



City of Othello
Planning Commission Meeting
January 16, 2024
Zuleica Morfin

CALL TO ORDER

Chair Chris Dorow called the meeting to order at 6:02pm.

ROLL CALL

Commissioners Present: Chair Chris Dorow, Alma Carmona, Kevin Gilbert, Daniela Voorhies, Maria Martinez, Ruth Sawyer

Absent: Brian Gentry (ill)

Staff: Community Development Director Anne Henning; Building and Planning Secretary Zuleica Morfin

Attendees: Bob Carlson, Council member John Lallas

PUBLIC INPUT

NONE

ELECTION OF CHAIR & VICE CHAIR

Commissioner Alma Carmona nominated Chair Chris Dorow to continue as Chair M/S Carmona/Voorhies
Commissioner Daniel Voorhies nominated Alma Carmona to continue as Vice Chair M/S Voorhies/Gilbert

There were no other nominations. Chair and Vice Chair approved.

MINUTES APPROVAL

December 18, 2023, minutes approved M/S Martinez/Carmona

TRAFFIC CALMING - FOLLOW UP - COST INFO - INFORMATIONAL

At the previous meeting, Commissioners had asked about the cost of the speed humps on 4th Ave. Ms. Henning provided the bid summary. The speed humps were part of a larger asphalt project, which also included some asphalt patching. The total cost of the project was \$59,500 and the portion for the speed humps was \$10,000 from the low bidder, but would have been a different percentage of the project if a different contractor had been the low bidder. Chair Chris Dorow said he has been hearing mixed reviews on what the speed humps have done. Ms. Henning said the speed humps initially slowed traffic but as people got used to them and figured out how fast they could go, the speed went up.

CODE UPDATE - SIDEWALK VENDORS/PORTABLE VENDORS/PUSH CARTS - OMC 4.16 - DISCUSSION

After having finished mobile food vendor/food truck regulations, in December the Commission started to focus on push carts, which are called by other jurisdictions "portable food vendors" (Richland), "Street vendors" (Yakima), "sidewalk vendors" (Chino & Chino Hills, CA) or "carts and kiosks" (Chino). Ms. Henning presented Commissioners a draft for discussion which is a combination of the newly-adopted code for mobile food vendors and the Chino Hills, CA code for sidewalk vending (5.58). Chino Hills was chosen based on a training attended by Code Enforcement Officer Heather Miller.

Chair Chris Dorow asked if this code only addressed food vendors or does it also address merchandise sales? Ms. Henning said that was something the Commission should discuss. Some cities only allow food vendors and not the sale of merchandise. She recommended that if merchandise is included, it should be the same code for food and merchandise. Chair Chris Dorow asked if the code addressed the cars who park and pull out merchandise to sell? Ms. Henning said it depended on how it gets defined.

Commissioners went through the newly adopted draft starting with the purpose that read "The purpose of this chapter is to allow sidewalk vendors/portable (food) vendors to conduct business within the City to support entrepreneurship while setting standards, regulations, and licensing requirements for the sale of food and merchandise in the public right-of-way". Ms. Henning mentioned she wasn't sure what to name the type of vendor, so she used the long name of "sidewalk vendor/portable (food) vendor" for now. Another issue was whether these vendors would just be in the right-of-way or would they be able to locate on private property? Commissioner Alma Carmona asked if the header was left as is and someone searched the code for "kiosk", would this chapter pop up once it is adopted? She said key words like that would be helpful for people who are looking for the ordinance. Ms. Henning said anytime a code search is done, it will pull up the word anywhere in the code. Commissioners agreed to add private property and have it say food and merchandise.

4.16.040 Applications.

3. "The address of the location or proposed route where the sidewalk vendor is proposed to operate." Commissioner Kevin Gilbert asked if the food vendors would be provided with a map of the city with allowed locations. Commissioner Alma Carmona said the Commission had previously discussed districts and having a list of allowed locations. This would ensure vendors are following regulations and that they are not in areas they shouldn't be in. Ms. Henning asked commissioners if the vendor were on a sidewalk, would they be required to get permission from the abutting property owner? This would give the nearby business a say in whether they would want the vendor there.

Commissioner Alma Carmona asked about allowing vendors in the parks. Ms. Henning let commissioners know that the Public Works Director has said he would not like any push carts at the parks with a concession stand even if the concessions stand was closed.

Chair Chris Dorow said he had driven around on a cold Sunday recently and was surprised to see 3 food and 2 merchandise pushcarts on Main Street, one of which was blocking the sidewalk. Commissioner Alma Carmona said she wanted to go back to the idea of allowing them in the parks that didn't have a concession stand because of the amount of foot traffic there would be during the fall and spring when all the sports activities are going on. Ms. Henning mentioned that the Parks & Rec Coordinator mentioned there have been issues with a lot of trash when there have been vendors at Taggares Park. Council member Lallas suggested there could be contracts with specific vendors to provide food at parks.

4. "Proof of a valid City of Othello business license required by OMC chapter 4.04 or a complete business license application with the appropriate application fee, unless exempt." Ms. Henning said this wasn't very good wording and she would combine it with the business license.

5. "A complete description of any ancillary items that the applicant intends to use in conjunction with sales including, without limitation, small tables, trash receptacles, chairs, or other similar items." Chair Chris Dorow asked if they're worried about it saying small tables? Commissioner Alma Carmona said she didn't think small tables should be included.

B. "Each application must be accompanied by a certification fee, the amount of which will be set by City Council resolution. Such application fee is solely to reimburse the City for costs incurred as a result of processing a permit application." Ms. Henning said the fee would be covered in the business license so she would remove this.

C. "Each application must be accompanied by a certificate of insurance evidencing that the sidewalk vendor has current general liability insurance in the amount of five hundred thousand dollars (\$500,000) with coverage related to all activities associated with sidewalk vending activities, with the city named as an additional insured." Ms. Henning said this amount might change as the City's insurance provider wants the city to require insurance. Chair Chris Dorow said he would set it at a million dollars. There was discussion about the cost of insurance, but the conclusion was that it was not excessive.

Ms. Henning told commissioners that G about permanent locations was out of the Chino Hills code. This language can probably be deleted as not applicable to Othello.

4.16.50 General Regulations and Standards/Operating Requirements

A. "Sidewalk vending permits are issued to persons, not pushcarts, wagons, or other nonmotorized conveyances. Sidewalk vending permits are nontransferable." Commissioner Alma Carmona asked if this regulation says the license is for the cart and not the person, or if it says that the person who applies is the only person who is allowed to run the cart. Chair Chris Dorow said it should be the person who is running the cart.

B. "Sidewalk vendors must maintain a clearance of not less than 4 feet upon every sidewalk or pedestrian path in order to comply with the Americans with Disabilities Act." Bob Carlson asked commissioners if they would be adding customer queuing into this. Chair Chris Dorow felt that requiring the vendor to maintain clearance is a lot different than requiring just the vending cart to maintain clearance, so he felt it was adequately addressed.

C. "Each cart used by a sidewalk vendor must display a valid sidewalk vendor permit." Commissioner Alma Carmona said she felt this was the same requirement as on the previous page. She felt they could get rid of this one and keep the previous one.

D. "No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other nonmotorized conveyance, or ancillary vending items or equipment or umbrellas may be left unattended or chained or fastened to any pole, sign, tree, or other object in the public right-of-way. Any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance in violation of this subsection will be confiscated in accordance with constitutional and other applicable law." No concerns, and the Commissioners were in favor of this regulation.

E. "Merchandise may not be placed directly onto the public right-of-way without a permit authorizing such placement." Ms. Henning told Commissioners that this was talking about setting up something such as paintings and not the same as the other one they had talked about.

F. "Sidewalk vendors may not operate in school drop-off and pick-up areas, between the hours of 6:00 a.m. and 4:00 p.m. on days such schools are in session." Chair Chris Dorow asked how far of a distance

the drop off-zone was. If this is an area that they will district, Commissioners liked the idea of allowing vendors near schools but giving them a certain distance they have to maintain.

Council member John Lallas asked whether we are required to allow push carts. Chair Dorow responded that it provides opportunities for entrepreneurship. Council member Lallas felt that if push carts are allowed, they would be better on private property and not in the right-of-way. He felt push carts would be in direct competition with businesses in buildings who pay property taxes and support the community, such as by sponsoring kids sports teams. He asked if they pay sales tax. Chair Chris Dorow said the Commission needs to decide what kind of opportunities our community wants and needs and balance that against the level of protection for existing businesses. Commissioner Maria Martinez mentioned that La Mexicana Supermarket started out as a fruit stand out of a van and now they have their own grocery stores in Othello and Wenatchee, and this is why she thinks Othello should give people opportunities.

G. "Sidewalk vendors may not operate within 500 feet of a certified farmer's market or swap meet, except as specifically permitted by the City." Ms. Henning suggested that the farmers market should be part of the special events, and she would work on combining it.

H. "Sidewalk vendors may not offer services or any illegal or counterfeit merchandise, animals, items that will exceed the surface area of sidewalk vending equipment, alcohol, drugs, medicine, chemicals, lottery tickets, weapons, alcohol, fireworks, cannabis or cannabis products, industrial hemp products, adult-oriented material, tobacco, tobacco-related products, or any product used to smoke/vape, or any other items that are deemed unsafe." Commissioners were in support of these regulations but asked about fireworks. Ms. Henning said she would check the rules for fireworks.

I. "Stationary sidewalk vendors may not operate in any of the City's residential zones." Commissioner Ruth Sawyer said members of the public told her they would like to see mobile carts in residential areas.

J. "Stationary sidewalk vendors may not operate within any City-owned park with an operative agreement between the City and a concessionaire for the exclusive sale of food or merchandise by the concessionaire, except for pre-approved vendors at City-sponsored events; mobile sidewalk vendors may not operate within 100 feet of such a concessionaire, except for pre-approved vendors at City-sponsored events." Commissioner Kevin Gilbert said he felt 100 feet was too close, he thought it should be more like 500'. Commissioners agreed.

L. "No sidewalk vendor shall erect any equipment or object that exceeds 9 feet in height, and all temporary structures or objects that are erected must be firmly affixed to a cart or objects with sufficient weight so that they are structurally sound and not subject to toppling over or falling due to weather conditions or not being structurally sound are prohibited in order to avoid injury to pedestrians or vehicles due to falling objects from wind or other causes." Ms. Henning said she felt like there were too many words in this and Commissioner Alma agreed it should be shortened.

M. "Sidewalk vendors may not operate on public rights-of-way" within certain distance of intersections, driveways, alleys, etc. Commissioners will come back to this later once they decide whether to allow vendors in the public right-of-way.

N. "Sidewalk vendors shall not operate on City-owned property, including, without limitation, publicly owned parking lots, except for sidewalks in public right-of-way, pedestrian paths in City parks and open

space (only to the extent permitted and regulated by this chapter)." Ms. Henning said they would need to come back to this once they decide about right-of-way.

Q. "Sidewalk vendors shall not operate within fifty (50) feet of City programs, games, and City recreational programs operated outside in the City's parks including any activities permitted pursuant to athletic field use license agreements, provided that this prohibition shall only be effective for the duration of the event." Commissioners agreed that 50 feet' distance was not enough and needs to be more, although they also felt the restriction to not operate on vegetation may sufficiently address this issue.

R. "Sidewalk vendors shall not operate within one hundred (100) feet of:

1. An area designated by a special event permit issued pursuant to Chapter 12.36 of this Code for the duration of the event unless specifically permitted as part of the event." Ms. Henning said she agreed with Commissioner Gilbert that 100 feet isn't enough and should be more like 500 feet.

2. "City-sponsored outside events, including, but not limited to, parades and concerts, for which the city has entered into exclusive vendor agreements, for the duration of the event, unless vendor has received a permit to vend as part of the event." Commissioners agreed this should be 500 feet as well.

3. "Outside events in City parks and City facilities such as the community center permitted pursuant to rental agreements for events, such as weddings, parties and including, but not limited to, rental of the City's gazebo." Ms. Henning said this would need to be edited as Othello does not have a community center.

Z. "Signs prohibited by CHMC Section 16.38.070 for stationary businesses are also prohibited for sidewalk vendors, and strobe lights and spotlights are prohibited." Chair Chris Dorow asked if this would make the flashy toys that are being sold a problem. Ms. Henning said they would probably not be since they aren't like a strobe light.

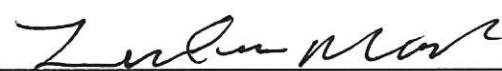
ADJOURNMENT

Having no further business, the meeting was adjourned at 7:58pm. Next meeting is Monday, February 20, 2024.



Date: 2/20/2024

Chris Dorow, Chair



Date: 2/20/24

Zuleica Morfin, Building and Planning Secretary