

## FOOD CARTS: Business won approval from city planners

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input were points in favor of food carts in Sisters; those in favor of food carts on the Eurosports property; those who felt Mayor Boyd misused his position in getting approval; and those that believed the city made errors in granting the approved use.

As the discussions concluded, Mayor Chris Frye, who had just been selected as mayor minutes earlier, said, "It is complicated and we want to give this the due process that it deserves. Our intention is to look at this from several angles to make sure everything was done right."

Boyd and his partner Karen Kassy addressed the newly seated council at different times but said basically the same thing.

Kassy said, "When we applied (for the permit) we were so careful because we were so careful because we knew, with Brad being mayor, we would be under greater scrutiny."

Boyd said, "I'd like to clear up a number of misconceptions and misunderstandings. First off the code has not been changed since 2010. Nothing is different. Food carts will be leasing space from us on an annual basis. If they came for a short term they would be paying \$100 per day, but if they come for the year, like we see in Portland or Bend, then they are allowed to have a business license on [an] annual basis."

"Another comment we heard is about primary uses and secondary uses, and I don't think that applies here," continued Boyd, "If it did, Ray's Food Mart could only have a supermarket and not a realtor (on their lot). The place where McDonald's is would either need to be a

gas station, a McDonald's or a mini-mart, but you couldn't have three business on one property.

"I have a land-use application that was deemed complete, that went through the two-week appeal process; no one appealed it. I'm preparing to get bids and start doing site work so that it is operational this spring," said Boyd. "Steve (Bryant, attorney) or council, do I not now have an approved land-use decision? How do I proceed?"

After further council discussion, Boyd concluded, "At this time, because as an applicant we have done nothing wrong, and time is of the essence, it is a seasonal town, we would like to be up and running by May: I am going to say 'no' to re-doing the process. This is a land-use application, there are set rules to follow, they were all followed, it (the decision) has been issued."

In speaking to the council, Frye said, "If we have investigated ... and mistakes were made ... do we have the legal authority to change anything? Should we change anything?"

This process started several months ago when then-mayor Brad Boyd applied for and was ultimately given city planning department approval to locate semi-permanent food carts on the property he owns on the southeast corner of Hood and Fir at the site of his business, Eurosports.

The approval for the food carts was issued in November, without review by the planning commission. It has been planning department practice to notify the planning commission before this lower-level type of approval (Type II) is granted, but it is not policy, and it is therefore not required. Once notified, if any three members of the planning commission so request, a site plan can be called up for review by the commission. Planning

commission chairman Alan Holzman has said that, while the planning commission should have been notified, he did not think they would have called the plan up for review.

Mike Morgan took the position that the city had at least three significant conflicts: 1) the development code allows an annual license for the food carts, and that is in conflict with the municipal code which says that any merchant who offers merchandise from a cart is a transient merchant and is required to have a \$100-per-day transient license; 2) a statement in the land-use decision notice states that food carts are considered the equivalent of eating and drinking establishments, but Oregon law does not make this equivalency. The phrase food cart does not appear anywhere in the current city development code; 3) the development code allows for outdoor dining only if it is in association with the primary use of the property.

Ed Protas said, "I would like to see food carts come to Sisters, and I think they would benefit our community greatly. But I think there is an appropriate process to follow to bring about food carts in the community."

Bruce Bowen spoke to his concern about the chilling effect on new businesses if the city has made a firm decision (approval), and then, at a later date reverses that decision based on citizen objections after the fact. This concern was also expressed by Boyd and several other speakers.

A number of the speakers voiced their support of the food carts in Sisters in general.

Several citizens and Councilor Nancy Connolly have suggested a voluntary "redo" by Boyd, which the Sisters businessman has already said he will not do.

## Council to hold workshop on food carts

The Sisters City Council will delve into the issues surrounding the approval of food carts at a downtown Sisters business at their Thursday morning workshop on Thursday, January 15, at 8 a.m.

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to City Planning Director Pauline Hardie, that was due to an oversight by planning staff.

Newly minted Sisters Mayor Chris Frye told *The Nugget* that he wanted to have the council look into the issue together at the workshop so that everybody is operating off the same information and they can determine what happened, why, and where that leaves the city.

The site plan was submitted by former mayor Brad Boyd. He envisions the carts as a permanent fixture in the back area of his lot. How many will be there depends on how much space each takes up of what is allowed — and on what the market will bear, he said.

## Oregon agriculture officials drafting hemp farming rules

SALEM (AP) — Some farmers are eager to put in their first crops of hemp, the marijuana cousin that won't get you high.

State agriculture officials are drafting rules that would allow growers to produce industrial hemp this spring, *The Oregonian* reports.

Hemp is a strain of the plant that doesn't contain much of the psychoactive chemical in recreational or medical marijuana, and its advocates tout it for a variety of uses.

"It could save America," said Jerry Norton, a hemp activist from Salem. "I am talking about everything from biodiesel fuel to food to healthcare products to paper. It's endless. There are

thousands of applications."

He has begun lining up equipment and land, but he's not sure yet how large an operation he'll have, Norton said.

Some of the regulations under discussion have made hemp proponents unhappy, such as the \$1,500 license for three years.

Courtney Moran, an attorney with expertise in hemp production, called that "a huge problem," but she said some producers will move forward anyway.

"I know lots of people ready to go," she said. "They want to plant this summer."

There are also objections to a minimum-acreage requirement of 2.5 acres and other issues.

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