



City of Othello  
Planning Commission Meeting  
February 20, 2024  
Zuleica Morfin

### **CALL TO ORDER**

Chair Chris Dorow called the meeting to order at 6:03pm.

### **ROLL CALL**

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

**Absent:** none

**Staff:** Community Development Director Anne Henning (remote); Building and Planning Secretary Zuleica Morfin

**Attendees:** Bob Carlson, Timm Taff

### **PUBLIC INPUT**

Timm Taff, representing the Othello School District, talked about safety hazards around schools, especially related to traffic. He mentioned that sometimes parents park an hour before school ends in order to pick up their kids. He said the School District doesn't want to stifle business or entrepreneurship, but they are concerned about safety for students. He asked the Planning Commission to consider setting distance and timing regulations as part of the sidewalk vendor regulations they are considering tonight.

### **MINUTES APPROVAL**

January 16, 2024, minutes approved M/S Martinez/Gilbert

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

After finishing 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 revision of the draft reviewed last month.

Chair Chris Dorow asked if the Commission wanted to allow pushcarts on sidewalks or just on private property. He mentioned he has noticed a lot of vendors lately, probably because of Valentines Day, and they were mostly on private property. He said the Commission could take the slow approach, and revisit the ordinance once Othello has grown more, or propose regulations for the future. The consensus was that the community is growing, so the regulations should accommodate that and support entrepreneurs, which includes allowing them on sidewalks.

Chair Dorow asked for clarification on whether to allow vendors to sell food or merchandise. The consensus was to allow both.

Ms. Henning asked for clarification on whether small tables would be allowed, as listed in the model code. At the last meeting there had been a discussion, and she wasn't sure what the Commissioners had

concluded. The consensus was that ancillary items could be allowed, as long as they fit within the specified dimensions of 4' x 8'. These dimensions would only apply to vendors within right-of-way. Vendors on private property could take up more space if allowed by the property owner.

Ms. Henning asked for clarification on the business license for business owners vs the person actually doing the vending, and the previous direction that employees would not be allowed. Commissioner Kevin Gilbert asked about a situation where one owner had multiple carts. Commissioner Ruth Sawyer mentioned she has looked into this type of business in the past, and the way you grow your business is to start with one cart and eventually expand to more. Ideas discussed were to license each cart, to have a limit on the total number of licenses allowed in town, or require licenses for both the cart and the vendor. It was concluded that input from Code Enforcement is needed on this issue.

Ms. Henning asked the Commissioners to review the language she had added to 4.16.050.D about customer queues being included in vendors leaving 4' of clearance on sidewalks. Commissioners were satisfied with the way it was worded.

Ms. Henning asked for discussion on 4.16.050.F about whether merchandise could be placed on the right-of-way and whether a permit for this is needed. Commissioner Alma Carmona felt it would be OK as long as it is kept within the 4' x 8' dimensions. Chair Dorow pointed out that a plan of the objects would be needed. Commissioner Kevin Gilbert asked that rules be kept to a minimum. Commissioner Brian Gentry felt that objects on the ground could look messy, but he felt restricting the dimensions would be adequate. The consensus was to not create a sidewalk use license and just allow objects within the 4' x 8' area the vendor would be allowed.

Ms. Henning asked the Commission to look at the dimensional requirements in 4.16.050.I and J to see if they could be simplified. The Commissioners felt section I was fine. Commissioner Daniela Voorhies felt section J was too complicated. Ms. Henning said she could break it into bullet points. Commissioner Kevin Gilbert noted that existing vendors might already take up more space than the proposal. The consensus was that the 4' x 8' dimensions only need to apply to vendors within right-of-way. Bob Carlson gave his opinion that a portable vendor shouldn't be allowed to take up required parking spaces. The Commission agreed.

Ms. Henning asked Commissioners to review 4.16.050.K, specifically whether requiring a 10' trash-free area was sufficient. Commissioner Kevin Gilbert suggested removing the 10' distance requirement, then it is more generally the area around the vendor that they must keep clean.

Ms. Henning asked Commissioners to discuss whether to allow roaming pushcarts in residential areas, as had been previously proposed. Chair Dorow felt it could cause traffic problems. Commissioner Gilbert felt an ice cream pushcart would be safer than an ice cream truck. Commissioner Gentry felt there weren't enough sidewalks in residential areas. Chair Dorow polled the Commission: 4 to 3 in favor of allowing roaming vendors in residential areas. There was a concern about vendors knocking on doors, but Ms. Henning pointed out that the Othello Municipal Code requires a solicitor's license for selling door-to-door.

Ms. Henning asked for discussion on restricting vendors from operating on any vegetation, including turf grass. Commissioners determined vending could be allowed on turf that was adjacent to a walking path. This will require several changes to the draft.

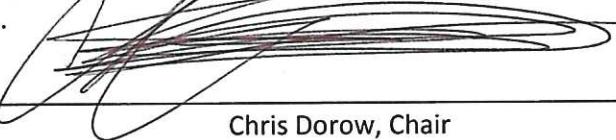
Ms. Henning asked for discussion on the distance from a vendor to various other uses, as listed in the draft at 4.16.060. Commissioners were in support of the distances listed, with the following changes:

- Chair Dorow felt 5' was too close to a fire hydrant and suggested changing it to 15' in all cases. Ms. Henning will confirm the distance with the Fire Chief.
- In 4.16.060.F.1, in consultation with Timm Taff from the School District, Commissioners changed the time of restriction around schools to include 30 minutes before and after school and events.
- In 4.16.060.F.2 & 3, Commissioners noted that the provisions were similar, except that one was for restaurants and the other for any business, and one was from the entrance and the other didn't specify if it was from the entrance, the building, or the property line. Ms. Henning pointed out that any type of food vendor is in competition with a restaurant, which is why there is a special provision for restaurants. She also pointed out that 100' from a property could be very restrictive. The vendor does need to get permission from the owner of the location.
- Commissioners felt 5' was too close to a driveway or alley and increased it to 15'.
- The 25' distance from a building entrance (4.16.060.G.10) was deleted. The property owner can determine how close they want to allow the vendor to their building entrance. The Chino Hills code that was the model did not require abutting property owner permission.

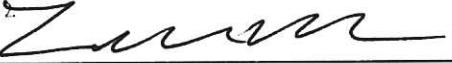
Chair Dorow noted that districts for vendors are not needed because the requirements for distance from various other uses limits them pretty well. Commissioner Gilbert mentioned that it would be helpful to have a map of allowed locations.

**ADJOURNMENT**

Having no further business, the meeting was adjourned at 8:02pm. Next meeting is Monday, March 18, 2024.

  
Chris Dorow, Chair

Date: March 18, 2024

  
Zuleica Morfin, Building and Planning Secretary

Date: 3/18/2024