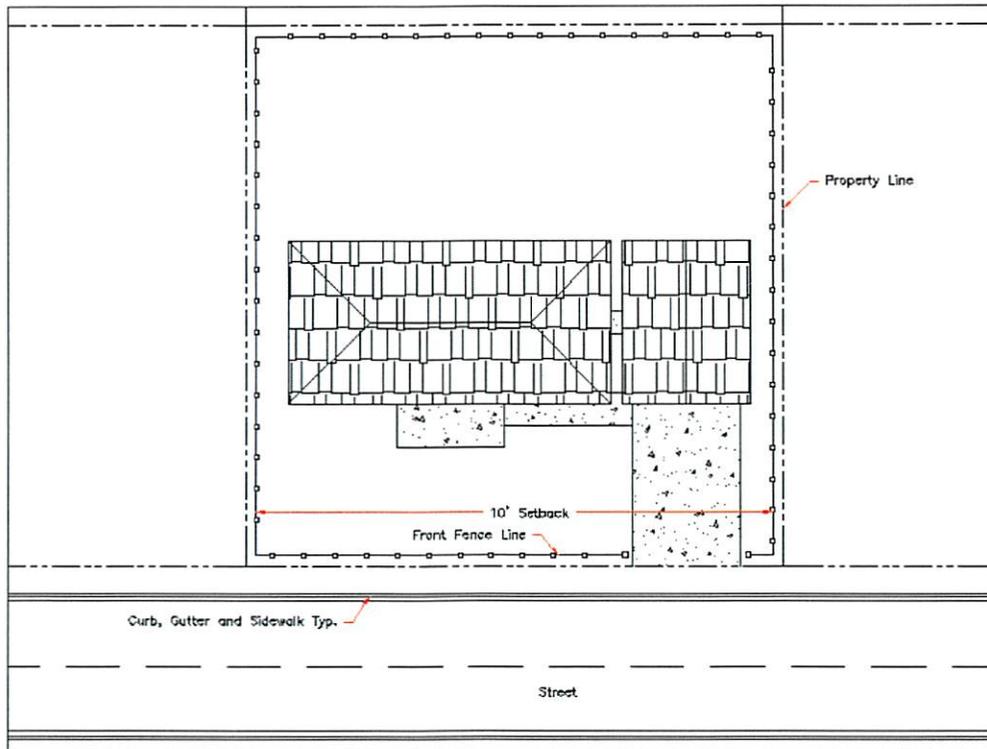
A. Nothing in this code shall be deemed to permit a sight obstruction within any required yard area along any street or at a street or alley intersection interfering with the view of operators of motor vehicles or pedestrians on streets or alleys to such an extent as to constitute a traffic hazard. Violations of these requirements will be subject to Chapter [17.160](#) BMC, Enforcement and Penalties.

**B. Vision clearance areas at street intersections.** Vision clearance areas shall be located on the corners of properties abutting the intersections of two or more streets and intersections of streets with alleys. A vision clearance area shall consist of a triangular area measured from the corner of the intersecting property lines for a distance specified in this regulation. The third side of the triangle is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following are minimum distances establishing the two sides of the triangle:

1. In a residential district the distance shall be 20 feet along each property line from the point of intersection of two or more streets. For the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.
2. In all commercial and industrial zones where yards are required, the distance shall be 15 feet along each property line from the point of intersection of two or more streets. At the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

**Option 1**

**C. Vision clearance for single and two family driveways.** The vision clearance area shall consist of a ten (10) foot setback from the property line along the entire property frontage where the driveway and street intersect.

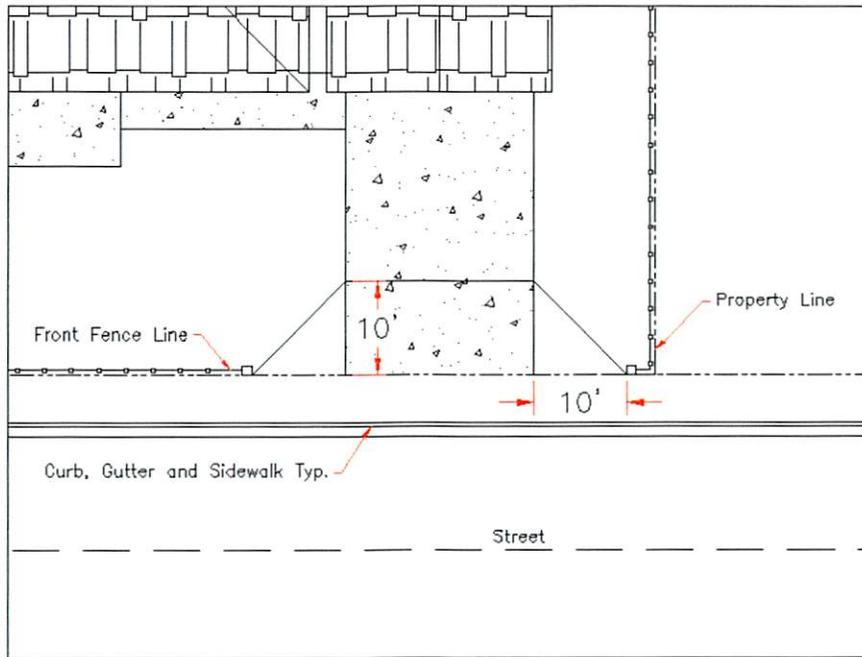


## Option 2

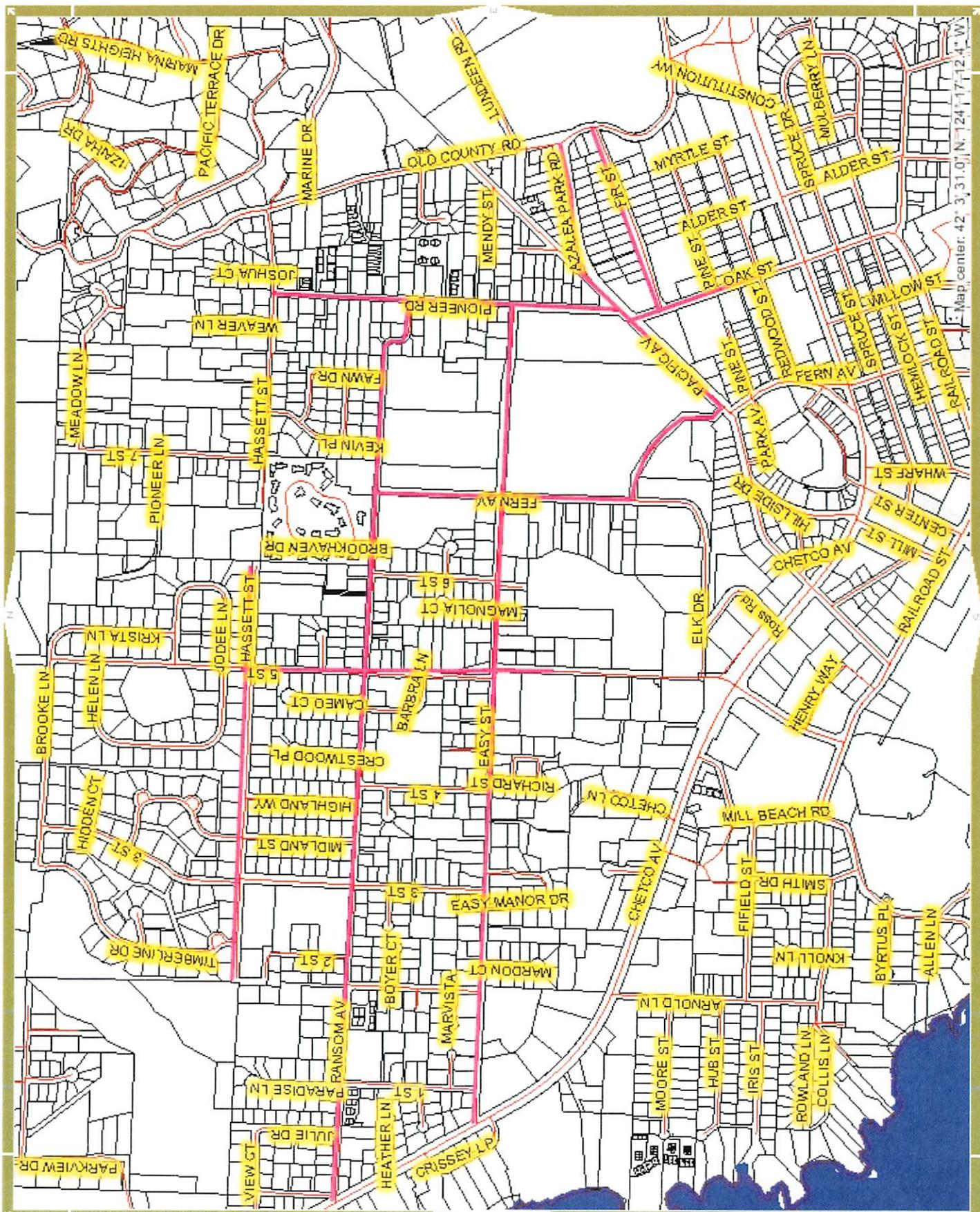
**C. Vision clearance areas for single and two family driveways. Driveways in all single and two family residential zones shall have a vision clearance area on each side of the driveway. The vision clearance area shall consist of a triangular area, two sides of which are 10-foot lengths along the property line and the edge of the driveway and the third side which is a line across the corner of the lot connecting the ends of the other two sides.**

## Option 3

**C. Vision clearance areas for single and two family driveways accessed from streets identified on Figure 1 map. Driveways in all single and two family residential zones shall have a vision clearance area on each side of the driveway. The vision clearance area shall consist of a triangular area, two sides of which are 10-foot lengths along the property line and the edge of the driveway and the third side which is a line across the corner of the lot connecting the ends of the other two sides.**



**D.€.** A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or street centerline grade, whichever shall be lower. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above grade. [Ord. 08-O-617 § 2; Ord. 89-O-446 § 1. Formerly 17.128.050.]



**17.128.040 Vision obstruction and vision clearance area.**

A. Nothing in this code shall be deemed to permit a sight obstruction within any required yard area along any street or at a street or alley intersection interfering with the view of operators of motor vehicles or pedestrians on streets or alleys to such an extent as to constitute a traffic hazard. Violations of these requirements will be subject to Chapter 17.160 BMC, Enforcement and Penalties.

B. Vision clearance areas shall be located on the corners of properties abutting the intersections of two or more streets and intersections of streets with alleys. A vision clearance area shall consist of a triangular area measured from the corner of the intersecting property lines for a distance specified in this regulation. The third side of the triangle is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following are minimum distances establishing the two sides of the triangle:

1. In a residential district the distance shall be 20 feet along each property line from the point of intersection of two or more streets. For the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

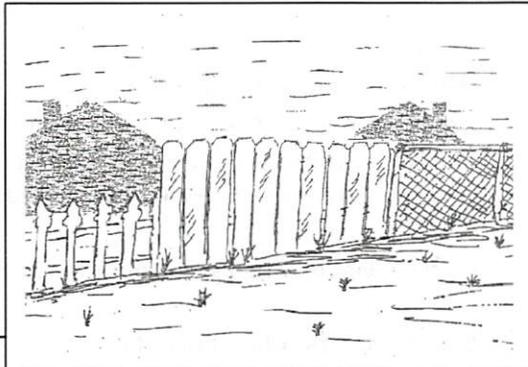
2. In all commercial and industrial zones where yards are required, the distance shall be 15 feet along each property line from the point of intersection of two or more streets. At the intersection of a street and an alley, measure 10 feet along the property line adjacent to both the street and alley.

C. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb, or street centerline grade, whichever shall be lower. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above grade. [Ord. 08-O-617 § 2; Ord. 89-O-446 § 1. Formerly 17.128.050.]

**17.128.050 Access.**

Except as permitted by other provisions of this code, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street, dedicated and improved as a public right-of-way, other than an alley, or an accepted private street, for a distance of at least 20 feet. Residential development is permitted on dedicated but unimproved streets; provided, that the applicant has signed and recorded a deferred improvement agreement. On all lots created after the date of this amendment, the frontage street is the street providing access to the lot or parcel. The lot or parcel must be addressed to that street. The site plan committee may require that driveway construction be completed and approved by the city prior to the recordation of a subdivision or partition plat. Secondary access may be allowed but cannot replace the primary access from the frontage street. [Ord. 08-O-617 § 2; Ord. 91-O-446.F § 2; Ord. 89-O-446 § 1. Formerly 17.128.060]

PERMIT APPLICATION CENTER / CITY HALL, 555 LIBERTY STREET SE,  
 ROOM 320, SALEM, OREGON 97301  
 (503) 588-6213 [www.cityofsalem.net](http://www.cityofsalem.net) [@Salem\\_Planning](https://twitter.com/Salem_Planning)



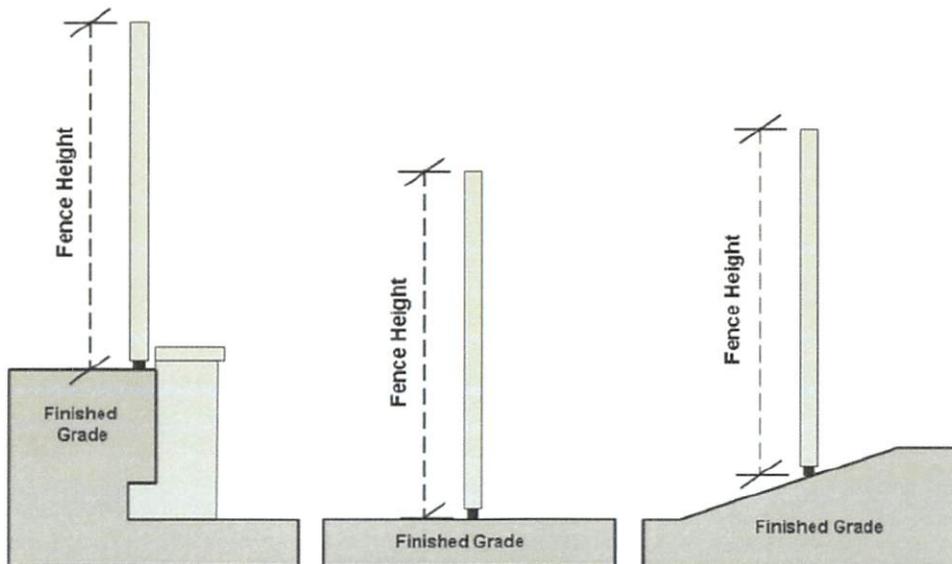
**What are residential fence height requirements?**

Generally, fences may be built to a maximum height of eight (8) feet along the interior rear and side property lines, six (6) feet along a rear and side property line that abuts a street and four (4) feet within 20 feet of the front property line adjacent to a street. Salem Revised Code (SRC) Chapter 800 contains the development standards (maximum allowable size, height, setback from property lines, etc.) applicable to fences in residential zones. ***The standards applicable to residential fences are shown in the diagram on the back.***

**How is fence height measured?**

Fence height shall be measured from the finished grade upon which the fence is constructed to the top of the fence except fences along the public right-of-way. They shall be measured from the sidewalk to the top of the fence; or if no sidewalk exists, the fence shall be measured from the curb to the top of the fence; or if no curb exists the height shall be measured from the finished shoulder grade of the right-of-way to the top of the fence. See figure 112-4.

**FIGURE 112-4  
 MEASUREMENT OF FENCE HEIGHT**



Continue on reverse

**What materials are prohibited?**

Fences and walls shall not be constructed of material not specifically designed as fencing material or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous materials.

Chicken wire may be used only within an Residential Agriculture (RA) zone for livestock.

**Do I need a building permit?**

Please contact Building & Safety Division at (503) 588-6256 for more information on the need for a building permit.

**When building a fence, please remember the following:**

*Location of Property Line.* Be sure you know exactly where your property lines are before building a fence. Need help figuring out where your property line is? Review the 'How to Find Your Property Line' Resource Guide available from the Planning Division, or online here: [www.cityofsalem.net/planning](http://www.cityofsalem.net/planning)

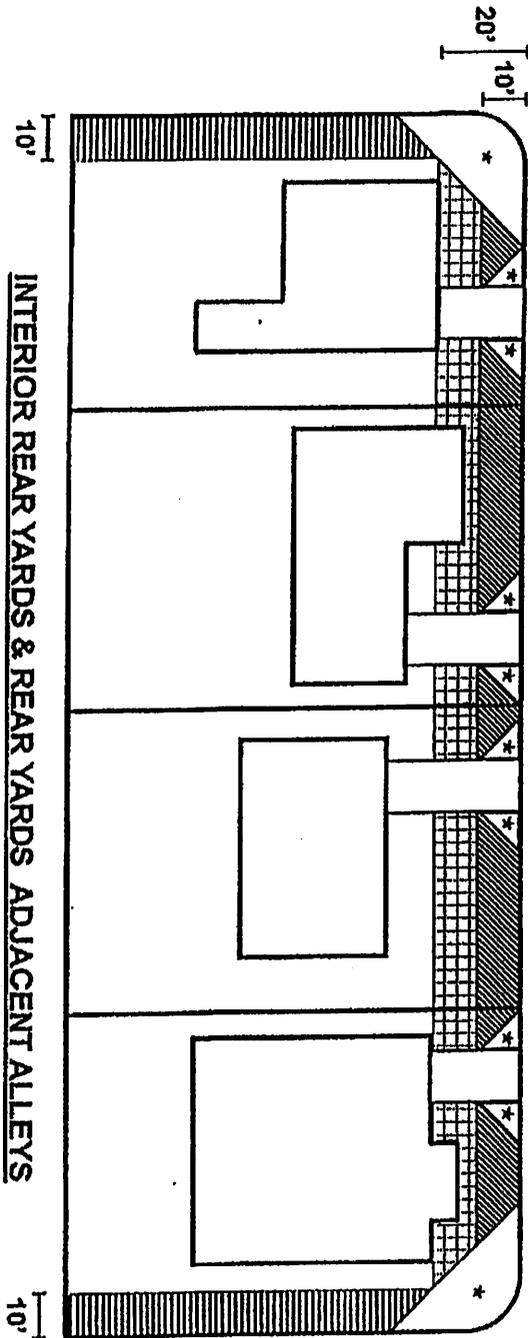
*Vision Clearance Areas.* Vision clearance is required at street, alley, and driveway corners. Fence construction is limited in vision clearance areas. A Vision Clearance Diagram is included in this guide. Please call Public Works, Transportation Services Division at 503-588-6211 for more information.

*Utilities and Easements.* Know where underground utilities are before you begin digging. Please visit the Oregon Utility Notification Center at 877-668-4001, or City of Salem Public Works Department at 503-588-6211 for utility location information when building a fence.

NOTE: This packet is supplemental to the Salem Revised Code (SRC). In the event of a conflict between a statement in this document and the SRC applicable to a particular development, the SRC shall apply. Full version of SRC is available online at <http://www.cityofsalem.net/Departments/Legal/Pages/SalemRevisedCodes.asp>

# HEIGHT AND LOCATION REQUIREMENTS FOR FENCES

## FRONT YARDS (ADJACENT LOCAL STREETS)

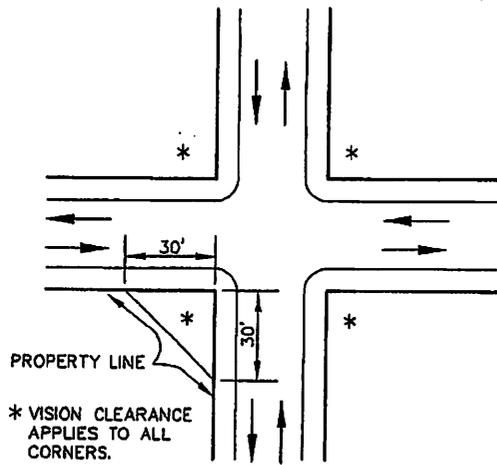


\* Vision Clearance Areas  
(varies per type of intersection)

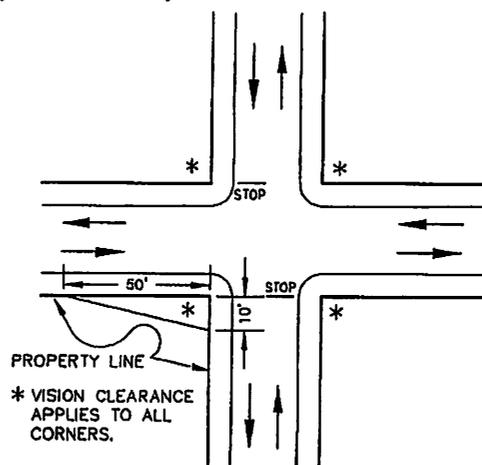
-  4' Fence (Bottom 30" may be opaque)
-  4' Fence Permitted
-  6' Fence Permitted
-  8' Fence Permitted with Building Permit

# Vision Clearance Areas

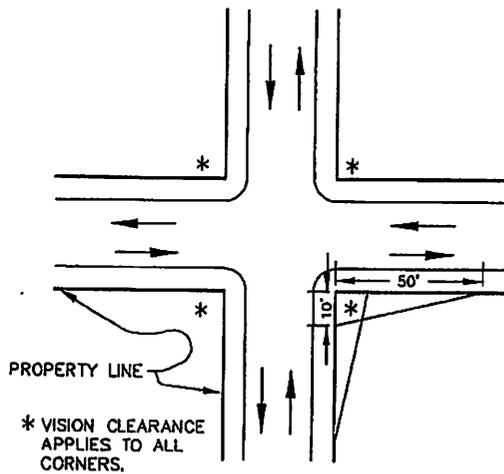
## Street, Alley and Driveway



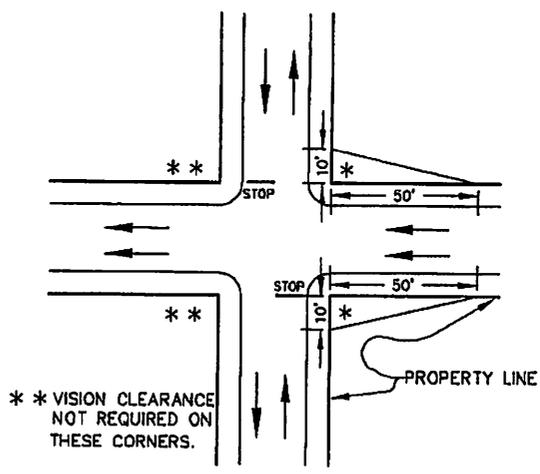
**UNCONTROLLED INTERSECTION**



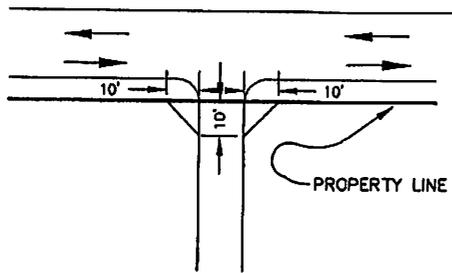
**STOP CONTROLLED INTERSECTION**



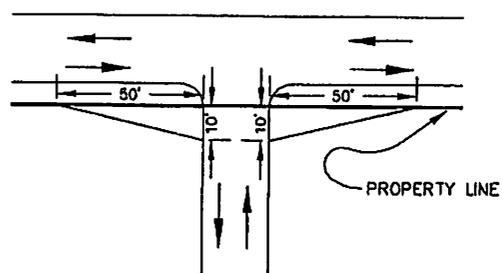
**SIGNAL CONTROLLED**



**ONE-WAY STREETS**

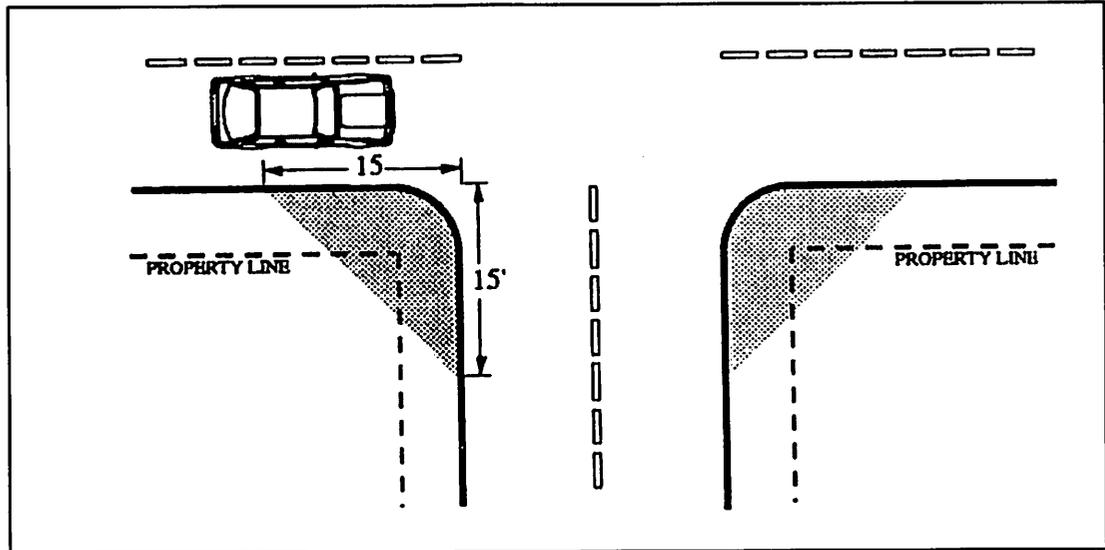


**SINGLE FAMILY DRIVEWAY AND ALLEY**



**NON-SINGLE FAMILY DRIVEWAY**

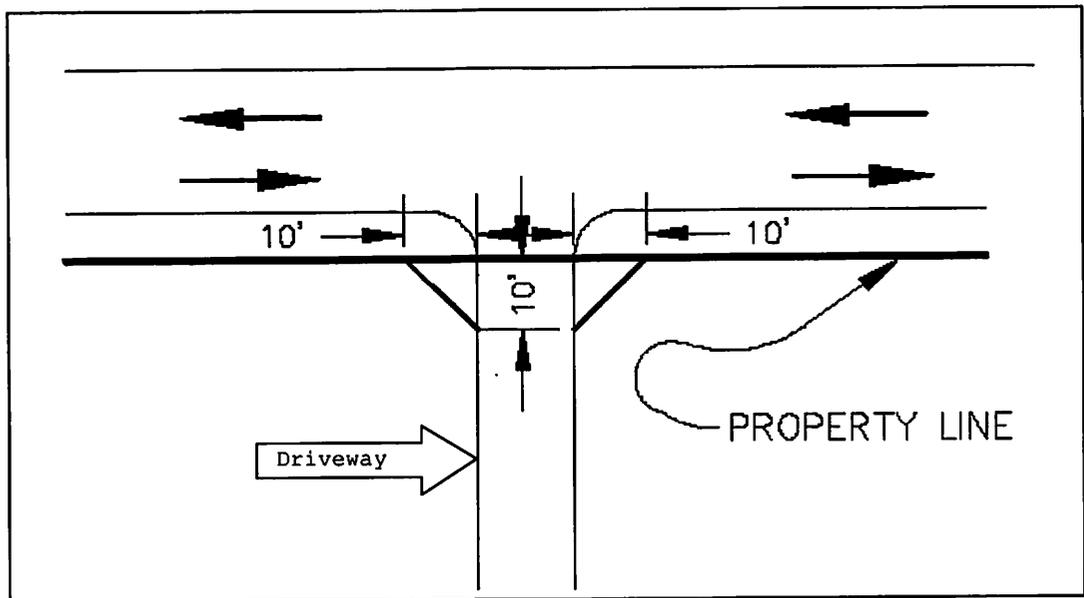
Figure 2: Vision Clearance Area for Streets and Railroads



(4) Alleys and residential driveways.

A vision clearance area shall consist of a triangular area, two sides of which are 10-foot lengths along the property line and edge of the driveway or alley and the third side of which is a line across the corner of the lot connecting the ends of the other two sides (Figure 3).

Figure 3: Vision Clearance Area for Alleys and Residential Driveways



## 4.4.070 - Fences.

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence that is, or has become, dangerous to the public safety, health, or welfare shall be considered a violation of this Section.

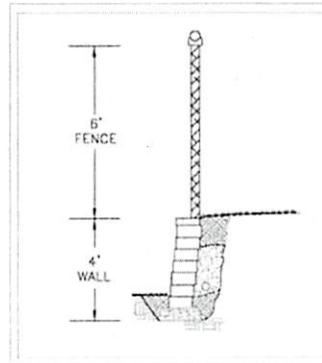
- 1) Barbed wire fencing and other fences constructed of sharp materials shall only be permitted at the top of a fence, which exceeds six (6) feet in height, on properties within commercial or industrial Zoning Districts. Fences in residential zones shall not be constructed of sheathing material such as plywood, particleboard, or similar materials.
- 2) No fence, hedge, or wall, other than a retaining wall, higher than three (3) feet shall be erected in the front yard setback or exterior side yard setback area (for corner lots), measured from the property line in any residential district.
- 3) No fence or wall, other than a retaining wall, higher than seven (7) feet shall be erected in the required side or rear yard setback area in any residential district. Height shall be measured as follows:
  - a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.
  - b) In other required yards, it shall be the total effective height measured from the top of the fence directly above the finished grade of ground on the subject property.
- 4) There shall be no limit on the height of a fence or wall in non-residential districts, except that any fence or wall, which exceeds seven (7) feet in height, shall conform to the International Building Code.
- 5) Fences, hedges and walls located within required clear vision areas shall conform to height limitations and site distance requirements established in Section 4.4.070.
- 6) No person shall construct a berm upon which to locate a fence or wall, unless the total height of the berm plus the fence or wall would not exceed the maximum height allowable for the fence or wall if the berm was not present.
- 7) No fence or wall shall be erected so as to stand in, or in front of, any required landscaping unless approved at the time of approval of landscaping plans.
- 8) Sight-obscuring fences required by zoning standards or Chapter 3 shall be a continuous fence, wall, evergreen planting or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

## Fence Regulations

Ordinances governing fences can be found in [Section 23.037 of the City of Grants Pass Development Code \(PDF\)](#). Permits are not required for fences in residential zones and must meet the regulations below. If you are considering installing a fence on a common property line please make contact with your neighbor for cooperation on the construction of the fence. In some cases it may be necessary to have your property surveyed by a licensed surveyor to positively identify and mark your property lines to avoid dispute. The City of Grants Pass does not mediate disagreements between owners of private property.

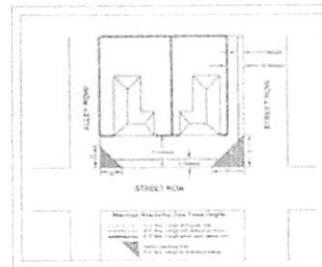
### Fences in Residential Zones

- o Maximum height within required front and exterior yards is 4 feet (except decorative arbors, gates and similar features). A fence up to 4' 6" in height may be placed a minimum of five feet from the front property line.
- o Maximum height within required exterior yard: 6 feet with a 3 foot setback from exterior property line. Three foot setback area must be maintained with trees, shrubs or living ground-cover.
- o Maximum height within required interior yards is 6 feet.
- o The use of barbed wire or razor fences are prohibited in the residential zones.
- o Requirements for fencing in all zones shall also apply.
- o Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence.



### Fences in Commercial Zone

- o Any fence over 3 feet high shall be located behind any required landscaped front or exterior side / rear yard.
- o Maximum height within required interior yards is 8 feet.
- o Razor wire, barbed wire, and chain link fencing shall not be used between a building face and public right-of-way. Treatments such as decorative wrought iron should be used instead. See [Section 20.490 \(2\) of the Development Code \(PDF\)](#).
- o Requirements for fencing in all zones shall also apply.



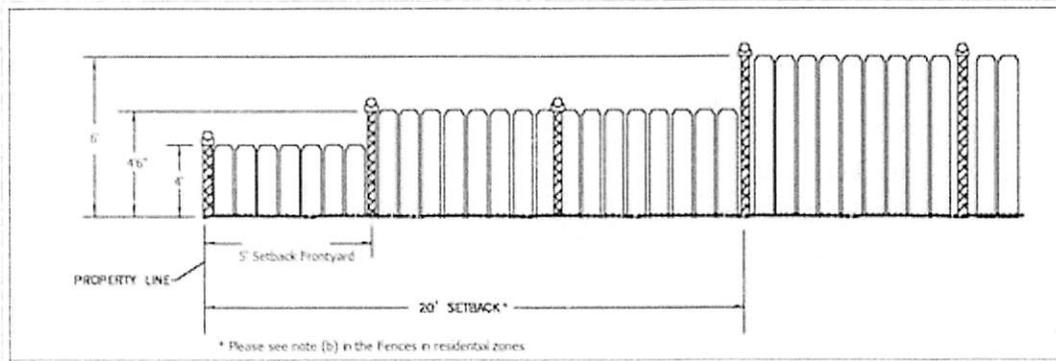
### Fences in Industrial Zones

Any fence over 3 feet high shall be located behind any required landscaped front or exterior side/rear yard. Maximum height in interior yards: 8 feet. Depending on use and location, razor wire, barbed wire and chain link fencing may not be permitted between a building face and public right-of-way. Refer to [Section 20.220 of the Development Code \(PDF\)](#) for applicability of Commercial Design Standards to industrial zones.

## Requirement for Fences in All Zones

- A fence meeting required building setbacks shall not exceed the maximum height for structures in that zone.
- Where permitted, a fence over 6 feet high requires a building permit as required by the applicable Building Code.
- A fence with a height of up to 6 feet is permitted along a property line abutting an alley and within the alley setback, unless such a fence creates a visual obstruction.
- No fencing shall conflict with the requirements of the clear vision area for streets and driveways. Fencing within a vision clearance area shall not create a visual obstruction as defined in [Article 30 of the Development Code \(PDF\)](#).
- Fencing within the public right-of-way is permitted only upon issuance of a valid [Encroachment Permit \(PDF\)](#) by the City Engineer.
- Fencing within a City Utility Easement (CUE) or other public easement is permitted only upon approval by the City Engineer.
- In cases where Code provisions conflict, structures required as part of a zone buffer shall be subject to the applicable provision within Section 23.034 of the Development Code rather than the conflicting provision within this section.
- Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation.
- Link fencing less than seven feet in height shall be constructed in such a manner that no barbed ends shall be at the top.
- Barbed wire and razor wire fences are prohibited in the following locations: at less than 6 feet above grade, within required zone buffer setbacks, and within the public right-of-way.
- Electric fences are prohibited.

A fence height shall be measured from the top of the fence to the lowest grade at the base of the fence. When a fence is located on top of a retaining wall, the height of the retaining wall shall not be included in the height measurement of the fence.

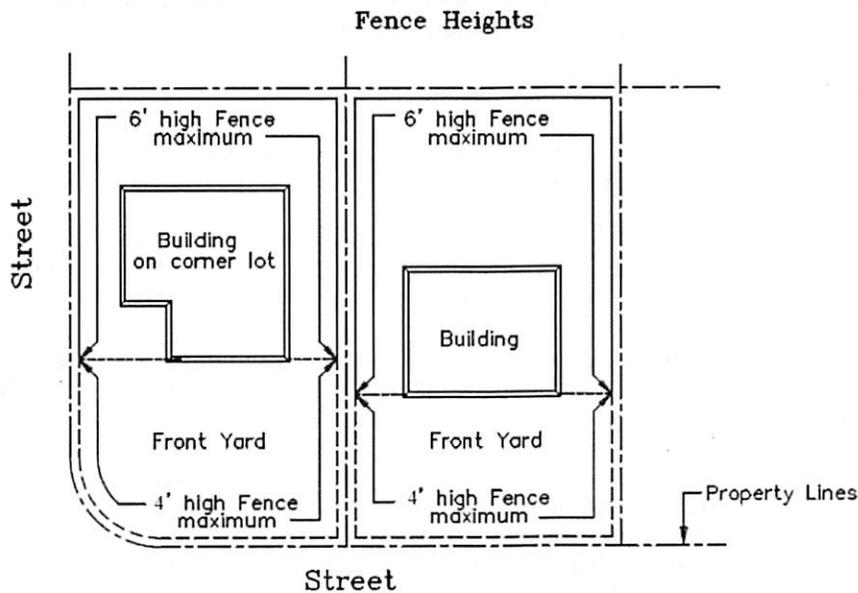


**10-34-5: FENCES AND WALLS:** Construction of fences and walls shall conform to all of the following requirements:

- A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)
- B. **Dimensions.**
  - 1. **Residential Zones:** Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed four (4) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))
  - 2. **Commercial and Industrial Zones:** Except as provided below, the height of fences and walls in any required front yard shall not exceed four (4) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

**Figure 10-34(2): Residential and Commercial Fence Standard**

**Figure 10-34(2): Residential and Commercial Fence Standard**



**C. The following exceptions may be allowed through Type I, II or III Review.**

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.
2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).
3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.
4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.
5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

**D. Specific Requirements**

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-7.
2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-14.
3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than seven (7) feet in height require a building permit
4. Sheet Metal Fencing (as permitted) shall meet the following criteria:
  - a. Must have appropriate weatherization coating to address vulnerability to rust in Florence's coastal climate.
  - b. Must be installed and maintained as per warranties to ensure longevity. Warranty documentation must be submitted to the Planning Director before approval.
  - c. Shall be maintained in good condition (rust and hole free, non-peeling, and absent of similar signs of disrepair), or otherwise replaced by the property owner.
  - d. Sheet metal fencing, due to its manufacturing design, will be either horizontally or vertically dominant depending on the manner of installation. To break up the dominant vertical or horizontal orientation, the fence design along streets shall incorporate variable architectural detail. This can be accomplished through one or more of the following a minimum of every eight (8) feet;
    1. Addition of vertical siding trim strips and cap trim of colors different yet complimentary to the fence color.
    2. Change in orientation of sheet metal.
    3. Vertical offsets (staggered fence line).

- E. **Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.
- F. **Materials.**
1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.
  2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.
  3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.
  4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-7-14.

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Created by Ord. 9, Series 2009

Section 10-34-3-7-D amended by Ord. No. 4, Series 2010 (effective 4/5/10)

Sections 10-34-3-1-A, 10-34-3-1-B, 10-34-3-4-A-1, 10-34-5-B-1, and 10-34-5-B-2 amended by Ord. No. 4, Series 2011 (effective 4/22/11)

Section 10-34-3-1 amended by Ord. No. 18, Series 2011 (effective 9/19/11)

Section 10-34-3-4 amended by Ord. No. 3, Series 2013 (effective 7-31-13)

Section 10-34-5-D and F amended by Ord. 4, Series 2013 (effective 1-8-14)

Sections 10-34-4 and 10-34-5 amended by Ord. 11, Series 2016 (effective 11-16-16)

ARTICLE 5. SUPPLEMENTARY PROVISIONS

SECTION 5.010. Access. Every lot or parcel shall abut a street, other than an alley, for a width of at least twenty-five (25) feet, unless approved as an easement under Section 11.C [Creation of Ways] of the Subdivision Ordinance.

- 1. Limit access points to arterial streets from adjoining property to better define and channel traffic movement.
- 2. Any development for which more than six or more off-street parking spaces are required shall be permitted only if the property fronts on, and is served primarily by, a street having a minimum paved width of twenty-four (24) feet along the entire frontage of the property, and such paved street connects with a collector or arterial street, either directly or via other streets having a minimum paved width of twenty-four (24) feet.
- 3. Where a property fronts a street which has a minimum of twenty four (24) feet of paving but is not fully improved to City standards, the property owner shall either improve the street, or subject to the City Manager's determination, shall record an irrevocable offer to participate in the formation of a Local Improvement District, for the purpose of financing improvements of abutting streets to the minimum standard.
- 4. Access, Parking and Loading. With respect to vehicular and pedestrian ingress, egress and circulation, including walkways, interior drives and parking and loading areas, the location and number of access points for normal and emergency uses, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, and arrangement of parking, loading and service areas and driveways shall be reviewed for safety, convenience and mitigation of potential adverse impacts on neighboring properties, on the operation of public facilities, and on the traffic flows of adjacent and nearby streets.

SECTION 5.020. General Provisions Regarding Accessory Uses. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

- 1. In all zones, fences and walls may be located within required yards, but shall not exceed four (4) feet in height in the required front yard. No fence or wall shall exceed six (6) feet in height, and shall comply with the clear-vision areas in Section 5.030 as applicable.
  - a. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed-wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet six inches high.
  - b. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

2013.01.10

- c. No owner or person in charge of property shall allow a fence to deteriorate in such a manner creating a hazard affecting the public or persons or property on or near the property.
2. Regardless of the side and rear yard requirements of the zone, an accessory structure in a residential zone may be built to within five (5) feet of a side or rear property line provided the structure is more than sixty-five (65) feet from the street abutting the front yard and twenty (20) feet from the street abutting the street side yard, provided the structure is detached from all other buildings by ten (10) feet or more, and provided the structure does not exceed a height of fifteen (15) feet and an area of six hundred (600) square feet.
  3. Boats, trailers, pickup campers or coaches, motorized dwellings, and similar recreational equipment may be stored, but not occupied, on a lot as an accessory use to the dwelling provided that:
    - a. Parking or storage in a front yard or in a street side yard shall be permitted only on a driveway.
    - b. Parking or storage shall be at least three (3) feet from an interior side or rear property line.
  4. A guest accommodation may be maintained accessory to a dwelling provided there are no cooking facilities in the guest accommodation.
  5. A single-family dwelling may be permitted as an accessory use to a use permitted in the Commercial or Industrial zones, provided it is located in the main building.

**SECTION 5.030. Clear-Vision Areas.** In all residential zones a clear-vision area shall be maintained on the corners of all property at the intersection of two streets. However, the provisions of this section shall not apply to any of the following:

- a. a public utility pole; or,
  - b. an official street sign, warning sign or signal.
1. A clear-vision area shall contain no planting, fence except for chain link or woven wire fences described below, wall, structure, or temporary or permanent obstruction exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade. Fences constructed of chain link or woven wire may be allowed exceeding three (3) feet where there is no obstruction in or around the fence, and the fence does not obstruct vision. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above the grade. Plantings exceeding three (3) feet may be allowed in a clear-vision area as long as the plantings do not obstruct vision.
  2. In all zones, except as otherwise provided by this Ordinance, a clear-vision area at the intersection of two (2) streets shall consist of a triangular area, two sides of which are property lines measured from the corner intersections of the street rights-of-way for a

## 17.40.020 - In residential districts.

Regulations for fences in residential districts shall include the following:

- A. Front yards, maximum height above grade not to exceed thirty-sixty inches except that the fence may be erected to a maximum height of forty-eight inches; provided, that any fence which exceeds thirty-six inches is uniformly open to the extent of thirty-three and one-third percent. "Uniformly open" means that the interstices between the solid material of the fence are evenly spaced so as to make vision through the fence possible;
- B. Rear yards, maximum height six feet above grade;
- C. Side yards, maximum height six feet above grade;
- D. On a corner lot in any residential district, no fence shall be erected or plants permitted to grow in such a manner as to materially impede vision between the height of three and ten feet above the centerline grades of the intersecting streets in the area bounded by the lot lines of such corner lots in a line joining points along such lot lines thirty-five feet from the point of intersection.

(Ord. 629 Exh. A (part), 1988: prior code § 30-800.1).

**CHAPTER 805  
VISION CLEARANCE**

- 805.001. Purpose
- 805.005. Vision Clearance Areas
- 805.010. Obstructions to Vision Prohibited
- 805.015. Alternative Standards

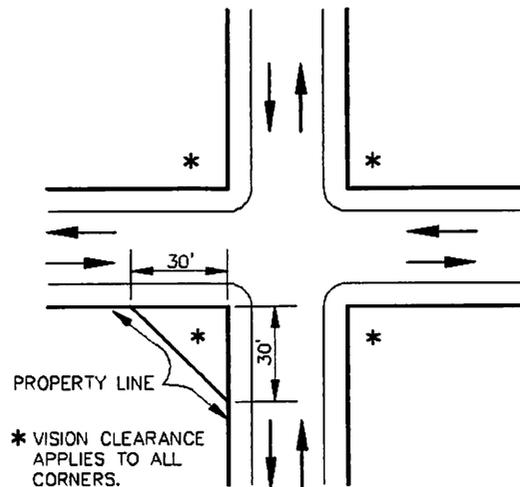
**805.001. Purpose.** The purpose of this Chapter is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. (Ord No. 31-13)

**805.005. Vision Clearance Areas.** Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

**(a) Street Intersections.** Vision clearance areas at street intersections shall comply with the following:

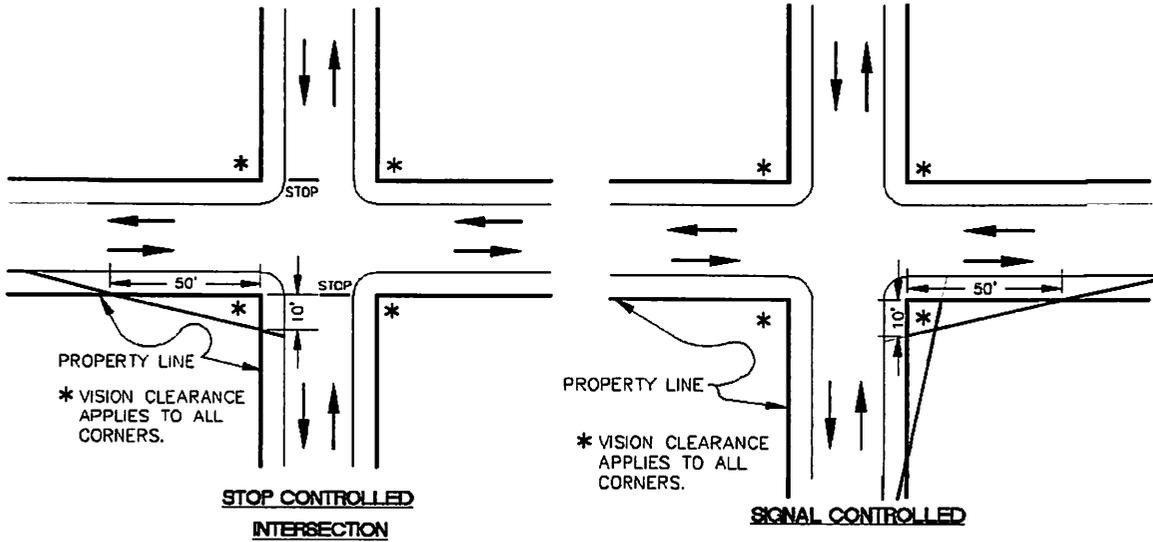
**(1) Uncontrolled Intersections.** At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).

**FIGURE 805-1  
UNCONTROLLED INTERSECTIONS**



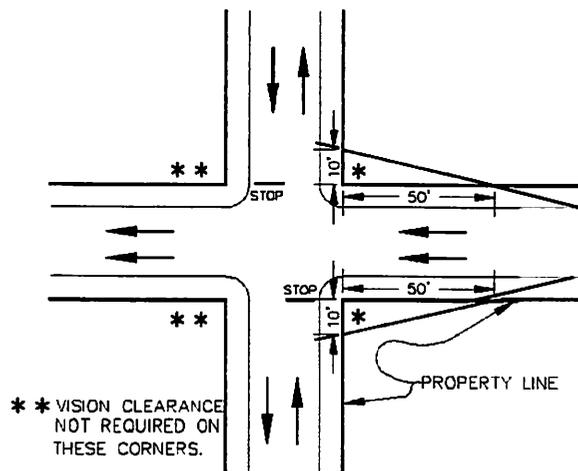
**(2) Controlled Intersections.** At controlled intersections, the vision clearance area shall have a 10-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).

**FIGURE 805-2  
CONTROLLED INTERSECTIONS**



**(3) One-Way Streets.** Notwithstanding paragraphs (1) and (2) of this subsection, at an uncontrolled or controlled intersection of a one-way street, no vision clearance area is required on the corners of the intersection located downstream from the flow of traffic (see Figure 805-3).

**FIGURE 805-3  
ONE-WAY STREETS**

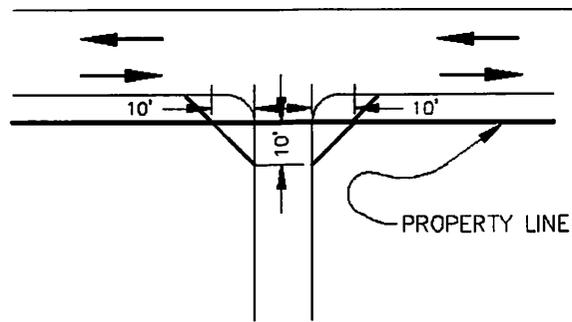


**(b) Intersections with Driveways, Flag Lot Accessways, and Alleys.** Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

**(1) Driveways.**

**(A) Driveways Serving Single Family and Two Family Uses.** Driveways serving Single Family and Two Family uses shall have a vision clearance area on each side of the driveway. The vision clearance area shall have 10-foot legs along each side of the driveway, and 10-foot legs along the intersecting street or alley (see Figure 805-4).

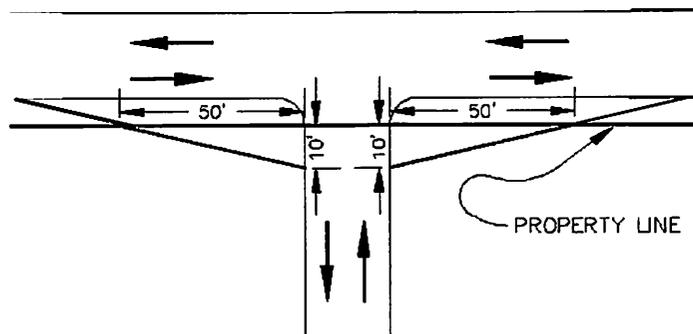
**FIGURE 805-4  
DRIVEWAYS SERVING SINGLE FAMILY AND TWO FAMILY USES**



**(B) Driveways Serving Uses Other than Single Family and Two Family.**

Driveways serving uses other than Single Family and Two Family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have 10-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

**FIGURE 805-5  
DRIVEWAYS SERVING USES OTHER THAN SINGLE FAMILY AND TWO FAMILY**

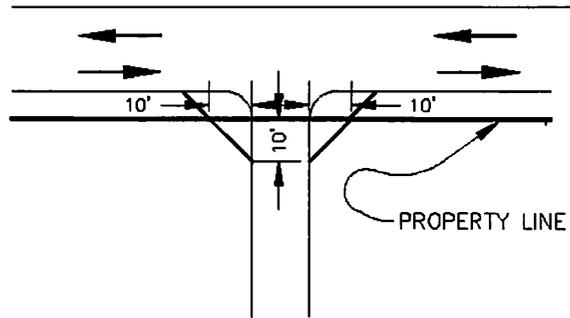


**(2) Flag Lot Accessways.**

**(A) Flag Lot Accessways Serving Single Family and Two Family Uses.** Flag lot accessways serving Single Family and Two Family uses shall have a vision clearance

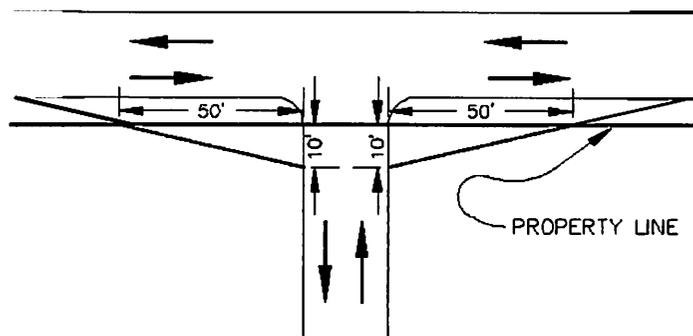
area on each side of the flag lot accessway. The vision clearance area shall have 10-foot legs along each side of the flag lot accessway, and 10-foot legs along the intersecting street (see Figure 805-6).

**FIGURE 805-6  
FLAG LOT ACCESSWAYS SERVING SINGLE FAMILY AND TWO FAMILY USES**



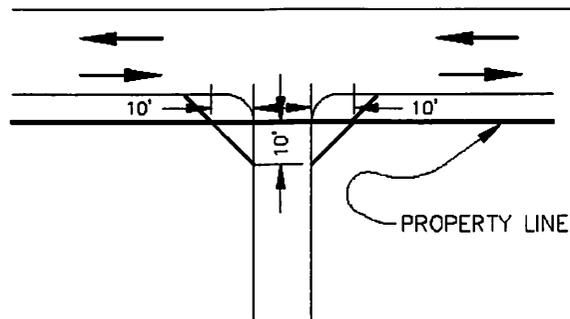
**(B) Flag Lot Accessways Serving Uses Other than Single Family and Two Family.** Flag lot accessways serving uses other than Single Family and Two Family shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have 10-foot legs along the flag lot accessway and 50-foot legs along the intersecting street (see Figure 805-7).

**FIGURE 805-7  
FLAG LOT ACCESSWAYS SERVING USES OTHER THAN SINGLE FAMILY  
AND TWO FAMILY**



**(3) Alleys.** Alleys shall have a vision clearance area on each side of the alley. The vision clearance area shall have 10-foot legs along the alley and 10-foot legs along the intersecting street (see Figure 805-8).

**FIGURE 805-8  
ALLEYS**



**(4) Measurement.** The legs of a vision clearance area shall be measured along the right-of-way line and along the intersecting driveway, flag lot accessway, or alley. (Ord No. 31-13)

**805.010. Obstructions to Vision Prohibited.** Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the the right-of-way adjacent to the vision clearance area.

**(a)** The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:

- (1)** A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
- (2)** Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
- (3)** On-street parking.

**(b) Trees.** Trees may be planted within a vision clearance area provided they are a species listed on the Parks approved street tree list, and they comply with the following:

- (1)** The planting area is sufficient to support the tree when mature.
- (2)** The tree will not interfere with overhead utilities.
- (3)** The tree is a species that can be trimmed/pruned to provide necessary visibility.

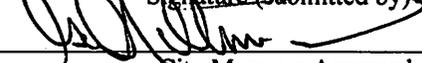
**(c)** Nothing in this Chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this Chapter and another chapter of the UDC, the standards in this Chapter shall control. (Ord No. 31-13)

**805.015. Alternative Standards.** Alternative vision clearance standards that satisfy the purpose of this Chapter, and that are consistent with recognized traffic engineering standards, may be approved where a vision clearance area conforming to the standards of this Chapter cannot be provided because of the physical characteristics of the property or street, including, but not limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the property has historic neighborhood characteristics, including, but not limited to, established plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision clearance standards shall be approved through a Class 2 Adjustment under SRC Chapter 250. (Ord No. 31-13)

**CITY OF BROOKINGS**  
**Council WORKSHOP Report**

Meeting Date: May 1, 2017

Originating Dept: PW/BD

  
\_\_\_\_\_  
Signature (submitted by)  
  
\_\_\_\_\_  
City Manager Approval

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**Subject:** Update to chapter 5.05.020 Definitions subsection E. of the Brookings Municipal Code.  
Addition of Chapter 5.20 Mobile Food Vending Units

**Financial Impact:** There is the potential for a financial gain to the City thru increased business licenses due to the relaxation of this code.

Reviewed by Finance & Human Resources Director: \_\_\_\_\_

**Background/Discussion:** Proprietors of Mobile Food Vending Units have voiced that the 2 hour per location time restriction is too restrictive and prevents them from operating at a profit. Relaxation of this code could encourage accessory businesses and disencumber the usage of Mobile Food Vending Units.

**Narrative:** Due to street sweeping operations and garbage disposal activities that occur over night as well as safety and liability it was agreed that Mobile Food Vending Units shall not remain on the streets after dusk. It was also agreed that to be fair to brick and mortar businesses and to promote permanent businesses that “Mobile Businesses” should be just that and stay mobile. A proposed time limit of 4 hours would be more lenient than the current 2 hours, allowing Mobile Food Vending Units more time at any one location while also preventing a monopoly on any locations business.

**Attachment(s):**

- a. Proposed change to Chapter 5.05, Section 020 Definitions, Subsection E.
- b. Additional Chapter 5.20 Mobile Food Vending Units.
- c. Example: Grants Pass Mobile Vending Code and License.



# City of Brookings

## Interoffice Memo

Garrett Thomson

4/12/17

To: Gary Milliman

RE: Chapter 5.05 of the Brookings Municipal Code and Administrative Regulation No. AR-18, Mobile Food Vending Units

I have a proposed amendment to Municipal Code 5.05.020.E "Transient Businesses" as seen below for your review. I also propose the additional of Chapter 5.20 to the Municipal Code to cover Mobile Food Vending Units. This addition would supersede Administrative Regulation No. AR-18. Please see the attached document. I am taking this to the May Council Workshop but would appreciate your feedback.

I believe that a relaxation of the restriction of time that a transient business can remain in one location is required to make 5.05.020 of the BMC cohesive with the proposed addition of chapter 5.20 of the BMC. The verbiage of the proposed amendment is thus; E. "Transient Business" shall be ~~deemed~~ **held** to mean a business as defined in subsection (B) of this section that operates from various locations in the city and has no fixed permanent location from which the business is conducted. ~~, and which shall not remain at any one location in the city, on public or private property, for more than two hours on any single day.~~ **Mobile food venders shall only operate on public property from dawn until dusk. Mobile food venders shall not be open for service at any one location in the city, on public or private property, for more than four (4) hours on any single day. In addition to obtaining and renewing the business license annually, the vending unit operators must execute a Mobile Food Vending Unit Wastewater Disposal Agreement prior to issuance of a business license, as is stated in Chapter 5.20.**

**Chapter 5.20**  
**MOBILE FOOD VENDING UNITS**

**Sections:**

5.20.010	Definitions.
5.20.020	Authority.
5.20.030	Licensing and Agreements
5.20.040	Operator Requirements
5.20.050	Suspension and Revocation of License
5.20.060	Insurance Required
5.20.070	Penalty for Violation

**5.20.010 Definitions**

- A. Mobile Food Vending Unit (Vending Unit) shall be held to mean a business as defined in subsection (B) of Section 5.05.020 that operates from various locations in the city and has no fixed permanent location from which the business is conducted. Mobile food venders shall only operate on public property from dawn until dusk. Mobile food venders shall not be open for service at any one location in the city, on public or private property, for more than four (4) hours on any single day.
  
- B. "Operator" shall mean a proprietor, manager or employee that operates a commercial establishment.

**5.20.020 Authority**

Businesses conducted under this Chapter fall under the authority of Brookings Municipal Code Section 5.05.060, "Ability to conduct business – license required – exemptions." This authority does not extend to City parking lots, parks or other public properties, nor does it extend to public property under the control of other public agencies, such as the Oregon Department of Transportation (ODOT), Brookings Harbor School District, Chetco Community Public Library or other such agencies as may apply. It should be noted that Chetco Avenue, also known as Highway 101, and its adjacent sidewalks fall under ODOT authority.

**5.20.030 Licensing and Agreements**

Mobile Food Vending Unit (Vending Unit) operators are required to obtain a business license from the City of Brookings Administrative Services Department and pay such fees as applicable upon initial issuance, and annually thereafter.

Vending Unit operators must execute a Mobile Food Vending Unit Wastewater Disposal Agreement prior to issuance of a business license.

Mobile Food Vending Units shall comply with all state regulations such as but not limited to the Oregon Health Authority (Mobile Food Unit Operation Guide) and operators shall provide proof of a valid Food Handlers Certificate from the appropriate County Health Department.

**5.20.040 Operator Requirements**

When operating a Vending Unit adjacent to a sidewalk, a minimum unobstructed pedestrian passage area of 36-inches must be obtained at all times.

No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.

The City issues permits for the conduct of festivals and parades from time to time. Such permits shall supersede this authorization to conduct business on the public right-of-way within the area subject to the event permit and within 200 feet of the area subject to the event permit unless separate approval has been granted by the event operator.

Business shall not be conducted in any area of the City which is predominately residential.

Business shall not be conducted within 50 feet of any restaurant.

All areas around the Vending Unit shall be kept in a neat and orderly condition, free of debris and litter generated by the subject business activities or patrons. The Vending Unit operator must provide a litter receptacle for use by its patrons at the site where business is being conducted and remove all trash upon departing the site.

There shall be no sale or consumption of alcoholic beverages at any time on public property.

At all times during the conduct of business, the Vending Unit must be legally parked, shall not be parked on the sidewalk or obstruct a pedestrian-way or a driveway.

One (1) sandwich board type sign may be placed on the right-of-way adjacent to the Vending Unit, subject to the 36-inch clearance indicated above.

#### **5.20.050 Suspension and Revocation of License**

Any and all permits and licenses for the operation of a Mobile Food Vending Unit, as the same may be granted hereunder, may be revoked and forfeited, without recovery of the license fee or any part thereof, by the city manager for any violation by said permittee of any of the terms or provisions of this chapter. No permit issued under this chapter shall vest any right in the licensee to continued use or operation of a Mobile Food Vending Unit within the city of Brookings, whether upon renewal or revocation thereof or otherwise.

#### **5.20.060 Insurance Required**

Provide the City of Brookings with the following certificates of insurance:

Automobile liability

Comprehensive General Liability with limits of not less than \$500,000 and listing the City of Brookings as an additional insured.

#### **5.20.070 Penalty for Violation**

Failure to comply with any of the above listed conditions when operating on right-of-ways controlled by the City of Brookings will result in the revocation of your business license and/or a fine, as defined under Brookings Municipal Code Chapter 1.05, General Penalty.

City of Grants  Pass Municipal Code

Chapter 4.08

SOLICITOR/PEDDLER, MOBILE VENDING, AND  
TEMPORARY MERCHANT LICENSES

Sections:

- 4.08.010 Purpose
- 4.08.020 Definitions
- 4.08.030 License – Required
- 4.08.040 License Application - General
- 4.08.041 License Application – Solicitor/Peddler and Ice Cream Truck
- 4.08.042 License Application – Mobile Vending Cart and Mobile Food Truck
- 4.08.043 License Application – Temporary Merchant
- 4.08.050 Exempt
- 4.08.060 Location for Various Uses
- 4.08.070 General Standards of Operation
- 4.08.080 Ice Cream Trucks
- 4.08.090 Mobile Vending Cart
- 4.08.100 Mobile Food Truck
- 4.08.110 Temporary Merchant
- 4.08.120 Soliciting/Peddling
- 4.08.140 Mobile Vending Zones
- 4.08.150 Use of Streets
- 4.08.160 Denial or Revocation of License
- 4.08.170 Appeal by Applicant
- 4.08.180 Appeal by Others
- 4.08.190 Endorsement of Application
- 4.08.200 Term of License
- 4.08.210 Transfer of License
- 4.08.220 Other Permits
- 4.08.230 Enforcement

# City of Grants Pass Municipal Code



## 4.08.010 Purpose

The purpose of this ordinance is to provide guidance and regulation for the orderly operation of those uses which are commonly referred to as "temporary" or "itinerant." The Mobile Vending, Mobile Delivery ordinance (Grants Pass Municipal Code, Chapter 4.08) provides location and performance criteria for the aforementioned uses in an attempt to better regulate the operation of those uses that are not fixed to one location. The ordinance also provides for the licensing of said uses and persons to further protect all residents from illegal, inferior or misrepresented products and services provided by uses or persons operating on a temporary or itinerant basis within the City. (Ord. 16-5690 2016)

## 4.08.020 Definitions

(Ord. 16-5690 2016)

For the purposes of this chapter, unless the context clearly requires otherwise, the singular includes the plural and the following words shall have the meanings set forth below: (Ord. 15-5645 2015)

- A. *"Business"* shall have the meaning set forth in Grants Pass Municipal Code Section 4.04.020.
- B. *"Ice Cream Truck"* means a motor vehicle utilized as the point of retail sales of pre -wrapped or prepackaged ice cream, frozen yogurt, frozen custard, or similar frozen dessert products.
- C. *"Mobile Vending Cart"* means a push cart movable under human power that is operated by a vendor standing on the sidewalk for the sale of food ready to eat.
- D. *"Mobile Vending Trailer"* means a mobile trailer operated by a vendor standing on or within the frame of the trailer operating either as a temporary use or within an off-street mobile vending zone.
- E. *"Mobile Food Truck"* means a motorized vehicle operated by an operator standing on or within the frame of the vehicle either on the public rights-of-way between the curb lines in a designated on-street mobile vending/delivery zone for the sale or delivery of food served ready to eat.
- F. *"Mobile Food Vehicle"* shall mean the collective of Ice Cream Trucks, Mobile Vending Carts, Mobile Food Trucks and Mobile Vending Trailers.
- G. *"Mobile Vending Zone, Off-street"* means a private property or designated public property where mobile food trucks, mobile vending trailers or mobile vending carts may operate compliant with standards contained within this title, health code and other applicable codes, ordinances and regulations.

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City of Grants ~~Pass~~ Municipal Code



- H. ***“Mobile Vending/Delivery Zone, On-street”*** means an area of public right-of-way between the curb lines designated by ordinance where only those operators or vendors licensed as mobile food trucks may operate compliant with standards contained within this title, health code and other applicable codes, ordinances and regulations.
- I. ***“Mobile Vending Zone, Sidewalk”*** shall mean an area of improved public sidewalk designated by ordinance where only those operators or vendors licensed as mobile vending carts may operate compliant with standards contained within this title, health code and other applicable codes, ordinances and regulations.
- J. ***“Sidewalk Vending”*** means the peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value from a mobile vending cart by a vendor to persons on the public rights of way including sidewalks.
- K. ***“Solicitor/Peddler”*** is defined as an individual, including an employee or agent of a group of individuals, partnership, or corporation, whether a resident of the City or not, who is taking or attempting to take, whether in person or by telephone, orders for sale of food, beverages, goods, merchandise or services to be furnished or performed in the future, whether he is collecting advance payments on such sales or not.
- L. ***“Street Vending”*** means the peddling, vending, selling, displaying, or offering for sale any item of tangible personal property or other thing of value from a mobile food truck situated on the public rights of way between the curb lines by a licensed mobile food truck vendor to persons on the sidewalk.
- M. ***“Temporary Merchant”*** is defined as any person, whether owner or otherwise, whether a resident of the City or not, who, for a time limited to 10 days per calendar month, engages in a temporary business of selling and delivering goods, wares, merchandise and services within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any private property within the City for the exhibition and sale of food, beverages, goods, merchandise or services.

**4.08.030 License--Required**

No individual, including an employee or agent of a group of individuals, partnership, or corporation, whether a resident of the City or not may engage in the operation of any business, operation, event or activity described, whether implicit or implied, within this ordinance without first obtaining a license as provided in this chapter. (Ord. 2977 §1, 1961)



**4.08.040 License Application – General**

An applicant is responsible for submitting an application and obtaining the appropriate license for the type of business being conducted in the City and Urban Growth Boundary. In addition to the specific license activity, an applicant is responsible for applying for and paying the appropriate annual fees for a City occupation (business) tax in accordance with Section 4.04 of the Municipal Code.

**4.08.041 License Application – Solicitor/Peddler and Ice Cream Truck**

An applicant for a Solicitor/Peddler and Ice Cream Truck license shall submit to the Parks & Community Development Department the applicable fees and an application which shall contain the following information:

- A. The applicant's true name, permanent address, and an address the City may use for purposes of notifying the applicant.
- B. The true name and address of a person for whom the applicant is an employee or acting as an agent. If the applicant is acting as the agent of a corporation:
  - 1. The address of the registered office of the corporation in Oregon or other state.
  - 2. The name and address of the registered agent of the corporation in Oregon or other state.
- C. A brief description of the nature of the business and the goods to be sold or services to be provided;
- D. The length of time for which the right to do business is desired;
- E. If a vehicle is to be used, a description of the same, together with license number or other means of identification, and evidence of insurance covering the vehicle;
- F. Personal identifying information of the applicant as necessary for the Public Safety Department to conduct a limited background check.
- G. Past criminal convictions of the applicant and for any person acting as an employee or agent of the applicant involving unlawful trade practices as defined by ORS 646.608, fraud, or crimes involving moral turpitude (Solicitor/Peddler);

## City of Grants Pass Municipal Code

- H. Known consumer complaints made to local or state consumer agencies against the applicant or against any person acting as an employee or agent of the applicant (Solicitor/Peddler);
- I. Proof of compliance with all relevant federal, state and local bonding and licensing requirements (Solicitor/Peddler);
- J. A copy of the applicant's certificate of liability insurance naming the City as an additional insured (Ice Cream Truck). The amount required shall be in accordance with the most recently adopted number as per Ordinance 5517 and Resolution 5682.
- K. A copy of a valid Oregon motor vehicle operator's license

### 4.08.042 License Application – Mobile Vending Cart and Mobile Food Truck

An applicant for a Mobile Vending Cart or Mobile Food Truck license shall submit to the Parks & Community Development Department the applicable fees and an application which shall contain the following information:

- A. A completed Planning Application form;
- B. A scaled site plan of the proposed area for sidewalk vending showing the following at a minimum:
  - 1. Location in a designated off-street mobile vending zone (cart or truck),
  - 2. Location in a designated on-street mobile vending zone (truck only),
  - 3. The dimensions of the site area being used for the mobile vending vehicle and circulation,
  - 4. Sidewalk width and fixtures such as fire hydrants, street furniture, utility poles etc. that are located on the sidewalk (cart only),
  - 5. The dimensions of the mobile vending vehicle including any awnings or umbrellas,
  - 6. Minimum of four (4) feet of clear and unobstructed passageway between the mobile vending cart and other fixtures or obstructions on the sidewalk (cart only),
  - 7. Number and location of waste receptacles,
  - 8. Location of any attached signage (a separate sign permit is required)
  - 9. The number and location of seating areas (only permissible on off-street mobile vending zones on designated public or private property),

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10. Location of restrooms for employees or patrons
- C. A brief description of the nature of the business and the goods to be sold;
  - D. Personal identifying information of the applicant necessary for the Public Safety Department to conduct a limited background check;
  - E. A copy of the applicant's certificate of liability insurance naming the City as an additional insured. The amount shall be in accordance with the most recently adopted number as per Ordinance 5517 and Resolution 5682.
  - F. A copy of a valid Oregon motor vehicle operator's license.

**4.08.043 License Application – Temporary Merchant**

An applicant for a Temporary Merchant license shall submit to the Parks & Community Development Department the applicable fees and an application which shall contain the following information:

- A. The applicant's true name, permanent address, and an address the City may use for purposes of notifying the applicant,
- B. A brief description of the nature of the business and the goods to be sold or services to be provided,
- C. Location and zoning district where the use will take place,
- D. Signature of the property owner granting permission of the property for the proposed use,
- E. Personal identifying information of the applicant necessary for the Public Safety Department to conduct a limited background check,
- F. Provide the specific days within a calendar month when the use will be occurring (time frame is limited to ten (10) days in a calendar month),
- G. Identify the hours of operation,
- H. A copy of the applicant's certificate of liability insurance naming the City as an additional insured. The amount required shall be in accordance with the most recently adopted number as per Ordinance 5517 and Resolution 5682.

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**4.08.050 Exempt**

The following uses are exempt from the provisions of this Chapter:

- A. Traveling salespersons, commercial travelers or the like who exclusively or primarily sell to, or solicit orders for future delivery from local retailers, local businesses, local governments, local schools or local wholesale firms;
- B. The sale of a newspaper subscription in which the seller is a person engaged in both the delivery and sale of the newspaper;
- C. The occasional sales of goods and services, including admission to local events, by local school students to a function of their school; or fund raising sales by local service clubs or groups such as Elks, Kiwanis, Lions, Boy Scouts or Girl Scouts;
- D. Any political group seeking funds or membership;
- E. Garage, yard, or similar sales by individuals at their residence that are regulated by 9.08;
- F. Any organization exempt from taxation as provided by 26 U.S.C. 501 and meeting all the requirements for the exemptions provided by U.S.C. 503;
- G. The sale of goods, merchandise or food on a public sidewalk directly adjacent to the licensed brick and mortar business conducting the sale;
- H. Any activity conducted pursuant to a Special Events Permit.

**4.08.060 Location for Various Uses**

(Ord. 15-5645 2015)

- A. Mobile Food Trucks are restricted from all public rights of ways and public access easements including streets, alleys or other access ways except where specifically designated within on-street mobile vending zones.
- B. Mobile Vending Trailers are restricted from all public rights of way and public access easements including streets or other access ways and shall only be permitted to operate on private property according to the temporary merchant standards or only on public rights of way as a community event, pursuant to a valid permit.
- C. Mobile Vending Carts are restricted from public rights of way and public access easements including sidewalks except where specifically

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designated within off-streetmobile vending zones.

- D. Temporary Merchants are permitted on private property in the General Commercial, Central Business District, Neighborhood Commercial, Business Park, Industrial Park, Industrial, and High Rise Density Residential (R-4) zoning districts. Temporary Merchants are permitted in R-4 zones when the primary use of the property is not residential.
- E. Ice Cream Trucks are limited to public rights of way and public access easements with a speed limit of 25 miles per hour or less located within residential districts and shall not operate within 1,000 feet of any public or private school, pre-school or day-care during school hours and one hour before and after school throughout the entire curriculum school year. Ice cream truck shall not stop at any time for the purpose of making sales in any area where parking is prohibited.
- F. Ice cream trucks are prohibited in City Parks unless in conjunction with a Special Event permit.

## 4.08.070 General Standards of Operation

(Ord. 16-5690 2016)

- A. All uses licensed under this chapter shall comply with all relevant standards contained in this section.
  - 1. Hours of operation. Vendors, operators and temporary merchants except ice cream trucks and solicitors shall be allowed to engage in their licensed business between 7:00 a.m. and 11:00 p.m., Monday - Sunday.
  - 2. Removal of mobile vending/delivery vehicle during non-operating hours. All mobile vending vehicles must be removed from public or private property during non-vending hours. If a Special Event Permit is sought in accordance with Title 4 of the Municipal Code, the City may make an exception to the usual hours of operation and the requirement to remove vending vehicles each night.
  - 3. Public health codes. Vendors, operators, solicitors, and temporary merchants shall comply with all applicable Josephine County Department of Public Health requirements.
  - 4. Building and fire codes. Vendors, operators, solicitors, and temporary merchants shall comply with all applicable City Building and Fire Code.

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5. **General location.** Unless positioned on private property, a mobile vending vehicle shall not be located:
  - a. Where the public sidewalk is less than five feet wide;
  - b. In an alley not designated as an off street mobile vending zone
  - c. Within a midblock crosswalk area;
  - d. On the portion of a public sidewalk crossed by a public or private driveway or within ten feet of either side of the driveway;
  - e. Within any street corner area.
  - f. Within five (5) feet from a perpendicular line drawn to the curb from either side of a doorway;
  - g. In a manner in which the movement or visibility of vehicles using the street or other public rights of way, including alley ways, is obstructed in accordance with all state and municipal vehicle codes.
6. **ADA.** The proposed vending activity shall not violate the Americans with Disabilities Act.
7. **Waste receptacle.** Vendors, operators, solicitors, and temporary merchants shall keep the area of operation free of debris. Vendors or operators selling or delivering food or beverages must provide trash receptacles and removal of associated waste adjacent to or as a part of their operations. All spilled food, beverages, grease, or other trash or debris accumulating within twenty (20) feet of any mobile vending/delivery vehicle shall be cleaned and collected by the vendor or operator and deposited in the vendor's or operator's trash receptacle. The vendor or operator is prohibited from depositing its waste, ice, and any grey or waste water into sidewalk waste receptacles, privately owned dumpster, City planters, gutters or the street drainage system.
8. **Maintenance of vehicle.** Mobile vending/delivery vehicles shall be maintained in such a manner that prevents the spilling or splattering of grease, water, food, or trash on any public right of way where the vehicle is located. The vehicle owner shall be responsible for the cleaning and repair of any public right of way affected by their use.
9. **Alcoholic beverages.** Vendors, operators and temporary merchants shall not offer alcoholic beverages for purchase except as licensed by a special event permit or community event license.
10. **Display of license.** The permittee shall obtain and maintain in effect all required permits and business licenses and display the permit or

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license at the vending site in a manner approved by the Finance Department.

11. Amplified music. Vendors, operators and temporary merchants shall not use amplified music in conjunction with their use.
12. Cooking mechanism. Mobile vending/delivery vehicles must have the BBQ grill, stove or other cooking mechanism enclosed and permanently built into the structure of the mobile vending/delivery vehicle.
13. Pedestrian zone. A mobile food truck and associated customer queues and approved accessory units shall not impair pedestrian passage and shall be sited to provide at least four feet of clear pedestrian path through sidewalks.
14. Mobile vending/delivery operations shall be prohibited from employing flashing, blinking or strobe lights or any other light emitting devices that are designed to draw attention to the use from the public rights of way, including sidewalks.
15. Mobile vending/delivery vehicle support equipment must not extend more than four (4) feet from the edge of the mobile vehicle and shall only be located on the sidewalk side for mobile food trucks.
16. Signs advertising the mobile vending/delivery vehicle, Christmas tree lots, and fireworks stands are subject to current sign standards.

**4.08.080 Ice Cream Trucks**

- A. The Parks & Community Development Department may issue an Ice Cream Truck permit authorizing the use of city streets for the peddling of frozen dessert treats.
- B. In addition to the applicable General Standards of Operation contained in Section 4.08.070 of this title, Ice Cream Trucks shall be subject to the following standards:
  1. Length of Stop. No ice cream truck shall stop for the purpose of making sales for more than 15 minutes in a single location.
  2. Manner of Stops. Ice cream trucks shall pull as far as practicable to the right side of traffic when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no

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event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the rights of way.

3. **Rubbish Receptacle Required.** Each ice cream truck shall provide a rubbish receptacle for use of its customers. Prior to leaving each stop, the operator of the ice cream truck shall remove any litter left at the stop by customers.
4. **Hours of Operation.** Ice cream trucks may stop for the purpose of making sales only between the hours of 11:00 a.m. and 9:00 p.m. Monday – Sunday.
5. **Limits on Products Sold.** Only pre-wrapped or pre-packaged food items may be sold from an ice cream truck. Non-frozen items such as pre-packaged soft drinks, candy, chewing gum and snack food may be sold from an ice cream truck provided the principal product sold is ice cream and/or similar frozen dessert products.

**4.08.090 Mobile Vending Cart**

- A. The Parks & Community Development Department may issue a Mobile Vending Cart permit authorizing the use of sidewalk within approved sidewalk vending zone for vending food served ready to eat and nonalcoholic beverages.
- B. In addition to the applicable General Standards of Operation contained in Section 4.08.070 of this title, Mobile Vending Carts shall be subject to the following standards:
  1. The permittee shall only sell food and beverages that are capable of immediate consumption;
  2. Mobile vending carts must be movable by the power of the operator alone and may not exceed five (5) feet by nine (9) feet by seven (7) feet high;
  3. The mobile vending cart must have at least two functioning rubber tired wheels, complete with an operable braking mechanism. The use of "tie downs" as the sole means of braking is prohibited;
  4. All signage, lights and other appurtenances ancillary to the mobile vending cart for the purpose of display are required to be securely attached to the outside of the cart. All associated vending activity,

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excluding customer queues and a rubbish/recycling can, shall be prohibited from being located on the sidewalk;

5. Mobile vending carts shall not be locked or chained to a parking meter, tree, street light or other street furniture;
6. Mobile vending carts shall not be left unattended on city streets or sidewalks for more than fifteen (15) consecutive minutes;
7. Utility service connections are not permitted;
8. Generators are not permitted to be used with mobile vending carts on sidewalks.

**4.08.100 Mobile Food Truck**  
(Ord. 16-5690 2016)

- A. The Parks & Community Development Department may issue a permit for a Mobile Food Truck authorizing use of a street side curb parking space for vending food or nonalcoholic beverages within approved on-street mobile vending zones.
- B. In addition to the applicable General Standards of Operation contained in 4.08.070, Mobile Food Trucks shall be subject to the following standards:
  1. Vending/delivery shall only occur from a street side curb parking space where an on-street mobile vending/delivery zone has been authorized by ordinance of the City Council; or, at approved off-street locations;
  2. The permittee shall only sell food and beverages that are capable of immediate consumption;
  3. All signage, lights and other appurtenances ancillary to the mobile food truck for the purpose of display are required to be either displayed from inside of the vehicle or securely attached to the outside of the vehicle. All associated activity, excluding customer queues and a refuse/recycling can, shall be prohibited from being located on the sidewalk;
  4. Vending/delivery shall only occur from the side of a food vehicle that is parked abutting and parallel to the curb;
  5. A mobile food truck shall comply with all state and municipal vehicle codes and posted parking standards in mobile vending/delivery zones and shall not locate on-street in one place for more than a maximum of three hours;

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6. Vehicles shall not be locked or chained to a parking meter, tree, street light or other street furniture;
7. Utility service connections are not permitted;
8. Mobile food truck generators shall be fully contained within the vehicle.

**C. Grouping of Mobile Food Trucks**

The Parks & Community Development Department may issue a permit for a grouping of mobile food trucks authorizing use of private or public property for vending/delivery food or nonalcoholic beverages within approved off-street mobile vending/delivery zones.

1. Notwithstanding anything to the contrary in 4.08.120 (B), and in conjunction with the General Standards of Operation contained in 4.08.070, a group of mobile food trucks may operate on private or public property subject to the following standards.
2. Submit an application for a Minor Site Plan Review to the Parks & Community Development Department when the private or public property either contains a primary business or is paved if the site is vacant.
3. Submit an application for a Major Site Plan Review to the Parks & Community Development Department when the private or public property is vacant and is not paved at a minimum.
4. Mobile food truck groups shall:
  - a. Be limited to sales/or delivery of food and produce served ready to eat.
  - b. Provide facilities on site for dining associated with the group of mobile food trucks.
  - c. Be limited to improved lots where applicable transportation system development charges fees have already been paid.
  - d. Provide accessibility for patrons by foot, motor and bicycle and shall provide facilities for parking of motor vehicles and bicycles.
  - e. Be required to remove each individual mobile food truck prior to 11:00 PM every day, or at the close of business.
  - f. Be allowed to utilize utility connections for power only.
  - g. Be required to provide restroom facilities for vendors, employees and patrons.
  - h. Provide adequate on-site parking and circulation for vehicles entering and exiting the site.

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5. Mobile food truck groups may operate without restriction on the frequency of the days of operation within a given month.
6. The number of mobile food trucks grouped together on public or private property may be limited based on site conditions of the proposed property.

**4.08.110 Temporary Merchant**

- A. The Parks & Community Development Department may issue a permit for a Temporary Merchant for the use of private property for the temporary sale and exhibition of goods and wares.
- B. In addition to the applicable General Standards of Operation contained in 4.08.070, Temporary Merchant shall be subject to the following standards:
  1. Temporary Merchants shall be limited to no more than ten (10) days per month, to be specified at time of application, per location;
  2. Temporary uses may only operate on private property and shall vacate premises no later than 11:00 PM each night unless as otherwise specified in this ordinance;
  3. Notwithstanding 4.08.110(A1) temporary uses may, by virtue of the City Council, operate on public property through a lease agreement of said public property;
  4. Private lots containing temporary uses must meet the most basic requirements for site accessibility of pedestrians and motorists.
- C. Christmas tree sales and fireworks stands (Fireworks stands can only be located on property in the Urban Growth Boundary) shall be permitted under the Temporary Merchant license with the following exceptions:
  1. A Temporary Merchant license for Christmas tree sales is valid from Thanksgiving to New Year's Day.
  2. A Temporary Merchant license for Fireworks Stands is valid for no more than twenty-one (21) consecutive days preceding and following the Fourth of July. The days of operation shall be provided on the application.
    - a. The applicant shall comply with all State permitting requirements to operate a fireworks stand.
  3. The temporary structure housing the trees or fireworks may remain on the property for the duration of the license.
  4. A security guard or night watchman may remain on the property overnight in order to guard the merchandise for tree lots or fireworks stands.

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**4.08.120 Soliciting/Peddling**

- A. The Finance Parks & Community Development Department may issue a permit for a Solicitor/Peddler for the purpose of the solicitation of products from door to door.
- B. In addition to the applicable General Standards of Operation contained in section 4.08.070 of this title, Solicitors/Peddlers shall be subject to the following standards:
- C. A solicitor/peddler shall not:
  - 1. Solicit before 9 a.m. or after 8 p.m.;
  - 2. Solicit without first having obtained the appropriate City licenses, permits and having paid City business tax fees;
  - 3. Solicit after a City solicitation license or permit has been revoked or has expired;
  - 4. Allow, suffer, or permit any person soliciting commit any act prohibited by this chapter;
  - 5. Provide false or fraudulent information on an application; or
  - 6. Leave written materials or solicit upon real property where a sign conforming to the requirements of Section 4.08.120(E) is posted.
- D. A solicitor/peddler shall display the license issued by the City on their person within plain view while engaging in activities pursuant to their license.
- E. Peddling/solicitation in violation of signs.
  - 1. Any owner or occupant of a private residence may post a plainly visible sign at its principal entrance prohibiting solicitation.
  - 2. Any person who solicits at a private residence where a sign is posted in accordance with this Subsection is guilty of a violation of this title.

**4.08.140 Mobile Vending/Delivery Zones**

- A. The City Council may, from time to time, review designated mobile vending/delivery zones and sidewalk vending zones and may, at their discretion, reduce, add or amend mobile vending/delivery and sidewalk vending zones by ordinance.
- B. A citizen or business owner may request the review of mobile vending/delivery and sidewalk vending zones by the City Council for addition.
- C. Creation of mobile vending/delivery zones:

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1. The following criteria shall be used for the designation of mobile vending/delivery zones:
  - a. The proposed area is located on an arterial or collector street with public street parking adjacent to the curb line;
  - b. The proposed public parking area does not have parking restrictions of 30 minutes or less;
  - c. The proposed area has adequate sidewalks in good repair and no less than five feet in width for service of food from the mobile food truck;
  - d. The proposed area is not located adjacent to property zoned R-1 or R-2.

**D. Creation of sidewalk vending zones.**

1. The following criteria shall be used for the designation of sidewalk vending zones:
  - a. The sidewalk width is a minimum of eight (8) feet wide with a minimum four (4) foot clear pedestrian path;
  - b. The site is located in a pedestrian alley where there is adequate space to site a cart and provide a minimum four (4) foot clear pedestrian path;
  - c. Only two (2) sidewalk vending locations shall be permitted on any street block. (An example of a street block for purposes of this section is Sixth Street between 'G' and 'H' Streets); or
  - d. Other site criteria such as distances from curbs, driveways, street furniture, and business entrances will be considered by the City Council when creating a sidewalk vending zone.

**E. Mobile Food Zones Established. (Ord. 5565 §5, 2012)**

1. On Street Zones:
  - a. West side of Mill Street (between J Street and driveway of Masterbrand Cabinets)
  - b. E Street (between 9<sup>th</sup> and Mill Streets)
  - c. F Street (between 9<sup>th</sup> and Mill Streets)
  - d. Ramsey Avenue (between Nebraska and Union) only where parking is permitted.
2. Sidewalk Vending Zones: None.
3. Other Off-Street Vending Zone:
  - a. Growers' Market parking lot Monday-Friday (less than 1/8 of the lot shall be occupied by mobile vending vehicles)

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## 4.08.150 Use of Streets

No solicitor/peddler, mobile vending/delivery vehicle, or temporary merchant has an exclusive right to a particular location on permitted public rights of way, sidewalks, or designated public property, or shall operate in a congested area where the operations impede or inconvenience the public. For the purpose of this chapter, the judgment of the Department of Public Safety Department is conclusive as to whether the area is congested, the public impeded or inconvenienced. (Ord. 2977 §7, 1961, Ord. 16-5690)

## 4.08.160 Denial or Revocation of License

### A. Grounds for Denial of a License

1. A license application may be denied by the City for the following reasons:
  - a. Fraud, misrepresentation, or false statement contained in the application for a license;
  - b. Applicant has a pending citation violating this title and/or the parking regulations in Title 6 of the Municipal Code;
  - c. Applicant does not possess a valid Oregon motor vehicle operator's license (when applicable to the license being sought);
  - d. Conviction of any of the following crimes or any similar crimes in any degree:
    - i. Any felony crime committed against another person (ORS 163 & OAR 213-003-0001)
    - ii. Any person who is a registered sex offender
    - iii. Any felony crime involving use of a weapon
    - iv. Any felony property crime (ORS 164) within ten (10) years of the date of the application
    - v. Any drug crime within five (5) years of the date of the application
    - vi. Any misdemeanor property crime (ORS 164) within five (5) years of the date of the application
    - vii. Any misdemeanor crimes against public order (ORS 166) within two (2) years of the date of the application
    - viii. The ORS citations above may be amended from time to time and are listed for convenience only.

### B. Grounds for Revocation of a License

1. A license application may be revoked for the following reasons:
  - a. Fraud, misrepresentation, or false statement contained in the application for a license;
  - b. Fraud, misrepresentation, or false statement made in the course of

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- carrying on the licensed activity;
- c. Two or more violations of this ordinance within a twelve month period;
- d. Two or more violations of the parking regulations in Title 6;
- e. Conducting the licensed activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public. (Ord. 2977 § 11(1), 1961)

### 4.08.170 Appeal by Applicant

- A. Any person aggrieved by the action of the designated City Department staff in denying or revoking an application for a license as provided in this title shall have the right of appeal to the City Council. The applicant shall file a written statement with the Finance Department identifying the grounds for appeal within twelve (12) days from the date the license was denied or revoked.
- B. The appeal shall be set before the City Council for a public hearing at a regularly scheduled Council meeting. The applicant shall be given at least seven (7) days' notice of the date and time of the scheduled hearing. The applicant has the burden of providing evidence to the City Council regarding why the license should be granted. The City Council shall review all relevant information and criteria in rendering their decision on the granting of a license.

### 4.08.180 Appeal by Others

- A. Any person aggrieved by the approval of a license as set forth herein shall have the right to appeal to the City Council. The aggrieved shall file a written statement to the Finance Department identifying the grounds for appeal.
- B. The appeal shall be set before the City Council for a public hearing at a regularly scheduled Council meeting. The appellant and licensee shall be given at least seven (7) days' notice of the date and time of the scheduled hearing. The appellant has the burden of providing evidence to the City Council regarding why the license should be revoked. The City Council shall review all relevant information and criteria in rendering their decision on the revocation of a license.

### 4.08.190 Endorsement of Application

- A. If, as a result of the limited background check, the applicant shall be found without a criminal conviction of the nature specified in Section 4.08.150, then upon payment of the prescribed license fee, the City shall deliver the license to the applicant.
- B. The license shall contain the signature and seal of the issuing officer and shall

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show the name and address of the licensee, the type of goods to be sold there under or services provided, the amount of fee paid, the date of issuance and length of time the license is operative, the license number and other identifying description of the vehicle to be engaged in the soliciting/peddling, mobile vending, or temporary activities.

- C. The Finance Department shall keep a record of all licenses issued. (Ord. 2977 §4(3), 1961; Ord. 4353 §1(part), 1980)
- D. The Department of Public Safety shall either approve or disapprove of the application within ten (10) business days of receipt of the limited background check paper work. (Ord. 2977 §4(4), 1961; Ord. 4353 §1(part), 1980)
- E. Except as provided below, a person applying for a solicitor/peddler, ice cream truck, mobile vending cart, mobile food truck, temporary merchant, community event or seasonal sales license shall pay a background check fee, application fee, and an annual license fee. The amount of the fees shall be set by Council resolution. (Ord. 2977 §5(1), 1961; Ord. 4353 §2(part), 1980)
- F. No limited background check fee, application fee, or license fee is required of a person selling products of the farm or orchard actually produced by the seller. However, a limited background check, an application and license is required. (Ord. 2977 §5(2), 1961; Ord. 4353 §2(part), 1980)

**4.08.200 Term of License**

- A. The term of a peddler/solicitor and ice cream truck license is from July 1 to June 30, inclusive. A person licensed after the first day of January shall pay one-half of the annual license fee. (Ord. 2977 §5(3), 1961; Ord. 4353 §2(part), 1980)
- B. The term of a temporary merchant license on private property is for a maximum of ten (10) days in a calendar month per property unless the temporary merchant is operating a Christmas tree lot or fireworks stand.
- C. The term of a mobile vending cart license in a designated approved on-street mobile vending zone is valid from July 1 to June 30, inclusive. A person licensed after the first day of January shall pay one-half of the annual license fee.
- D. The term of a mobile food truck license in a designated off-street or on-street mobile vending zone is valid from July 1 to June 30, inclusive. A person licensed after the first day of January shall pay one-half of the annual license fee.
- E. The term of a seasonal sales license is valid for ninety (90) days in a twelve (12) month period from July 1 to June 30.

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- F. The term of the community event license is valid for the days the applicant has identified he or she is participating in the event.

### 4.08.210 Transfer of License

No solicitor/peddler, ice cream truck, mobile vending cart, mobile food truck, temporary merchant, community event or seasonal sales license issued under the provisions of this chapter shall be used by a person other than the one to whom the license is issued.

The license issued is non-transferable to other family members, employees, or the like associated with the same business.

### 4.08.220 Other Permits

Nothing in this ordinance shall eliminate the obligation of the solicitor/peddler, ice cream truck, mobile vending cart, mobile food truck, temporary merchant, community event or seasonal sales applicant to comply with other federal, state or local laws or regulations, Nothing in this ordinance shall eliminate the obligation of the applicant to obtain any other license or permits as may be required by any federal, state or local statute, ordinance or regulation, including, without limitation, any liquor license or food handler permits.

### 4.08.230 Enforcement

The Public Safety Department acting on behalf of the City Manager shall be authorized to enforce this ordinance.



# City of Grants Pass

## LICENSE APPLICATION

Date App Rec'd: _____	
Type:	
<input type="checkbox"/> Mobile Vending Cart	<input type="checkbox"/> Mobile Food Truck
<input type="checkbox"/> Solicitor/Peddler	<input type="checkbox"/> Ice Cream Truck
<input type="checkbox"/> Temporary Merchant	<input type="checkbox"/> Community Event
Fees Paid: _____	
Date Issued: _____	

BUSINESS NAME: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
 APPLICANT'S PHYSICAL ADDRESS: \_\_\_\_\_  
 APPLICANT'S MAILING ADDRESS: \_\_\_\_\_  
 DATE OF EVENT: \_\_\_\_\_  
 LOCATION AND ZONING DISTRICT WHERE CONDUCTING BUSINESS: \_\_\_\_\_

HOURS OF OPERATION: \_\_\_\_\_  
 DESCRIBE BUSINESS ACTIVITY AND DESCRIPTION OF GOODS, WARES, MERCHANDISE OR SERVICES TO BE OFFERED: \_\_\_\_\_

*If applicant is an employee or acting as an agent for another, please provide:*

REGISTERED AGENT OR CORPORATION NAME: \_\_\_\_\_  
 AGENT OR CORPORATION ADDRESS: \_\_\_\_\_  
 AGENT OR CORPORATION TELEPHONE/EMAIL: \_\_\_\_\_

**Community Event** - WILL YOU BE OPERATING IN THE CENTRAL BUSINESS DISTRICT? IF YES, PLEASE OBTAIN DOWNTOWN SERVICE OFFICE SIGNATURES GRANTING PERMISSION FOR ATTENDING THE COMMUNITY EVENT.

\_\_\_\_\_  
*Downtown Service Office Individual (Please Print)*

\_\_\_\_\_  
*Downtown Service Office Individual Signature*

**Temporary Merchant** - SPECIFY DAYS IN CALENDAR MONTH (limited to 10 days in a calendar month per location):

HOURS OF OPERATION (limited - 7:00 am to 11:00 pm Monday-Sunday; must vacate property by 11:00 pm): \_\_\_\_\_

**Solicitor/Peddler/Ice Cream Truck** - PROVIDE INFORMATION OF VEHICLE TO BE USED:

Year & Make	Model	Color	License No.	State
_____	_____	_____	_____	_____

LENGTH OF TIME TO DO BUSINESS: \_\_\_\_\_  
 DOES THE APPLICANT OR AFFILIATED BUSINESS ORGANIZATION HAVE ANY PAST CRIMINAL CONVICTIONS INVOLVING UNLAWFUL TRADE PRACTICES, FRAUD, OR CRIMES INVOLVING MORAL TURPITUDE? IF YES, PLEASE DESCRIBE (DATE, OFFENSE, CITY, STATE, and DISPOSITION): \_\_\_\_\_

HAVE ANY KNOWN CONSUMER COMPLAINTS BEEN MADE TO LOCAL OR STATE CONSUMER AGENCIES ABOUT THE APPLICANT OR AFFILIATED ORGANIZATION? \_\_\_\_\_ IF YES, DESCRIBE: \_\_\_\_\_

\_\_\_\_\_  
*Applicant Signature*

\_\_\_\_\_  
*Date*

PROPERTY OWNER ACKNOWLEDGES AND APPROVES USE ON THE PROPERTY: (Community Event or Temporary Merchant)

\_\_\_\_\_  
*Property Owner Name (Please Print)*

\_\_\_\_\_  
*Property Owner Signature*

LICENSE APPLICATION

**FEE SCHEDULE**

<b>Solicitors/Peddlers &amp; Ice Cream Trucks</b>	
Background check performed by Public Safety	\$10.00
Annual License & Application (July to June)	\$20.00
½ Year License (January to June)	\$10.00
<b>Seasonal Sales (Allowed 90 days per year)</b>	
Background check performed by Public Safety	\$10.00
License & application	\$20.00
<b>NOTE: No fees are required for Seasonal Sales if the person selling the products of the farm or orchard were produced by the seller. A background check, license and application are required.</b>	
<b>Temporary Merchants</b>	
Background check performed by Public Safety	(per individual) \$10.00
License & Application	\$20.00
Card re-issuance fee	\$10.00
<b>Community Events</b>	
Background check performed by Public Safety	\$10.00
License & application	\$20.00
<b>Mobile Food Trucks, Mobile Vending Carts, and Mobile Vending Vehicles (located on the Grower's Market Lot)</b>	
Background check performed by Public Safety	\$10.00
License & Application	\$320.00
Annual Renewal	\$150.00

Continued on next page

LICENSE APPLICATION

<b>SUBMIT ALL APPLICATIONS TO PARKS &amp; COMMUNITY DEVELOPMENT</b>					
<i>Routing Instructions from Parks &amp; Community Development</i>					
<b>** COMMUNITY EVENT **</b>					
<b>ROUTE TO FINANCE - Collect the Following:</b>					
	Complete application		Copy of valid Oregon motor vehicle operator's license		
	Copy of Certificate of Liability		Copy of Business & Occupation Tax Certificate application - (BTAX number)		
	Copy of valid Food Handlers Card		Take picture(s) - Picture Number(s):		
<b>FEES COLLECTED:</b>					
	Background Check Fee (\$10.00)				
	License & Application Fee (\$20.00)				
	Business Tax Fee (see scale)				
<b>ROUTE TO:</b>					
Public Safety	Approved	Denied	Signature:		Date:
<i>If denied, route packet back to Parks &amp; Community Development</i>					
Comm Dev	Approved	Denied	Signature:		Date:
Cust Service	Date received:	Card Created:		Date:	
	Applicant Contacted:			Date:	
Signature of Issuer:				Date:	
<b>** SOLICITOR/PEDDLER/ICE CREAM TRUCK **</b>					
<b>ROUTE TO FINANCE - Collect the Following:</b>					
	Complete application		Copy of valid Oregon motor vehicle operator's license		
	Copy of Certificate of Liability ( <i>Ice Cream Truck</i> )		Copy of Business & Occupation Tax Certificate application - (BTAX number)		
	Copy of valid Food Handlers Card ( <i>Ice Cream Truck</i> )		Take picture(s) - Picture Number(s):		
	Proof of compliance with all federal, state and local bonding and licensing requirements ( <i>Solicitor/Peddler</i> )				
<b>FEES COLLECTED:</b>					
	Background Check Fee (\$10.00)				
	License & Application Fee (\$20.00)				
	Business Tax Fee (see scale)				
<b>ROUTE TO:</b>					
Public Safety	Approved	Denied	Signature:		Date:
<i>If denied, route packet back to Parks &amp; Community Development</i>					
Cust Service	Date received:	Card Created:		Date:	
	Applicant Contacted:			Date:	
Signature of Issuer:				Date:	
<b>** TEMPORARY MERCHANT **</b>					
<b>ROUTE TO FINANCE - Collect the Following:</b>					
	Complete application		Copy of valid Oregon motor vehicle operator's license		
	Copy of Certificate of Liability		Copy of Business & Occupation Tax Certificate application - (BTAX number)( <i>not required for Fireworks application</i> )		
	Copy of valid Food Handlers Card		Take picture(s) - Picture Number(s):		
	Fireworks - copy of approval from Fire Marshal				
<b>FEES COLLECTED:</b>					
	Background Check Fee (\$10.00 <i>per individual</i> )				
	License & Application Fee (\$20.00)				
	Business Tax Fee (see scale)				

*Continued on next page*

LICENSE APPLICATION

<b>ROUTE TO:</b>					
Public Safety	Approved	Denied	Signature:	Date:	
<i>If denied, route packet back to Parks &amp; Community Development</i>					
Comm Dev	Approved	Denied	Signature:	Date:	
Cust Service	Date received:	Card Created:	Date:		
Signature of Issuer:				Date:	
<b>** MOBILE VENDING CART/MOBILE FOOD TRUCK **</b> <i>(Ask for Supplemental Zoning Map)</i>					
<b>PARKS &amp; COMMUNITY DEVELOPMENT - Collect the Following:</b>					
Complete application		Copy of valid Oregon motor vehicle operator's license			
Copy of Certificate of Liability		Completed planning application form			
Copy of valid Food Handlers Card		Scaled site plan			
<b>FEES COLLECTED:</b>					
License and Application Fee (\$320.00 <i>new application</i> )(Growers Market)					
Annual Renewal Fee (\$150.00)(Growers Market)					
Comm Dev	Approved	Denied	Signature:	Date:	
<i>If denied, contact applicant</i>					
Applicant Contacted:				Date:	
<b>ROUTE TO:</b>					
Cust Service	Contact applicant:			Date:	
<b>CUSTOMER SERVICE - Collect the Following:</b>					
Copy of Business & Occupation Tax Certificate application - (BTAX number)					
Take picture(s) - Picture Number(s):					
<b>FEES COLLECTED:</b>					
Background Check Fee (\$10.00)					
Business Tax Fee (see scale)					
<b>ROUTE TO:</b>					
Public Safety	Approved	Denied	Signature:	Date:	
<i>If denied, return packet to Parks &amp; Community Development</i>					
Cust Service	Date Received:	Card Created:	Date:		
Signature of Issuer:				Date:	

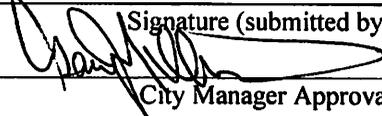
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# CITY OF BROOKINGS

## COUNCIL WORKSHOP REPORT

Meeting Date: May 1, 2017

Originating Dept: Planning

  
\_\_\_\_\_  
Signature (submitted by)  
  
\_\_\_\_\_  
City Manager Approval

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Subject: Downtown Master Plan

Background/Discussion:

The Brookings Town Center Revitalization Study (known as the PROUD Study) was developed in 2002 by a committee of property and business owners within the study area as well as representatives from City Council, Planning Commission, Chamber of Commerce, ODOT and City Staff. The PROUD Study was used as the basis for the Brookings Urban Renewal Plan and the Brookings Downtown Master Plan in 2002. The Master Plan provides the framework for which aesthetic and economic development strategies are implemented in the downtown core area. Though never adopted by the City Council, development projects, particularly in the right of way within the downtown core area, over the past fifteen years have followed recommendations in the Master Plan. Projects to note include the Chetco Avenue improvement project completed in 2007, the conversion of Fern Avenue and Willow Street to one way traffic with diagonal parking. The Plan also calls for the reconstruction of Railroad Street, a project that is currently in design and utilizing standards from the 2002 Downtown Master Plan.

In November of 2016, the City Council indicated an interest in pursuing either an update to the existing Brookings Downtown Master Plan or the development of a new Plan. Staff returned with a proposal to update the now fifteen year old document recognizing that the collaborative effort put into developing standards for the Master Plan by the PROUD committee, and that much of the Plan is relevant today.

Staff conducted a series of public workshops over the past several months aimed to promote discussion of the current Downtown Master Plan and to get feedback regarding potential updates to the now fifteen year old document.

The series kicked off on November 3rd 2016 at the Public Library with a presentation from Katie Henry who is a specialist on Oregon Heritage and works in the Historic Preservation office of the Oregon Parks and Recreation Department. Ms. Henry discussed the process and potential results from becoming a Main Street Program participant. The City is currently signed up as "Exploring the Main Street Program". The highest level of commitment is "Performing the Main Street Program". City Manager followed up the Main Street discussion by giving the audience a brief history of where we have been and are going since the 2002 Master Plan and offered the question, where do we see our downtown in ten years. What areas (building, public open spaces

and right of ways) can be developed to enhance our downtown. These questions were asked in order to start a dialog with the audience and to set the table for the next public workshop.

The second public workshop was held on the evening of January 12, 2017 in the Emergency Operation Center and included 34 individuals in addition to staff conducting the workshop. The workshop began with a presentation bringing into focus the historical context of downtown Brookings followed by a review of the existing downtown plan's major project concepts, and review of the attributes of a successful downtown. The presentation centered on what is Downtown Brookings (where was it, where is it, what defines it) and which project concepts from the Plan have not been fully implemented and are they still viable and desirable?

The presentation was followed up with an open forum devoted to allowing participants one by one to voice their ideas, opinions, concerns and input. Top issues voiced by participants included design or theme for downtown, signage and way finding along with parking.

The third public workshop was held on the evening of February 9, 2017 in the Emergency Operation Center and included 15 individuals and 3 City staff presenters. The workshop began with a presentation by City Manager, with comments encouraged throughout, and with a couple of points in the presentation where input was specifically requested. The presentation responded to, and provided further development of ideas and opinions expressed in the previous workshop. Main topics included proposed updates to the concept plan in the Master Plan, downtown signage, parking, theme, and the physical boundary of downtown. Updates to the plan included (see attached Updated Downtown Map for reference):

- **Parking:** Consider potential to develop public, off-street parking behind Loring's Sporting Goods, north of the intersection for Chetco and Fern.
- **Alternative to garden district concept:** Utilize alleys and unused property sections (via lease when in private ownership) to develop additional parking. In other locations, this kind of treatment has encouraged secondary alley-serving business entrances. This could include a walkway or other pedestrian facilities.

[It was noted by staff after the workshop that this concept is similar to a "woonerf", which is very low vehicular speed, fully shared, and is acknowledged as not only a transportation facility, but also a social space.]

- **Downtown Anchor:** Develop a cultural and performing arts campus including the Chetco Library and encompassing the old bowling alley, to become a performing arts center, extending east to City-owned property on the east side of Alder, to be developed for public parking. Close Hemlock between Oak and Alder Streets.

The workshop wrapped up with brief presentation by Teri Davis regarding Travel Oregon's Bike Friendly Business designation program. Davis walked interested participants through the process of applying for the designation and directed them to a link for more information.

Though there were several comments regarding architectural theme, there were no real solutions or interest in controlling the architectural theme of privately owned buildings. Generally what attracts people to Brookings is the beach therefore consideration of a "coastal theme" could be a supported direction.

It seems that most if not all agreed that the downtown is defined generally between Oak, Pacific and Railroad streets. Historic photo's coupled with original plat maps helped to confirm this consensus. The next step might be to define this as a "Historic District" rather than a "Downtown District". Main Street Program consultants encourage identifying a special district as a focal point. This will encourage interest in the unique heritage of Brookings and promote how to capture what it was moving forward.

Parking and way finding seem to be the central issues that visitors and downtown merchants deal with on a daily basis, not unlike issues the PROUD committee had encountered in their study. There has been a significant effort to resolve the lack of parking in the downtown core area through a variety of projects however several vacant or underutilized private lots still exist downtown that could be developed into parking lots.

The Downtown Master Plan calls for the development of a "Central Plaza" immediately South of the Central Building with one-way parking and street as convertible plaza space. Staff believes the intent was to provide an area that could be used for off-street parking on a daily basis, but that could also be used for downtown events.

The ownership of the Central Building and the lot currently leased to Bernie Bishop Mazda has recently changed and the new owners have approached the City about leasing the 11,300 square foot area for \$1130 per month. The current lease expires in October. This space would be used "as is" for public parking and redeveloped as a multi-use space over time.

Attachments:

- a. Updated Downtown Plan
- b. List of Oregon Main Street Participants
- c. Notes from Public Workshop Participants
- d. Central Building area parking plan



Alternative:  
Consolidate open/private parking spaces  
along alley into unified public parking.

Performing Arts Center as part of  
cultural campus. Close Hemlock  
Street. Parking on east side of  
Alder.

Public Parking Lot

Small pedestrian  
plazas / gardens in  
setbacks and between  
buildings

Enhanced Crosswalks  
& Corner Bulb-Outs

Protected Left-  
Turn Lane

Dedicated RV  
Parking Lot

Artists Live-Work Studios

Downtown Stream and "Urban  
Garden" District

Railroad Street improved with wide side-  
walks, landscaping and dedicated bike lane

Interior streets improved with streetscape  
amenities, landscaping, and sidewalks.

Potential  
infill areas

New public  
"Car Parks"

Civic Center Complex: City Hall, Fire,  
Police, and Performing Arts Center

Pedestrian paths  
and connections

Converted one-way streets with diagonal parking

Triangle "Car Park" and Plaza

Unique streetscape and art features  
throughout downtown streets and  
public spaces

Protected Left-Turn Lane

Landscaped gateway  
and parking lot

Expanded museum  
with dedicated rear  
entrance

Central Plaza  
with one-way  
parking and  
street as  
convertible plaza  
space

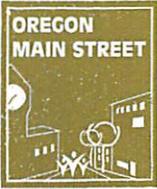
Auto Sales area

Pedestrian  
Connection through  
Auto Sales park

\*This Plan is Conceptual Only. Final Design And Location Of Projects May Differ.\*

- EXISTING BUILDINGS
- PROPOSED BUILDINGS

- Proposed new concept
- Proposed to drop



2016

Date: Sept 2016

# OREGON MAIN STREET NETWORK PARTICIPANTS

Performing Main Street	Transforming Downtown	Exploring Downtown	Affiliate Community
<p>Albany Astoria Corvallis La Grande McMinnville Oregon City Roseburg The Dalles</p> <p>Portland District: Alberta</p>	<p>Bandon Beaverton Canby Carlton Coos Bay Cottage Grove Dayton Estacada Hillsboro Klamath Falls Lebanon Milton-Freewater Newberg Pendleton Port Orford Sherwood Tillamook</p>	<p>Amity Athena Aurora Brookings Burns Dallas Enterprise Florence Independence Lakeview Merrill Monroe Myrtle Creek Myrtle Point Oakridge Ontario Reedsport St. Helens Salem Stayton Sutherlin Sweet Home Tigard Wallowa West Linn Woodburn</p>	<p>Baker City Banks Bend Bonanza Coburg Condon Donald Dunes City Eugene Hermiston Irrigon Jacksonville John Day La Pine Madras Malin McKenzie River Milwaukie Molalla Mosier North Plains Nyssa Pilot Rock Redmond Sandy Sherman County Silverton Springfield Stanfield Turner Umatilla County Veneta Weston</p>

## **DOWNTOWN BROOKINGS MASTER PLAN update**

### **Workshop #2 Summary**

January 12, 2017

#### **The Workshop**

On the evening of January 12, 2017 the second workshop for updating the Downtown Brookings Master Plan was held in the Emergency Operations Center building adjacent to Brookings City Hall. By headcount, 34 individuals attended in addition to the City staff team conducting the workshop. The staff team is Gary Milliman, City Manager; Tony Baron, Parks & Technical Services Supervisor; and Chrissy Bevens, Management Analyst.

The workshop began with a presentation that included photographs of historic downtown Brookings, a review of the existing downtown plan's major project concepts, and a review of the attributes of a successful downtown. The presentation centered on the following questions:

- What is downtown Brookings?
  - Where was it?
  - Where is it?
  - What defines it?
- Which project concepts, that have not been fully implemented, are still viable and desirable?

Following the presentation, the bulk of the evening was devoted to participants voicing their ideas, opinions, concerns, and other input. Gary Milliman facilitated this discussion, calling on participants one-by-one and allowing them time to speak.

#### **Top Issues**

The Table below reports comments captured during the workshop and attempts to categorize them by topic. Top issues include the following:

- **Design or Theme** for downtown, which also relates to Identity and Sense of Place
- **Signage and Wayfinding**
- **Parking**, which was sometimes linked to Pedestrian concerns

<b>Main topics</b>	<b>Comment/Discussion</b>
Design/Theme	There is no central theme through the commercial district. Would like to see an ocean theme. Some businesses along Chetco look good; others do not.
Design/Theme	Some businesses could have better presentation, and contribute to a more consistent theme.
Parking Pedestrian friendly	Recommends two top priorities: 1. Make downtown more pedestrian friendly 2. Improve parking by providing off-street parking. These would encourage more business activity down side streets.
Design/Theme	Downtown not cohesive enough.
Railroad Street	The next most important step is improvements on Railroad Street. This would draw people south, off of 101/Chetco.
Hemlock Street	The improvements on Spruce Street picked up foot traffic tenfold. Do this on Hemlock.
Parking Signage/Wayfinding	The downtown City parking lot is constantly empty. We would benefit from increasing wayfinding.
Tourism Railroad Street Signage/Wayfinding	Is our goal to get tourists to stop downtown and spend money? If so, will they see anything on Railroad Street? How are people traveling through our downtown?
Gathering place Parking Design/Theme	Worked at Chamber of Commerce and was often asked something like: "Do you have a place where people gather downtown? A place where seniors can mingle?" If we offer attractive landscaping and off-street parking, the word will get out.
Railroad Street Design/Theme Volunteers	Railroad Street has a lot of potential. The existing downtown plan has a lot of good ideas. An architectural theme is desirable and would benefit downtown. Involving community volunteers is recommended.
Tourism	Our efforts need to focus on tourism. Most people stop for fast food and keep going.
Bicycle friendly	We need more bike racks. These can be artistic. They can even incorporate themes or logos related to Brookings.
Signage/Wayfinding	Would classify the situation in Brookings as "runaway signage". Gave the Central Building as an example. Though it is historic, though it has a museum and shops, due to dominating signage, you see it and you see a real estate office. Recommends: 1) Get signage under control 2) Generate both wayfinding and a theme through signage -business types are distinguished by sign color, for example -wayfinding directs traffic through the loop and orients drivers to what they are seeing.

<b>Main topics</b>	<b>Comment/Discussion</b>
Parking Signage/Wayfinding	The downtown parking lot needs a waterproof place with a brochure that orients visitors to downtown. The brochure could include paid advertisements. We also need wayfinding for parking at the Brookings Harbor Botanical Garden.
Identity/Sense of Place	Was attracted to live in Brookings due to: Banana Belt Historic interest of the WWII bombing near Brookings Chetco Point
Business viability	Very few downtown businesses stay in business over several years. It is challenging to run a business and it will be difficult to get businesses into downtown that will draw tourists.
Parking Signage/Wayfinding Hwy 101	ODOT restrictions on signage are difficult. Also, people speed on Chetco and ODOT regulations make a speed limit change
Historic District Identity/Sense of Place	Would like to see us reorganize the downtown plan to include a Historic District. The Central Building is an important historic resource downtown.
Gathering place	Likes the ideas in the existing plan, especially the proposed Central Plaza, behind the Central Building.
Signage/Wayfinding	Businesses have an ongoing challenge with sign regulations, such as sandwich board signs and flags.
Hwy 101	101 is "a blessing and a curse". To work, downtown may have to turn its back on 101. The template for that is what Bandon has. You must turn off 101 to enter old town.
Identity/Sense of Place	This town has so many things going for it, like Azalea Park, and a "non-ostentatious charm".
Pedestrian friendly	We must remember to prioritize pedestrian friendly.
Design/Theme Signage/Wayfinding	An example from Scottsdale: The more restrictive design standards became, the more people wanted to come. As an example, the sign ordinance was 73 pages.
Design/Theme Signage/Wayfinding	Another community example: Guidelines were so rigid that it became very difficult. Even a simple thing like changing out a window was a big process. Oregonians don't like to be told what to do. So, there is a balance between a design hodge podge and more constraints/rules.

## **DOWNTOWN BROOKINGS MASTER PLAN update**

### **Workshop #3 Summary**

February 9, 2017

On the evening of February 9, 2017 the third workshop for updating the Downtown Brookings Master Plan was held in the Emergency Operations Center building adjacent to Brookings City Hall. By headcount, fifteen people attended, including three City staff presenters.

The workshop started with a presentation by City Manager Gary Milliman, with comments encouraged throughout, and with a couple points in the presentation where input was specifically requested.

The workshop began with a presentation responding to, and providing further development of, ideas and opinions expressed in the previous workshop, held 01/12/17. Main topics included:

- Concept plan proposed updates
- Signing
- Parking
- Theme
- Location of downtown

#### **Proposed updates to project concepts**

- See Map 1, at the end of these notes, for items proposed to drop. There were no objections to dropping those items.
- Parking: Consider potential to develop public, off-street parking behind Loring's Sporting Goods, north of the intersection for Chetco and Fern.
- Alternative to garden district concept: Utilize alleys and unused property sections (via lease when in private ownership) to develop additional parking. In other locations, this kind of treatment has encouraged secondary alley-serving business entrances. This could include a walkway or other pedestrian facilities.

[It was noted by staff after the workshop that this concept is similar to a "woonerf", which is very low vehicular speed, fully shared, and is acknowledged as not only a transportation facility, but also a social space.]

- Downtown Anchor: Develop a cultural and performing arts campus including the Chetco Library and encompassing the old bowling alley, to become a performing arts center, extending east to City-owned property on the east side of Alder, to be developed for public parking. Close Hemlock between Oak and Alder Streets.

#### **Participant comments and discussion:**

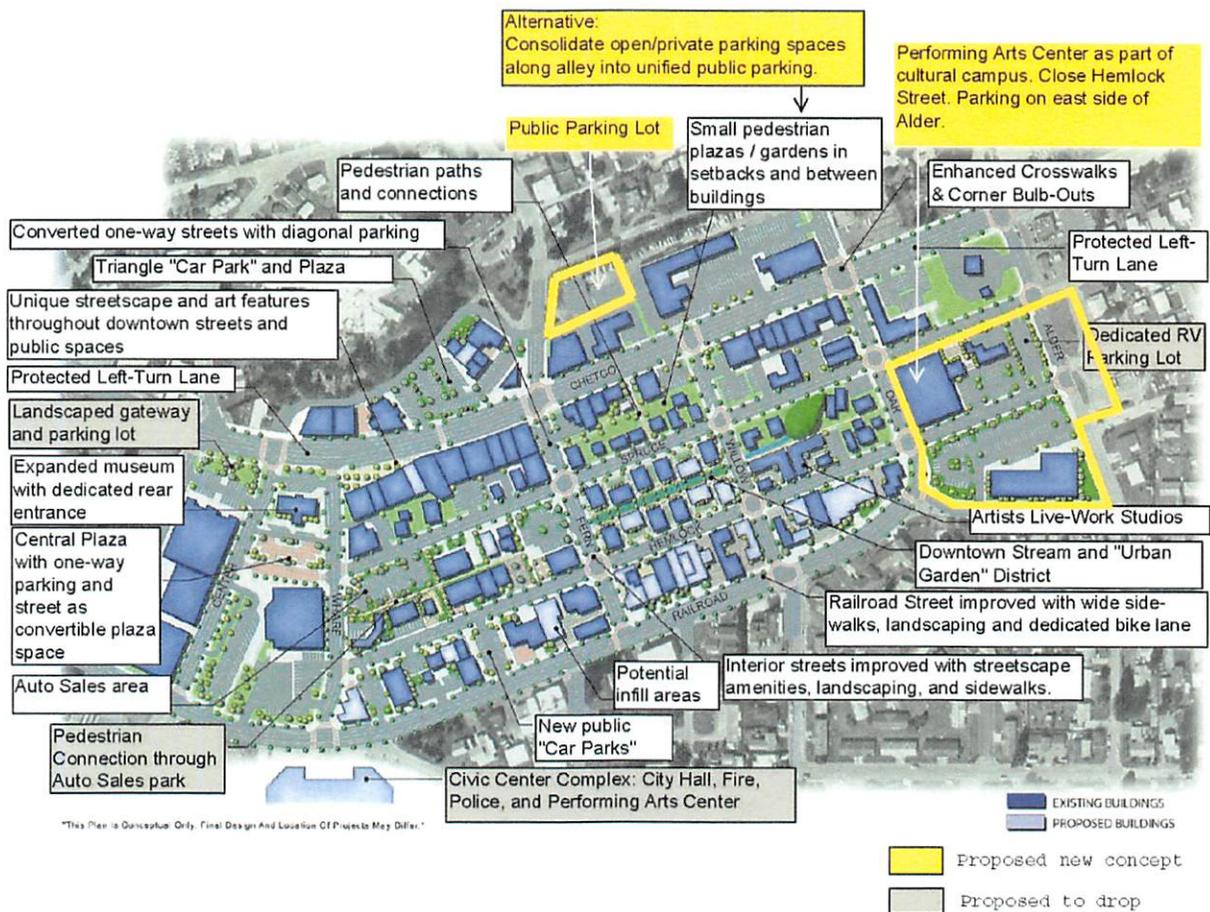
Main Topics	Comment/Discussion
Signage	<p>We should offer a good alternative before we would disallow sandwich boards.</p> <p>Another participant agreed to exercise caution on the topic of eliminating sandwich board signs. They do help draw people to businesses; he has observed this in our downtown. Maybe tighten the regulations, but do not eliminate.</p>
Design & Wayfinding	<p>One participant described his experience with an eye- and attention-catching advertising campaign involving hundreds of plastic flamingos. Then he proposed something for our downtown: Display tear-drop shaped feather flags (see attachment) for tourist-oriented businesses. These look a little like the icons on web-based maps for a pinned location. These would be color-coded by business category. Optionally, each category could have an associated symbol. Restaurants would have a different color and symbol than gift shops, art galleries, etc. These would provide a festive atmosphere and would help tourists quickly orient to downtown options and amenities. These cost less than \$200 each.</p> <p>Another participant doesn't really like these flags.</p> <p>Another participant wants that they don't function well in this area on windy days and they are prone to fading quickly.</p>
Parking, Wayfinding	<p>The parking area across from the theatre could host an informational sign with general information, locations of businesses, etc.</p>
Wayfinding	<p>We could leverage our community artists better and produce a downtown map, a fun one. Some communities have a cartoon-like downtown map.</p>
HWY 101	<p>There was some discussion related to the right of way for Chetco Avenue / Highway 101 and control of sidewalks. The City Manager clarified that, in patchwork fashion, the City has jurisdiction of some areas of sidewalk through the City limits, while ODOT maintains control in other areas. It may be possible to make this more consistent and for the City to take on more sidewalk jurisdiction. However, there are items to weigh and consider, such as liability versus control.</p>
Signage	<p>Existing cluster sign at the Central Building is "hideous".</p> <p>Another participant expressed that the sign is ineffective. Drivers need to be able to easily read signage.</p>
Signage	<p>City should take more control of sandwich board regulations to mitigate trip hazards, etc.</p> <p>Another participant indicated that he wants to be able to sue the City if he loses business due to stricter sign regulations.</p> <p>Another participant reiterated his observation that sandwich board signs do help business and he clarified that he prefers them to be placed on private property, not on sidewalks.</p>
Design	<p>Some business owners may choose to paint their building an ugly color because it draws attention.</p>

Main Topics	Comment/Discussion
Parking & Traffic circulation	<p>Participant question: Could we do more one-way streets to increase parking?</p> <p>City Manager answer: Yes, but there are tradeoffs. An existing example is that from Chetco, you cannot turn south on Willow at the Mexican restaurant's to access their back parking lot.</p> <p>Another participant commented that she regularly observes people making that turn movement, even though it is not allowed due to one-way.</p> <p>Another participant commented that it is also difficult to make a turn onto Chetco from Willow.</p>
Parking	We shouldn't put new parking areas anywhere that would be good property for retail development.
Parking & Wayfinding	We can lure travelers into a nice parking area with some of the signage options we discussed, orient them once they park, and then they can walk to their destinations.
Parking, Wayfinding, & Anchor	<p>The existing City property behind Dairy Queen could be developed for parking. We would need to get something visual in place to draw people.</p> <p>Other participants related comments:</p> <ul style="list-style-type: none"> <li>-Yes, add some ambiance as people come over the bridge.</li> <li>-Yes, so that tourists see the anchor attraction, park, then walk from there.</li> <li>-Yes, we need to get people "through the entrance" to our City.</li> <li>-But, there is already a parking lot at the eye clinic (northeast of Chetco at Oak?) and people don't park there. People won't walk four blocks to get downtown.</li> <li>-That's why we need a gateway or anchor to draw people in.</li> <li>-People already stop at Dairy Queen, so would work well in combination with a City entrance/gateway.</li> </ul>
Anchor	Supports the idea of a good downtown anchor. In Tulsa a bond to fund a sports arena failed several times. Once it succeeded and the arena was built, it transformed downtown.
Design & Landscaping	Greenspace and landscaping adds to the appeal of the streetscape and doesn't need to be expensive.
Theme	Advocates for focusing not on a stringent theme, but on elements that add beauty, such as the wall garden at the Mexican Restaurant downtown.
Tourism & Theme	Participant asked if we have survey data indicating why visitors come to Brookings. City Manager answer is that survey data indicates people come to the area to visit the coast, not specifically to visit Brookings. Participant noted that maybe that should inform the theme: "coastal".
Design & Landscaping	Would like to see more greenery along sidewalks. Though there have been improvements, it still seems kind of barren.

Main Topics	Comment/Discussion
Design & Landscaping	Agrees that landscaping is very important. Noted that the participants responded positively to a presentation slide of downtown Astoria. She thinks they did so because of the beautiful tree in the photo.
Tourism	Has observed that tourists don't come downtown during Port events, but they do come for the Art Walk.
Downtown location	City Manager asked the question again, "Where is downtown". As in the 01/11/2017 workshop, this didn't prompt much discussion. Participants seem to be in agreement with downtown borders indicated in the existing downtown plan.

City Recorder Teri Davis finished the workshop with a presentation about Travel Oregon's Bike Friendly Business designation program. More information is available here: <http://industry.traveloregon.com/industry-resources/product-development/bike-friendly-business-program/> .

**Map 1:**





**DAVID EVANS  
AND ASSOCIATES INC.**  
2100 Southwest River Parkway  
Portland Oregon 97201  
Phone: 503.223.6663

**Site Opportunities**

- \* Existing Surface Lot
- \* Close to Chetco Avenue
- \* Close to Movie Theater
- \* Provides 57 Parking Spaces for a Net Increase of 49 Spaces

**Site Constraints**

- \* Privately Owned
- \* Not Visible from Chetco Ave.
- \* Access Limited by Closure of Center Street

**Site Costs**

- \* Cost \$134,800
- \* Cost per Space \$2,365

**FIGURE 8**

**SITE 6:** Off-Street Surface Parking, North of Spruce St. between Center St. and Wharf St.

City of Brookings Parking Plan



# MEMORANDUM

*Office of the City Manager*

**GARY MILLIMAN**

*City Manager*

Credentialed City Manager

International City Management Association

**TO:** Mayor and City Council

**DATE:** April 22, 2017

**SUBJECT:** Central Building Parking Area

The City Council will be discussing possible revisions to the Downtown Master Plan at the May 1 workshop.

The Master Plan calls for the development of a multi-use space between the historic Central Building and Spruce Street. According to the Master Plan, this area...including what is now Spruce Street...is envisioned as being an area used for public parking on a regular basis, and as a downtown event venue.

The existing area, excluding Spruce Street, is a part of the Central Building parcel and is comprised of some 11,300 square feet. The area has been leased to Bernie Bishop Mazda for a number of years for use as an auto sales display lot. Ownership of the Central Building property has recently changed and the new owners...Bret and Marie Curtis...have contacted me concerning possible lease of the space for use as described in the Downtown Master Plan. Attached is an email from Bret Curtis.

This site was evaluated in the preparation of the 2006 Parking Master Plan and the consultant recommended converting Center Street to one-way between Spruce and Chetco. That plan provided for 57 parking spaces, with a net increase of 49 spaces. The plan did not include closing Spruce Street and incorporating that area into the parking lot as proposed in the Downtown Master Plan. An examination of the 2006 plan for this area indicates that the subject area, not including Spruce, could accommodate 40-42 parking spaces. Staff is not recommending any parking design plan at this time.

I have discussed this matter with Rick Bishop. While Bishop is interested in renewing the lease for this space, he informed me that he could reorganize space on his other holdings in the vicinity of the dealership and the subject space is not essential to the operation of the dealership. Specifically, he would be interested in acquiring the alley between his properties along Spruce and Hemlock Street, which would allow him to shift vehicles and equipment around to accommodate vacation of the subject property.

The Current lease with Bishop expires in October. Curtis is seeking a monthly lease rate of \$1,130.

While the City and the Urban Renewal Agency are not currently in a financial position to undertake the project envisioned in the Downtown Master Plan due to other financial commitments, the Urban Renewal Agency will have substantial funds available after the \$3.4

million debt is retired in 2020. The monthly lease payment would be URA funding eligible. The City could lease the site now and seek reimbursement from the URA at a later date. One major issue of concern is undertaking a major capital project on leased property; staff has not discussed any details of a potential lease or other alternatives with Curtis.

## Gary Milliman

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**From:** Bret Curtis  
**Sent:** Wednesday, April 12, 2017 5:06 PM  
**To:** 'Gary Milliman'  
**Cc:** realtormgray@gmail.com  
**Subject:** Central Building Parking Lot

Gary,

Thank you for your continued & excellent efforts as our City Manager!

Marie & I recently completed the purchase of the Central Building. We have many ideas to continue the legacy of this building and are excited to get started.

As you know, behind the Central Building is an ideal location for "City Parking." Currently Mazda (Rick Bishop) leases approximately 11,300 square feet of "prime" parking. The current lease for this area expires in October 2017. Rick Bishop would like to meet with me next week to discuss our future plans with that parking area. He would like to negotiate a new lease, but is aware of the city's interest in the parking area. He needs to make some decisions....and so do we.

I know the city has interest in the parking area, stemming from many past discussions and I realize how important the area may be to future plans for a "downtown Brookings." Additionally, we'd prefer to work with the city and share in your vision of creating a "downtown theme."

Is the city prepared to enter into a long-term arrangement to lease the approximate 11,300 square foot area behind the Central Building? The lease could begin as early as November 2017. We'll be upfront, we're asking 10 cents a square foot (\$1,130/month) for the space with the city being responsible for upkeep, striping, caring for the property while enjoying the use.

If you'd like to talk further I'd be happy to pop by and visit.

Thank you!

***"As seen & featured on HGTV"***



**BRET CURTIS, Broker/Owner**  
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**RE/MAX**  
**Coast and Country**

[Click to view the Initial Agency Disclosure Pamphlet](#)

**Site 6: Off-Street Surface Parking, North of Spruce St. between Center St. and Wharf St.**

Site 6 is currently used by a car dealership to display cars. This site is privately owned, making any changes to the site pursuant to an agreement with the property owner(s). The location is centrally located and is near other public parking lots. The parking lot would have a capacity of 57 parking spaces and provide the study area with a net gain of 49 spaces.

*Site Opportunities*

- Relatively easy to convert to a surface parking lot as it is currently used to park cars
- Close to Chetco Avenue businesses that may lose on-street parking
- Located close to other public parking lots
- Increases public parking supply within the downtown core

*Site Constraints*

- Privately owned
- Not visible from Chetco Avenue
- Proposed closure of Center Street access to Chetco Avenue would impact vehicular access to the parking lot

*Site Cost*

- Cost \$134,800
- Cost per Space \$2,365

Costs are limited to construction only. Costs such as land acquisition, permitting and retail development are not included.

The parking for Site 6 is laid out in plan view in **Figure 8**.

**Site 7: On-Street Parking, Railroad St.**

Site 7 consists of improvements to Railroad Street to provide angled parking along the north side of the roadway between Fern Avenue and Oak Street. The north side of the existing roadway has a wide shoulder and open ditch. Improving the eastside of Railroad Street to provide a curb with angled on-street parking would create an additional 37 parking spaces for a net gain of 21 spaces within the study area. The angled parking would be setback from the westbound travel lane to allow drivers to back part way out of their parking spaces without impeding traffic flow on Railroad Street. The setback would provide drivers with improved site distance and allow long trucks, over 19 feet in length, room to park without blocking the travel lane.

*Site Opportunities*

- Increases on-street parking
- Improves Railroad Street
- Set-back reduces impacts on through traffic flow

*Site Constraints*

- Would require storm water improvements on Railroad Street
- Not centrally located to existing businesses



**DAVID EVANS  
AND ASSOCIATES INC.**  
2100 Southwest River Parkway  
Portland Oregon 97201  
Phone: 503.223.6663

**Site Opportunities**

- \* Existing Surface Lot
- \* Close to Chetco Avenue
- \* Close to Movie Theater
- \* Provides 57 Parking Spaces for a Net Increase of 49 Spaces

**Site Constraints**

- \* Privately Owned
- \* Not Visible from Chetco Ave.
- \* Access Limited by Closure of Center Street

**Site Costs**

- \* Cost \$134,800
- \* Cost per Space \$2,365

**FIGURE 8**

**SITE 6:** Off-Street Surface Parking, North of Spruce St. between Center St. and Wharf St.

City of Brookings Parking Plan