



# PLANNING COMMISSION MEETING

Tuesday, March 26, 2019, 6:30 PM

Fairview City Hall – Council Chambers, 2nd Floor  
1300 NE Village Street, Fairview, OR 97024

## MEETING AGENDA

1. **CALL TO ORDER & ROLL CALL:** 6:30 p.m.
2. **CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**
3. **PUBLIC HEARINGS**

### File Number 2019-5-ZC

### **NE Marine Drive Zone Change (Map and Tax Lot Number 1N3E22C -00101) Type IV Legislative Procedure**

**Summary:** The City is proposing a zone change from Agricultural Holding (AH) to General Industrial (GI) to implement the Comprehensive Plan and correct a previous procedural error associated with a 1993 land use decision.

### **Applicable Fairview Municipal Code Criteria:**

FMC 19.205      Amendments  
FMC 19.413      Procedures  
FMC 19.470      Land Use District Map & Text Amendments

4. **WORK SESSION – *PUBLIC COMMENT ACCEPTED***

### **Development Code Amendments to Permit Food Carts**

Review background information and discuss potential scope, timeline, and City Council coordination around amendments to permit food carts and/or food cart pods in Fairview.

5. **COMMISSION AND STAFF UPDATES**
6. **TENTATIVE AGENDA**
7. **ADJOURNMENT**

NEXT PLANNING COMMISSION MEETING: TUESDAY, April 9, 2019

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Planning Commission hearings are broadcast live on Comcast Cable Channel 27 and Frontier Channel 33. Replays of the meeting are shown the following Saturday at 12:30pm and Monday at 2:00pm following the original broadcast date on Comcast Cable Channel 22 and Frontier Channel 33. Meetings are also available for viewing via MetroEast Community Media, the week following the meeting, at [metrocast.peg.tv](http://metrocast.peg.tv). Go to the Playlist tab and select Municipal Meetings or find the link at <http://fairvieworegon.gov/AgendaCenter/Planning-Commission-9>.

The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to the [City Recorder](mailto:CityRecorder@fairvieworegon.gov), 503-674-6224.

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**STAFF REPORT  
TYPE IV – LEGISLATIVE TEXT AMENDMENTS  
FINDINGS AND RECOMMENDATION**

**Date of Report:** March 19, 2019

**Hearing Date:** March 26, 2019

**Staff Contact:** Sarah Selden, Senior Planner

**Application Number:** 2019-5-ZC

**Applicant:** City of Fairview

**Proposal:** Amendment to the City of Fairview Zoning Map from Agricultural Holding (AH) to General Industrial (GI) for Map and Tax Lot Number 1N3E22C -00101 on NE Marine Drive.

**Exhibits:**

- A. Draft Ordinance**  
A-1. Ordinance 6-2019, dated 03/19/19  
Attachment A: Zoning Map Designation
- B. Background Materials**  
B-1. Comprehensive Plan Map Designation
- C. Written Comments**  
None
- D. Planning Commission Findings**  
(reserved for Council hearing)
- C. Minutes**  
(reserved for Council hearing)
- D. Staff Reports**  
(reserved for Council hearing)

## I. NOTICES & REFERRALS

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- Public Notice Date/Type:** A notice of public hearing was published in the Gresham Outlook on March 15, 2019, in accordance with FMC 19.413.040, Type IV procedures (legislative).
- Referrals:** The Department of Land Conservation and Development (DLCD) and Metro were sent the required 35-day notice of public hearing and draft amendments on February 19, 2019.

## II. APPLICABLE CRITERIA

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- FMC 19.205.010 Amendments – Procedure
- FMC 19.413.040(G) Type IV Procedures
- 19.470.600 Transportation planning rule compliance

## III. BACKGROUND AND SUMMARY OF ISSUES

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In September 1993, the Fairview Planning Commission held a public hearing to consider two land use requests for the development of the Amazon Recycling Facility on the subject property (1N3E22C -00101), now known as Allwood Recycling:

- Design review approval to develop a yard debris recycling facility on this site.
- A zone change from agricultural to manufacturing.

The Development Code in effect in 1993 required zone changes to be processed through the same Type IV legislative procedure the City has in place today. This requires the Planning Commission to hold a public hearing and make a recommendation to the City Council, and the City Council to then consider the Commission’s recommendation at a second hearing and approve the zone change by ordinance. The Amazon Recycling zone change, however, missed the City Council hearing and adoption step in the process. The zone change was assumed to be approved through the Planning Commission’s proceedings, based on the Commission’s Notice of Decision that said “Approve the requested zone change for the 6.39 acre site; from F-2 Agricultural District, to M-2, General Manufacturing...” Following this decision, the site was developed with the Amazon Recycling use. The zoning map was never changed, and the site remains in the Agricultural Holding (AH) zoning district.

Allwood purchased the Amazon Recycling business in 1995, and has been continuously operating a yard debris recycling facility since that time. Allwood processes yard debris into bark and compost products for landscaping use, and into biomass for industrial power use. The business employs 16 people, and is in the process of developing the adjacent site on the opposite side of Marine Drive (2018-37-DR approved by Planning Commission in November 2018) to separate their operations.

The zone change history and procedural error was observed by staff during a stormwater permit review process in 2018, and the current zone change (2019-5-ZC) is proposed with support of the property owner to correct the past error.

The purpose of the Agricultural Holding (AH) zone, as stated in the Development Code (FMC 19.25 Agricultural Holding Zone) is “primarily as a holding zone to be used for agricultural uses until the land is developed for industrial purposes.” The zoning district applies to a limited number of parcels in areas north of Interstate 84 that abut the General Industrial (GI) zone. All Agricultural Holding-zoned land is designated in the Comprehensive Plan as General Industrial, consistent with the intent stated in FMC 19.25 for land to be converted to industrial uses.

## **V. APPROVAL CRITERIA FINDINGS**

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### ***FMC 19.413.040      Type IV Procedures (legislative).***

This is a Type IV application for legislative amendments to the Fairview Municipal Code (“FMC”) and follows the process set forth in FMC 19.413. Type IV matters are considered by the Planning Commission at a public hearing, and a recommendation made to the City Council. The final decision is made by City Council following a public hearing and consideration of the Planning Commission’s recommendation. Public notice is required and was provided as described under Section II. Notices & Referrals.

### ***FMC 19.413.040(G), Type IV Procedures – Decision Making Consideration***

*G. Decision Making Consideration. The recommendation by the planning commission and the decision by the city council shall be based on consideration of the following factors:*

- 1. Statewide planning goals and guidelines*

#### **Goal 9: Economic Development**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Economic Development goal calls for cities to inventory areas suitable for economic activity and adopt Comprehensive Plans that provide for an adequate supply of sites for a variety of industrial and commercial land uses. Fairview’s 2004 Comprehensive Plan designated all remaining agricultural land for future

general industrial use to help provide viable economic activity in the city. This policy direction implements Statewide Planning Goal 9. The proposed zone change is consistent with this Goal 9.

2. *Comments from applicable federal or state agencies*

**DLCD:** Staff sent notice of the proposed zone change to DLCD as part of the required 35-day notice, and received no comments.

3. *Applicable intergovernmental agencies*

**Metro:** Staff sent notice of the proposed zone change to Metro as part of the required 35-day notice. Metro responded via e-mail that they support re-zoning the parcel because a significant portion is within a Metro Title 4 designation. Title 4 lands address Industrial and Other Employment Areas with the purpose “to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas.” The Allwood site is within the Employment Area designation, which limits commercial retail uses and is consistent with Fairview’s General Industrial zone.

4. *Applicable Comprehensive Plan policies*

**Chapter 4 – Agricultural Lands**

**Goal:** *To urbanize all remaining agricultural land in the Fairview Planning Area.*

The Comprehensive Plan background information states that small parcel sizes, incompatible neighboring land uses and high property taxes make farming uses economically unfeasible in Fairview. Further, the Multnomah County Comprehensive Plan, previously applied to unincorporated Fairview, proposed urban use of all remaining agricultural lands.

**Policy 1:**

*The City of Fairview can and should provide public services and facilities to the areas inside the planning area currently zoned for agricultural use. The timing and manner in which services would be provided are described in Chapter 3, Community Building Policies 7-14. The agricultural land shall be developed consistent with the Comprehensive Plan.*

**FINDING:** Re-zoning the parcel from AH to GI implements the Agricultural Lands goal of the Comprehensive Plan, and is consistent with the Comprehensive Plan Map designation for the parcel. This goal and policy are met.

## **Chapter 9 – Economic Development**

**Goal:** *To attract family-wage jobs, clean industry and businesses to serve local needs.*

### **Policy 5:**

*All industrial uses, which abut residential uses, shall be screened from the residential uses. Where possible, access to industrial uses will be prohibited from residential streets.*

**FINDING:** The subject parcel does not abut any residentially-zoned land, and access is not available from any local residential streets. The site is used for an existing facility that has been in operation since 1994. This goal and policy are met.

## **Chapter 11 – Public Facilities and Services**

**Goal:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve planning area development.*

### **Policy 1:**

*No urban development shall occur without provision of essential public facilities and services.*

### **Policy 2:**

*Public facilities and services shall only be provided in areas (1) designated for urban development by the Comprehensive Plan map (Figure 3-A); (2) indicated by the Metro regional facilities plans to be within Fairview's jurisdiction; and (3) in accordance with policies set forth in the Community Building chapter of the Comprehensive Plan, Chapter 3.*

**FINDING:** The site is served by transportation access via NE Marine Drive, a Major Collector road in Multnomah County's jurisdiction. The site is served by City of Fairview Water and sewer is available to the site. This goal and policy are met.

### **FMC: 19.205.020: Criteria**

- A. *The amendment will not interfere with the livability, development or value of other land in the vicinity of site-specific proposals when weighted against the public interest in granting proposed amendment.*

**FINDING:** The site is bordered by General Industrial zoning on all but the north side of the property, which is a vacant parcel owned by the Port of Portland. It is also zoned Agricultural Holding and designated on the Comprehensive Plan map for future use as General Industrial. Surrounding general industrial uses include Allwood

Recycling's new facility on the southeast side of Marine Drive, and transportation-related outdoor storage on the east side of the property in Troutdale. Re-zoning the parcel consistent with its existing use and surrounding uses will not interfere with the livability, development or value of other land in the vicinity. This criterion is met.

B. *The amendment will not be detrimental to the general interests of the community.*

**FINDING:** Zoning this site for industrial uses will implement the goals of the Fairview Comprehensive Plan, and will benefit the community through a higher tax base compared to agricultural use of the property. This criterion is met.

C. *The amendment will not violate the land use designations established by the comprehensive land use plan and map or related text.*

AND

D. *The amendment will place all property similarly situated in the area in the same zoning designation or in appropriate complementary designations without creating inappropriate "spot zoning".*

**FINDING:** The zone change implements the Comprehensive Plan designation of General Industrial. The site is bordered on the southeast (across Marine Drive) by General Industrial zoning, and to the east by Troutdale's General Industrial zone. To the north, the property is bordered by Agricultural Holding zoning. Re-zoning this parcel will provide greater overall land use consistency in the area. These criteria are met.

#### **19.470.600 Transportation planning rule compliance.**

A. *When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility consistent with OAR 660-012-0060.*

B. *Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*

1. *Limiting allowed land uses to be consistent with the planned function of the transportation facility; or*
2. *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or*

3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.*

**FINDING:** The proposed zone change is not associated with a change of use or a new site development. Per OAR 660-012-0060(1): A plan or land use regulation amendments significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**FINDINGS:** NE Marine Drive is a Multnomah County roadway classified as a Major Collector. The Multnomah County Transportation System Plan provides the following description of this road classification: “Major Collectors serve several purposes including linking neighborhoods to the regional system of bicycle and automobile streets, and basic transit services. They typically provide direct access between residential and commercial developments, schools and parks and carry higher volumes of traffic than neighborhood streets. Major collector streets are also utilized to access industrial and employment areas and other locations with large truck and over-sized load volumes.”

The General Industrial zoning designation is consistent with the Major Collector classification to “access industrial and employment areas and other locations with large

truck and over-sized load volumes.” Reconstruction of Marine Drive to current Multnomah County standards is currently listed on the Regional Transportation Plan as a medium-term (2026-2035) project.

This application is not associated with new site development or change of use, but rather is applying a zoning designation consistent with the property’s use for the past 25 years and that is consistent with projected growth under the Fairview Comprehensive Plan. No change to the functional classification or traffic levels are anticipated as a result of this zone change that would significantly impact the transportation facility as described above. Proposals for future development will be required to include transportation impact analyses as required by applicable city standards and provide mitigation as deemed necessary.

## **VI. CONCLUSION AND RECOMMENDATIONS**

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### **STAFF RECOMMENDATION**

Staff recommends that the Commission make a recommendation to City Council for adoption of the zone change by Ordinance 6-2019. Suggested motion for the Commission:

“Move to recommend that City Council approve 2019-5-ZC and adopt Ordinance 6-2019.”

### **PLANNING COMMISSION ALTERNATIVES**

1. Recommend City Council adoption of draft Ordinance 6-2019, based on the staff findings in this report.
2. Recommend City Council adoption of Ordinance 6-2019, with revised findings.
3. Continue the Public Hearing if additional information is needed.



**ORDINANCE**  
**(6-2019)**

**AN ORDINANCE AMENDING THE CITY OF FAIRVIEW ZONING MAP ON  
NE MARINE DRIVE FOR MAP AND TAX LOT NUMBER 1N3E22C -00101**

**WHEREAS**, on September 14, 1993 the Fairview Planning Commission held a public hearing and approved a design review and zone change application for the development of a yard debris recycling facility on NE Marine Drive (map and tax lot number 1N3E22C -00101); and

**WHEREAS**, the City erred in considering the Planning Commission as the final decision-maker in the zone change application and neglected to hold the required City Council hearing to adopt the zone change by ordinance and to amend the zoning map; and

**WHEREAS**, the 1993 application was to change the zoning from Agricultural Holding (AH) to General Manufacturing (M-2) to implement the General Industrial Comprehensive Plan designation for the property, and the M-2 zone has since been replaced with the General Industrial (GI) zone; and

**WHEREAS**, the yard debris recycling facility was developed following the Planning Commission's 1993 decision and has been in continuous operation since that time; and

**WHEREAS**, a zone change application was initiated by the City of Fairview in 2019 to correct the past procedural error and re-zone the site from Agricultural Holding (AH) to General Industrial (GI) by adoption of Ordinance 6-2019; and

**WHEREAS**, the Planning Commission found that the zone change complies with Fairview Municipal Code sections 19.205, Amendments, FMC 19.413.040(G) Type IV Procedures and 19.470 Land Use District Map and Text Amendments, as well as applicable Statewide Planning Goals; and

**WHEREAS**, the City Council has received from the Planning Commission its recommendation and adopted findings, together with the full staff report and background materials, and has fully reviewed and considered the same; and

**NOW, THEREFORE, THE CITY OF FAIRVIEW ORDAINS AS FOLLOWS:**

**Section 1** The Zoning Map is amended by changing the zoning designation of the Subject Property (map and tax lot number 1N3E22C -00101) from "Agricultural Holding" to "General Industrial".

**Section 2** In support of its decision, the City Council adopts the findings contained in the Staff Report dated March 19, 2019 (File No. 2019-5-ZC) in support of Ordinance 6-2019.

Ordinance adopted by the City Council of the City of Fairview, this 1st day of May, 2019.

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Mayor, City of Fairview  
Brian Cooper

ATTEST

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City Recorder, City of Fairview  
Devree Leymaster

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Date

DRAFT

ORDINANCE 6-2019  
ATTACHMENT A

223RD-MARINE

Fairview

AH

R/CSP

MARINE

1N3E22C  
-00101

Troutdale

BLUE LAKE

GI

223RD

COMMERCE

### Legend

 Zone Change from AH to GI

 City Limits

### Zoning

 Agricultural Holding (AH)

 General Industrial (GI)

 Residential (R)

 Residential Community Service Parks (R/CSP)

1 inch = 400 feet



This map is for informational purposes only and the City cannot accept responsibility for any errors, omissions, or positional inaccuracy. This map is provided "AS-IS".



City of Fairview  
1300 NE Village Street  
Fairview, OR 97024  
(503) 665-7929  
www.fairvieworegon.gov

Print Date: 3/19/2019  
Printed By: seldens



EXHIBIT B-1  
(2019-5-ZC)

223RD-MARINE

Fairview

MARINE

1N3E22C  
-00101

Troutdale

BLUE LAKE

223RD

COMMERCE

### Legend

 Proposed Zone Change from AH to GI

 City Limits

### Comp Plan

 General Industrial

 Parks

 Public

 Residential Low Density

1 inch = 400 feet



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Print Date: 2/19/2019  
Printed By: seldens



# MEMORANDUM

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**DATE:** March 19, 2019 **MEETING DATE:** March 26, 2019

**TO:** Fairview Planning Commission

**FROM:** Eric Rutledge, Associate Planner

**SUBJECT:** Early discussion and feedback on key issues related to food carts in Fairview

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## ISSUE

The City has received inquiries from property/business owners interested in placing food carts on their property in Fairview. This work session will review current Fairview regulations on food carts, how other jurisdictions have approached regulating food carts, and a general discussion of whether or not food carts would be appropriate in Fairview.

## BACKGROUND

The term food cart now covers a range of vehicles, trailers, and push carts that sell food and drinks directly to consumers. Food carts generally cater to walk-up pedestrians, although some food carts and food cart pods serve as destination points. The industry has developed in the Portland region to offer a variety of food and drinks in a convenient setting where a brick and mortar store may not be feasible. Food carts also pose fewer barriers to entrepreneurs than traditional brick and mortar stores, including less start-up costs and flexible operating hours.

The Fairview Planning Commission first considered food carts as a Discussion Agenda Item in September and October 2016. The discussion was prompted by an inquiry from a business owner on Halsey who was interested in placing a long-term food cart on their property. After receiving initial feedback from the commission, draft code language was written but was not brought back to the commission due to staff capacity (see meeting minutes – Exhibit C).

In response to renewed interest from a property owner the Village, food carts were included on a list of potential policy amendments for 2019. The commission directed staff to bring the item back during a work session to provide background and identify key questions and considerations. .

The purpose of the work session is to develop a scope for potential food cart amendments to the development code. Should Fairview allow and adopt food-cart specific regulations? Which

zones are suitable for food carts, if any? Should individual food carts be allowed on private property, or only food carts developed as a pod?

**DISCUSSION**

*Land Use Regulations*

Local jurisdictions throughout Oregon have taken different approaches to regulating food carts. Some cities like Gresham, Happy Valley, and Oregon City have adopted land use regulations that address food carts specifically. Other jurisdictions have allowed food carts under existing regulations by classifying food carts as a “Food and Drinking Establishment” or “Retail Sales” use. This approach requires little or no changes to the development code, but standards are not catered to food carts and may lead to high costs or poor design. Finally, some jurisdictions allow food carts through temporary use permits on private property, subject to specific standards for temporary uses. Standards in this section may be more suitable for smaller and temporary uses, but are still not catered to food carts specifically. See Exhibit F for a Washington County study summarizing and analyzing how other jurisdictions have implemented food cart programs.

*Existing Fairview Regulations*

The Fairview Development code does not currently define food carts or list them as an allowed use in any zoning districts.

Location	Food Carts Allowed?	Code Regulations
Private Property	<p>No / Not Addressed. The Fairview code does not define food carts or list them as an allowed use.</p> <p>The City could issue a code interpretation that finds food carts fall under an existing allowed use. Council approval would likely be sought for this type of interpretation.</p>	<p>FMC 19.490.100(A) and Accessory Use / Structure standards in applicable zones</p>
Local Right-of-Way	<p>No. Parking on city streets for the primary purpose of selling merchandise is prohibited. No current permit process allowing food sales from push carts, trailers, or vehicles in the right-of-way.</p>	<p>FMC 10.05.120(D)</p>

### *Other Regulations*

Food carts are also subject to food handling, road safety, and other regulations by local and State agencies. The table below provides a summary of food cart activities and regulating bodies.

<b>Permit / Activity</b>	<b>Regulating agency</b>
Zoning (location, setbacks, signs, etc.)	Local jurisdiction (City of Fairview)
Right-of-Way Permit (public sidewalk or street)	Local jurisdiction (City of Fairview or Multnomah County)
Utility connections (if required)	Local utility provider (City of Fairview, Rockwood Water, PGE)
Vehicle licensing (food truck, trailer, etc.)	Oregon Department of Transportation
Food Safety	Multnomah County Environmental Health
Greywater (non-sewage)	Oregon Department of Environmental Quality
Alcohol sales	Oregon Liquor Control Commission

### *Code Amendment Process*

The Planning Commission has a number of code amendments prioritized for this year and next. One consideration related to the timing of food cart amendments is the interest from property owners. The other key consideration is City Council's interest in moving these amendments forward. As a first step, staff recommends discussing this item at the first joint work session with City Council in 2019 (date pending). Staff will reach out to the interested property owner prior to that meeting to determine their level of interest and sense of urgency.

### *Questions to be Addressed in Developing Code Amendments*

Staff has identified the following questions that should be answered by the Commission and Council in order to bring forward a set of code amendments. Staff requests feedback from the Commission on this list, including questions where City Council direction should be sought. Staff would also appreciate any feedback and reactions from the example materials provided as exhibits to the staff memo.

- What stakeholders should be consulted, if any, in developing food cart regulations?
- What additional key issues, if any, should be examined in developing food cart regulations?
- What additional information, if any, would be helpful on this topic?
- Should food carts be allowed in Fairview?
  - Which zones (commercial/industrial) are most suitable for food carts?

- Should food carts be an allowed use on all properties in certain zones, or only specific properties/locations in these zones?
- Should food carts be allowed to operate on local streets/sidewalks?
- Should individual food carts be allowed, or only site-specific food cart pods?
- Should food carts be permitted on a temporary, recurring, or permanent basis?
- Should the new use and standards be tested on a pilot basis with City involvement?

#### **EXHIBITS**

- A. Food Cart Types
- B. Food Cart Placement & Design
- C. Planning Commission Minutes (9-13-2016 and 10-11-2016)
- D. City of Gresham Food Cart Brochure
- E. City of Tigard Food Cart Brochure
- F. Washington County Study – Summary of Food Cart Regulations in Other Jurisdictions

## EXHIBIT A: FOOD CART TYPES



**Push Cart** - small push cart with wheels, usually placed on sidewalks or public space



**Food Cart Trailer** – size can range from small to large. Can be pulled on public streets. Multiple windows allows customers to be served from the side or rear. Menu and serving counters attached.



**Food Truck** – size can range from small to large. Can be driven on public streets. Some jurisdictions set size limits for food trucks.

## EXHIBIT B: PLACEMENT AND DESIGN



Small food truck intended to be mobile, serving at different location with convenient set up / break down.



Medium-sized food truck with site amenities including a cover, seating, signs, trash cans, lighting, etc. The truck also has an electrical connection (left side of image).

## EXHIBIT B: PLACEMENT AND DESIGN



Small food cart on private property, occupying an underutilized parking lot corner. A common location for this design is older commercial streets with front parking lots. Windows are present on all sides of the cart facing the street. Amenities include tables and potted plants. Electrical connection also available.



Small pod created by three trailers placed together facing the street. The pod occupies the corner parking lot of a small office development. Site amenities for customers include a wooden cover and tables, lights, landscaping, trash cans. Electrical connections are available and the property owner installed a shared grey water tank under the pavement.

## EXHIBIT B: PLACEMENT AND DESIGN



Food cart pod on vacant commercial property, adjacent to a residential neighborhood. The pod serves nearby residents and visitors to the commercial area. Food carts face inward and form a pod with seating, lighting, and other site amenities.



Medium-sized trailers create a food cart pod in an existing public space. Food trucks are self-contained the surrounding public space provides seating, cover, etc. No electrical or utility connections. Common locations are near downtown / employment areas and events.

## EXHIBIT B: PLACEMENT AND DESIGN



Large food cart pod on a vacant commercial property. Carts are placed at property line, facing the street. Interior of the site is used for parking. Common in downtown / employment areas with active streets.



MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, September 13, 2016

PRESENT: Gary Stonewall, Chair  
Jack McGiffin  
Les Bick  
Keith Kudrna  
Ed Jones

ABSENT: Steve Kaufman  
Greg Walczyk, Vice Chair

STAFF: Erika Palmer, Senior Planner  
Devree Leymaster, City Recorder

**1. CALL TO ORDER**

Chair Stonewall called the meeting to order at 6:30 PM.

**2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS**

Chair Stonewall inquired if any person would like to speak on a non-agenda item, hearing none moved to approval minutes.

**3. REVIEW AND ADOPT MINUTES**

Commissioner Kudrna moved to approve the April 26, 2016 minutes and Commissioner McGiffin seconded. The motion passed unanimously.

**4. DISCUSSION ITEMS**

a. Fairview Lake Natural Resource Code Amendments

Senior Planner (SP) Palmer summarized each property is platted with a 35 foot conservation easement and there are Conveyance, Conditions & Restrictions (CC&R's) defining what the property owners may do. She noted the city does not enforce CC&R's. Staff has contacted Metro regarding the process to reduce the 50 foot buffer to the 35 foot conservation buffer to remove the regulatory conflicts.

SP Palmer shared the proposed code changes as follows.

- Establish a consistent 35 foot buffer.
- Add erosion control management language adopted from the best management practice guide. Would be a Type II review process.
- Create a standard for fencing. No more than 3 feet in height and provide visibility i.e. lattice.

She commented on the prior idea to have a two-step buffer. When staff tried to create a process for it they found it would be arduous for the applicant and difficult to enforce; hence, this proposed option.

Commissioner Kudrna inquired about the allowable percentage of usage within the buffer without mitigation standards. SP Palmer replied mitigation standards are not included in the Fairview Lake buffer; they are included in other riparian buffer codes.

Chair Stonewall asked if landscape plans within the buffer would still be required. SP Palmer replied yes, that will not change.

Commissioner Kudrna indicated his support of a 35 foot buffer. Chair Stonewall agreed and commented a 35 foot buffer solidifies what is currently present. The Commission directed staff to move forward with the Fairview Lake buffer amendments.

SP Palmer commented the next step will be for staff to prepare a public notice as per state law, and write the staff report and findings. She expects the process to be completed by the end of year or first of next year. Once the change is made, staff will make a public outreach effort, and continued effort, to remind property owners what is and isn't allowed within the buffer.

#### b. Food Carts/Trucks

SP Palmer commented that staff is being asked about food carts/trucks at the counter. They have received an inquiry from a business along Halsey Street that would like to place a food cart on their patio. The Halsey business is within the Town Center Commercial (TCC) zone. Currently this type of request is allowable through a 90-day Temporary Use Permit, but the request is for long term placement.

Staff is requesting Commission direction as to whether food carts/trucks should be allowed; if so, where; and what is the definition of a food cart?

Commissioner Kudrna indicated interest in exploring the idea where there is pedestrian access, in an area that can support it. The Halsey Corridor may be a good fit.

Commissioner Jones remarked he likes the 90-day option, with the ability to extend longer. If there are unforeseen issues the city will have recourse. He noted Gresham has an annual permit process.

Commissioner Kudrna commented when an applicant is not in compliance with code standards and conditions of approval, the code should include a specified time to correct or be shut down. Commissioner Jones agreed, and noted there should be language to prevent perpetual offenders.

Commissioner Jones remarked issues like size limitations, including height, physical barriers to separate all heating/cooling equipment from the public, etc. need to be determined. Commissioner Bick noted allowed site conditions i.e. traffic; safe pedestrian access, etc. need to also be considered.

The Commission supported staff moving forward and drafting proposed language for food carts.

## 5. COMMISSION UPDATES

None.

## 6. STAFF UPDATES

Senior Planner shared the following.

- Northbrook Development – pre construction meeting is scheduled next week.
- Multi-Family, 49 unit, development at NE 205th. If information submitted in time, Planning Commission may have the design review public hearing at the Oct. 25 meeting.
- Fairview Elementary is proposing a new school. The design review and variance to reduce bike parking could come to Planning Commission Oct. 25 or Nov. 8.
- Draft Transportation System Plan (TSP) document should be out next week. Planning Commission should review by end of the year.

**7. TENTATIVE AGENDA**

- October 11 or 25 (TBD) – proposed language for Food Carts.

**8. ADJOURNMENT**

Meeting adjourned by consensus at 7:06 PM.



Devree A. Leymaster  
City Recorder



Gary Stonewall  
Chair

Oct. 11, 2016

Date

## Exhibit C Previous PC Minutes



MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, October 11, 2016

PRESENT: Gary Stonewall, Chair  
Jack McGiffin  
Keith Kudrna  
Ed Jones  
Steve Kaufman

ABSENT: Les Bick

STAFF: Erika Palmer, Senior Planner  
Devree Leymaster, City Recorder

### 1. CALL TO ORDER

Chair Stonewall called the meeting to order at 6:30 PM.

### 2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Chair Stonewall inquired if any person would like to speak on a non-agenda item, hearing none moved to approval minutes.

### 3. REVIEW AND ADOPT MINUTES

Vice Chair Kudrna moved to approve the September 13, 2016 minutes and Commissioner Jones seconded. The motion passed unanimously.

### 4. DISCUSSION ITEMS

#### a. Food Carts/Trucks

Senior Planner Palmer shared Troutdale is looking at draft food cart language and emphasized the definition for a food cart does not include food trucks. Food carts are semi-permanent and are pushed or pulled. She reviewed the definition language, proposal is to allow in the Town Center Commercial (TCC) zone, would be a Type II application process, propose one year permit with annual review, and the food and beverage cart permit code language will be added to FMC 19.400 Misc. Permits. She clarified the Type II process is a staff review and all applicable criteria would have to be met for approval.

SP Palmer reviewed the submission requirements including site plan requirements, verification food cart has been inspected and meets County Health standards, hard surface requirements, unit dimensions: maximum length 26 feet and no greater than 200 sq. ft., setback and separation distances, vehicle parking, screening, seating, fire safety, gray water disposal criteria, etc.

Commissioner Kaufman inquired if the permit would be by calendar year. SP Palmer replied yes. He inquired how the proposed code language was developed. SP Palmer answered staff created a matrix of other city codes and included language in consideration of what is applicable to Fairview and the community. Commissioner Kaufman asked about verification of parking standards and ensuring carts do not impact required parking. SP Palmer replied staff will verify previous approvals for parking standards as part of the application review process.

The Commission directed staff to continue with the code process. SP Palmer noted the next step is for staff to write findings and facts for the proposed language and to notify the state. Planning

Commission will review the code language for an adoption recommendation tentatively in December.

**5. COMMISSION UPDATES**

None.

**6. STAFF UPDATES**

SP Palmer shared the following.

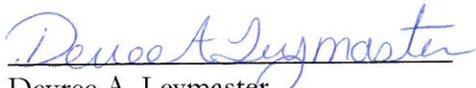
- Halsey Corridor Project – community meeting scheduled October 27 at Wood Village Baptist Church from 6:00 – 8:30 PM.
- Mayor’s Business Roundtable - November 17, topics to include the Halsey Corridor project and update on the Parks & Recreation master plan.
- Commissioner Walzyk resigned. Applications for the vacant position and terming positions will be accepted through November 22 with candidate interviews and appointment consideration scheduled for December 7.
- Upcoming Planning Commission meetings: October 25 - public hearing, 49 unit design review (205th) , November 2 – joint work session with City Council regarding the Transportation System Plan (TSP); November 22 – public hearing to adopt the TSP; and December 13 – design review for Fairview Elementary and Fairview Lake draft riparian buffer code language.

**7. TENTATIVE AGENDA**

- October 25 – public hearing for a 49 unit design review.

**8. ADJOURNMENT**

Meeting adjourned by consensus at 6:55 PM.

  
Devree A. Leymaster  
City Recorder

  
Keith Kudrna  
Vice Chair

NOV. 22, 2016  
Date



# Food & Beverage Cart Permit Information

## Rules, processes and fees to start a cart

For more information,  
contact the  
Planner on Duty:  
Phone 503-618-2780  
[POD@GreshamOregon.gov](mailto:POD@GreshamOregon.gov)

### Introduction

Food & Beverage Carts are allowed in Gresham.

They must acquire appropriate permits, meet all City standards and be approved through the appropriate review process. Food & Beverage Carts also are subject to annual City inspections to ensure continued compliance with City rules (in addition to regular inspections by the Multnomah County Health Department that cover State of Oregon and County health rules.)

This document provides information on the appropriate permits, standards and processes. Questions may be directed to:

Planner on Duty, City of Gresham  
503-618-2780

[POD@GreshamOregon.gov](mailto:POD@GreshamOregon.gov)

Standards for Food & Beverage Carts are found in Section 10.1600 of the Development Code. Find the Code on the City's website at: [www.GreshamOregon.gov/developmentcode](http://www.GreshamOregon.gov/developmentcode)

### Permits needed

Food & Beverage Carts operating in Gresham must have the following permits/licenses:

- A City of Gresham Food & Beverage Cart Permit
- A City of Gresham business license  
<http://greshamoregon.gov/businesslicense/>
- City of Gresham Fire Prevention Permit  
<http://greshamoregon.gov/city/city-departments/fire-and-ems/Template.aspx?id=3630>
- Multnomah County Health Department license  
<http://web.multco.us/health/food-carts-mobile-food-units>

Food & Beverage Carts also may need the

### Food & Beverage Carts definition

The sale of goods or merchandise from a location outside of a building in a mobile unit where at least 50 percent of the sales is a combination of food and beverages. Examples include coffee carts and carts or trailers designed to serve food. Exceptions include residential lemonade stands and similar short-term sales associated with residential uses.

Please note that Food & Beverage Carts must be mobile units but cannot operate from motorized vehicles. An example of a mobile unit that would meet the standards is a trailer modified for the purpose of selling food (but not a food truck or RV).

following permits:

- State permits as applicable, such as an insignia from the Prefabricated Structures Section of the Oregon Building Codes Division ([www.cbs.state.or.us/bcd](http://www.cbs.state.or.us/bcd)) or Department of Motor Vehicles ([www.oregon.gov/ODOT/DMV](http://www.oregon.gov/ODOT/DMV)) vehicle registration for trailers.
- Building Permits may be needed for structures or utility permits (such as electrical, water and sewer connections).

## Exhibit D City of Gresham Brochure

### Where allowed

Food & Beverage Carts generally are allowed where Business and Retail Service and Trade are allowed. See the [Development Code](#) Section 10.1600 for details.

### Utilities

Uses wishing to connect to municipal services and electrical service (such as water, sewer and electricity) will need to acquire permits and establish temporary (such as recreational vehicle-style) connections so the units can remain mobile.

Contact the Gresham Permit Center for appropriate permits at 503-618-2845 or [www.GreshamOregon.gov/permits](http://www.GreshamOregon.gov/permits)

### GRAYWATER

Food & Beverage Carts must provide a graywater disposal plan that describes how graywater will be disposed of properly. The plan must indicate a method that ensures the graywater is disposed of properly and fats, oils and grease do not enter the City's sanitary sewer system. Dumping water on the ground, streets or in storm drains is prohibited. If contracting with a third-party service for graywater disposal, a copy of the contract must be provided to the City.

Food & Beverage Carts may connect to the municipal wastewater system but can only establish a temporary (such as RV-style) connection. Uses that cook or prepare foods or beverages will be required to install a grease interceptor to capture grease, oil or solid foods. Contact City of Gresham Wastewater Services at 503-618-2525 for more information.

The Multnomah County Health Department also has requirements.

### WATER

Food & Beverage Carts may run water lines to the site, but water provided to a mobile unit must have a temporary (such as a hose bib) connection to that unit. A backflow prevention assembly may be required to prevent contaminated water from flowing into the public drinking water system. For more information, contact:

Rockwood Water People's Utility District: 503-665-4179, [www.rwpud.org](http://www.rwpud.org)

City of Gresham Water: 503-618-2525, [www.GreshamOregon.gov/water](http://www.GreshamOregon.gov/water)

Food & Beverage Carts can still bring their own water to the site and are not required to hook up to City facilities. The Multnomah County Health Department also has requirements.

### QUESTIONS?

This document provides a summary of rules and contact information. Applicants should review the appropriate rules, such as the [Development Code](#), to understand the rules for their particular use and site. For questions, contact the Planner on Duty: 503-618-2780 or [POD@GreshamOregon.gov](mailto:POD@GreshamOregon.gov).

### ELECTRICITY

Uses may add electrical service. Contact the Gresham Permit Center at 503-618-2845 for more information.



### Structures/accessory items

For Food & Beverage Carts, structures intended for customer use shall only be tents, canopies and similar membrane structures that meet Building Code and Fire Code standards for permanent structures. Building Code rules include anchoring and engineering standards. Fire Code standards include adequate fire protection, ingress and egress and fire retardant materials.

Awnings attached to carts are allowed and must be at least 7 feet high to allow pedestrians to walk under them.

Contact the Gresham Permit Center for appropriate Building permits at 503-618-2845 or [www.GreshamOregon.gov/permits](http://www.GreshamOregon.gov/permits). Contact Gresham Fire & Emergency Services at 503-618-2355 or [www.GreshamOregon.gov/fire](http://www.GreshamOregon.gov/fire) for information about complying with Fire Prevention Permit Guidelines.

Seating, such as picnic tables, is allowed.



*Example tent for customer shelter*

## Exhibit D City of Gresham Brochure

### Site design rules

Food & Beverage Carts shall:

- Meet land-use district minimum setbacks (distance from property line to the use) for the site perimeter.
- Meet the minimum buffer standard (typically 15 feet) if a residential lot is next door.
- Be at least 25 feet from a driveway entrance.
- Be at least 3 feet from the right of way (back of sidewalk).
- Put customer service windows at least 5 feet from an active drive aisle used by cars.
- Not occupy pedestrian walkways or required landscape areas.
- Be on a paved surface (except for agricultural product sales).
- Have, for drive-through uses, at least 85 feet of queuing distance between the service window and the driveway entrance.
- Meet any additional Fire Code requirements regarding distances from other structures or combustible materials.
- Be at least 10 feet from each other.
- On sites with multiple Food & Beverage Carts that are close to the street, at least one-third of them must face the street with a service window.

### Restrooms

Restrooms with handwashing facilities must be available for employees. Carts that serve food to walk-up customers must provide a restroom for customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business). It must be available during the cart's hours of operation. Applicants must provide documentation showing a restroom is available. If the restroom is at another

building nearby, the document must be signed by the property or business owner.

### Signs

Signs are allowed on the cart, plus one readerboard or A-board sign per use per street frontage. Sign rules are in Appendix 6 of the Development Code.

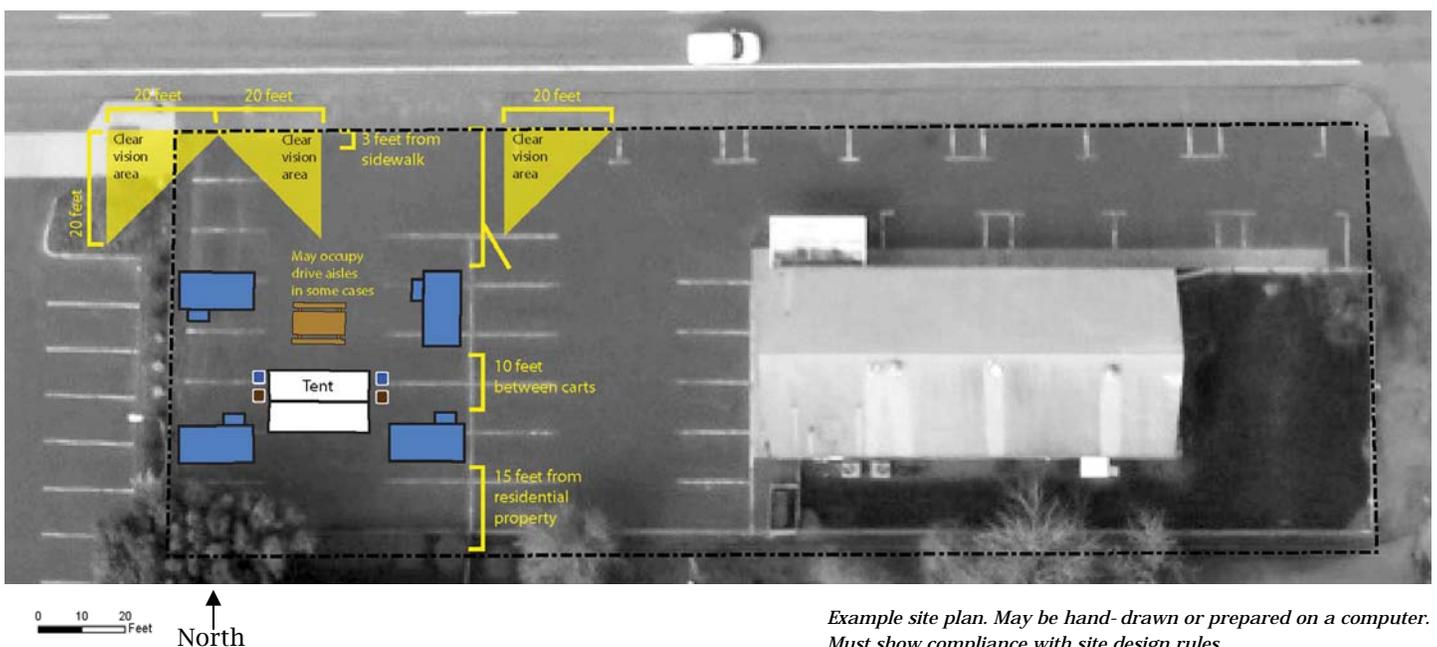
### Garbage, recycling and compost

Adequate garbage and recycling facilities are required on each site. Contact the City of Gresham Solid Waste and Recycling Program at 503-618-2694 or [GreatBiz@greshamoregon.gov](mailto:GreatBiz@greshamoregon.gov).



### Fire safety

A fire suppression system may be required. Any cooking device that is indoors, in a trailer, and/or in a combustible booth and creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid or other form of self-extinguishment approved by Gresham Fire and Emergency Services.



*Example site plan. May be hand-drawn or prepared on a computer. Must show compliance with site design rules.*

## Exhibit D City of Gresham Brochure

Appropriate fire extinguishers also are required. See the [Fire Prevention Planning Guide for Special Events & Seasonal Sales](#) for more information.

Propane tanks must be stored and handled properly, such as being 10 feet from combustible vegetation and trash containers and 20 feet from a potential ignition source. They also must remain outdoors and be secured from falling.



Contact Gresham Fire & Emergency Services at 503-618-2355 or [www.greshamoregon.gov/fire](http://www.greshamoregon.gov/fire) for information about complying with Fire Code rules.

### Processes and fees

The review process for each use is specified in the Development Code. See [www.greshamoregon.gov/developmentcode](http://www.greshamoregon.gov/developmentcode) and look at Section 10.1600 for Food & Beverage Carts.

New Food & Beverage Carts or Interim Uses must go through a Type II review, which is a staff review with public notice required. Once approved, no renewal application is needed in most cases. They must go through an annual inspection and pay an annual inspection fee. The inspection fee notice will be with the business license renewal letter.

If a use has an uncorrected Code violation during the year, a new Type II review will be required for the use to continue at the site the next year.

For 2013-14, fees are:

- Type I: \$750
- Type II: \$1,110
- Inspections and re-inspections: \$94.

All fees are subject to a 1 percent technology fee.

New Food & Beverage Carts may have to pay System Development Charges (SDCs), such as for Transportation and Parks. For questions about SDCs, contact the City's Development Engineering section in the Department of Environmental Services (Ken Koblitiz at 503-618-2628).

### Submittal requirements

- Development permit application

- Site name and address
- 2 copies of written statement explaining the proposal and addressing the standards in the Development Code
- 10 copies of a written statement explaining the proposal and indicating how the use will get water, electrical and sanitary service (if applicable).
- Graywater disposal plan
- 10 copies of a site plan showing:
  - North arrow and scale
  - Dimensions of the site
  - Adjacent streets, including names
  - Scaled location of buildings, carts and accessory items (such as tents and tables) on the site
  - The size and location of the area being used
  - Show existing and proposed access to the lot
  - Show dimensions of existing and proposed easements
  - Location and dimensions of gravel, pavement, grass and landscaped areas
  - The size and location of all parking spaces on the site (if the use will be in the parking area show how many parking spaces will be taken up by the use).
  - Clear vision triangles (30 feet for streets and 20 feet for driveways)
- One of the following:
  - Notarized signature of owner(s) or
  - Owner's notarized authorization letter and notarized signature of representative
  - If signing for a company, corporation, etc., must include permission, on letterhead, authorizing the signer to endorse the application for the company, corporation, etc. For ownership verification, submit one copy of the most recent deed or title report for all involved properties.
- The required fee.



# City of Tigard Mobile Food Carts on Private Property

This handout describes where mobile food carts are allowed on **private property** in Tigard based on current city policy. Food carts on public property (e.g. sidewalks, streets, parks, etc.) are subject to different rules. Contact Dylan Bemis, Economic Development Coordinator, at [DylanB@tigard-or.gov](mailto:DylanB@tigard-or.gov) 503-718-2560 for assistance with operating a food cart on public property.

## FOOD CART DESIGN

A mobile food cart must meet the Oregon Revised Statute definition for a **trailer** or **vehicle**.<sup>1</sup> A cart meets one of these definitions if it is designed and licensed to be driven under its own power or pulled by another vehicle on a public road. The following design requirements also apply:

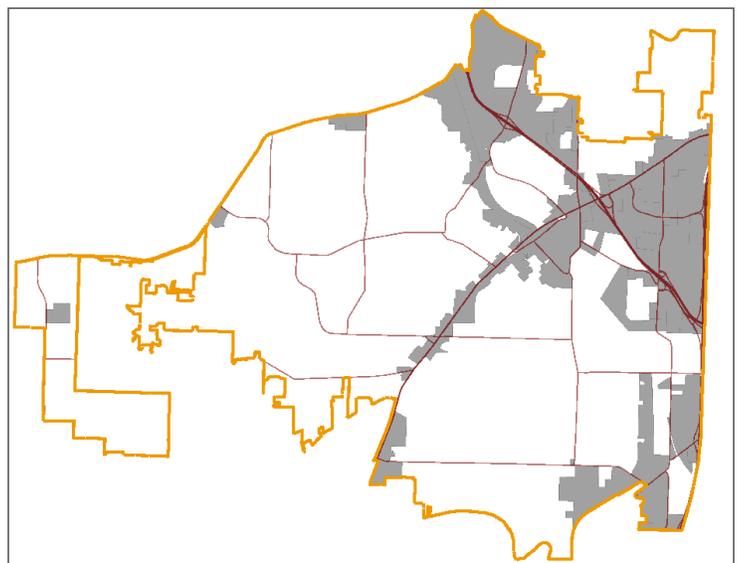
- The cart must have wheels and the wheels must not be removed.
- The cart must not require any plumbing or electrical connections that require permits.
- Any canopies, awnings, or other attachments on the cart must be entirely supported by the cart and not touch the ground.

A cart that meets the design requirements described above shall be considered a vehicle, and not a structure, for development review and permitting purposes. A cart that does not meet all of these requirements shall be considered a structure and is subject to all applicable land use approvals, design reviews, and permits.

## FOOD CART LOCATION<sup>2</sup>

A mobile food cart must meet the Tigard definition for an **eating establishment**<sup>3</sup> and may be located on any property that is zoned to allow this use.<sup>4</sup> See map inset. Food carts may be located on any of the properties shaded in grey. A more detailed zoning map can be found here:

[http://www.tigardmaps.com/MapGalleryPDFs/d\\_planning/a\\_zoning/zoning1117.pdf](http://www.tigardmaps.com/MapGalleryPDFs/d_planning/a_zoning/zoning1117.pdf)



<sup>1</sup> See Oregon Revised Statute Sections [801.560](#) and [801.590](#) for definitions.

<sup>2</sup> More than one food cart per property is allowed provided each one meets the design and location requirements.

<sup>3</sup> See Tigard Community Development Code (TCDC) Subsection [18.30](#) for definition.

<sup>4</sup> Eating establishments are allowed as primary, accessory or limited uses in the following zones: C-C, C-G, C-P, MU-CBD, MUE, MUC, MUC-1, MUE-1, MUE-2, MUR-1, MUR-2, I-P and TMU.

## **FOOD CART LOCATION (continued)**

The following location requirements also apply:

- The cart must be located on a paved surface.
- The cart must be located on a property with an existing building (vacant or occupied) or an existing use so that the existence of the cart does not create a de facto standalone parking lot.
- The cart must meet the applicable setback standard of the zone in which it is located.
- The cart must not obstruct or otherwise make unsafe any areas designed for pedestrian or vehicle movement to, from, or through the property on which the cart is located.
- If the cart is located in a required parking space(s) for any existing use, a replacement space that meets the city's parking standards must be provided for each space used.<sup>5</sup>

## **FOOD CART SIGNAGE**

A mobile food cart may have signage subject to the city's sign regulations.<sup>6</sup> Some signs require permits. A sign permit application can be obtained from the Tigard Permit Center at 13125 SW Hall Blvd. Application and general permit information can also be found here: [http://www.tigard-or.gov/city\\_hall/online\\_permit\\_counter.php](http://www.tigard-or.gov/city_hall/online_permit_counter.php). Signs in the public right-of-way, such as on public sidewalks and landscape strips, are not allowed under any circumstance.

## **FOOD CART APPROVAL PROCESS**

### **1. Determine that your cart meets the design and location requirements as described in this handout.**

Contact the Tigard Planner on Duty at [tigardplanneronduty@tigard-or.gov](mailto:tigardplanneronduty@tigard-or.gov) or 503-718-2421 for assistance.

### **2. Obtain a Washington County Health License to operate your food cart in Tigard.**

Contact Washington County Department of Health and Human Services at 503-846-8722 for assistance or visit their webpage on mobile food units, i.e. food carts, at: <http://www.co.washington.or.us/HHS/EnvironmentalHealth/FoodSafety/Business/mobile-food-units.cfm>.

### **3. Obtain a Tigard Business License to operate your food cart in Tigard.**

Obtain a business license application from Tigard City Hall at 13125 SW Hall Blvd. Application and general license information can also be found here: [http://www.tigard-or.gov/business/business\\_licenses.php](http://www.tigard-or.gov/business/business_licenses.php).

*The city's current policies can be found in the Tigard Community Development Code, which is located here: [http://www.tigard-or.gov/business/title\\_18.php](http://www.tigard-or.gov/business/title_18.php).*

<sup>5</sup> See TCDC [Chapter 18.310](#) for parking information.

<sup>6</sup> See TCDC [Chapter 18.435](#) for sign information.

Land Use regulations for food carts in other Oregon jurisdictions

Planning staff surveyed fifteen local governments to learn whether they had land use regulations for food carts. As detailed below, the majority of cities and counties in the region are choosing to allow and regulate food carts, though less than half have adopted standards and procedures specific to food carts.

<b>Food Cart Regulations by Jurisdiction</b>		
<b>Jurisdiction</b>	<b>Cart Specific Zoning Standards</b>	<b>Notes</b>
Washington County	No	Subject to same process and standards as brick-and-mortar restaurants.
Beaverton	Yes	Adopted land use regulations in 2015. These were refined and relaxed in December 2016.
Tualatin	Yes	Temporary regulations allow mobile food units in commercial and industrial districts. Project underway to develop permanent land use regulations.
Hillsboro	No	Business license regulations limit mobile businesses to no more than 7 hours in one location.
Tigard	No	CDC neither authorizes nor prohibits, City policy is to allow. Code amendments in work plan.
Forest Grove	No	CDC neither authorizes nor prohibits. City policy is to allow subject to informal site plan review. No plans to adopt formal land use regulations.
Cornelius	No	Prohibited - code amendments in work plan.
Sherwood	No	Special events only.
Multnomah County	No	CDC neither authorizes nor prohibits. County has minimal urbanized areas within which food carts might operate.
Portland	No	Carts exempted from land use standards provided certain criteria are met.
Gresham	Yes	Adopted land use regulations in 2013.
Clackamas County	Yes	Adopted land use regulations in 2012.
Happy Valley	Yes	Adopted land use regulations in 2015.
Oregon City	Yes	Specifically allowed in Willamette Falls Historic District (Blue Heron Site), prohibited elsewhere in city.
Lake Oswego	No	Land use regulations under development.
Salem	Yes	Adopted land use regulations in 2015.
Bend	Yes	Adopted land use regulations in 2012.

While the trend is to allow food carts, a wide range of regulatory approaches was documented when researching the jurisdictions above. Some jurisdictions' development codes do not contain

land use regulations for food carts, so they have made policy decisions on how or whether to regulate them. Others have adopted detailed regulations after significant planning efforts. Selected examples of each approach are discussed below, in order of most to least restrictive.

#### *City of Hillsboro – Time-Limited Approach*

The city of Hillsboro does not allow food carts or food trucks to be present on any property for more than seven hours in a day. Work was started on developing new regulations to allow the development of permanent food cart pods, but the project was placed on hold out of concern with the enforceability of site maintenance standards. As a result, any food carts seeking to operate in Hillsboro must comply with the following requirements of Chapter 5 Hillsboro Municipal Code (Business Licenses and Regulations).

- Limited to six hours of operation and one hour of setup in a single day
- Locations must be pre-approved by city if stops last more than two hours
- Site must be publicly owned or zoned for commercial, industrial, or multi-family
- May not occupy or block minimum required parking spaces
- No utility connections permitted
- Must be located on paved surface
- Time of day restrictions when located within or near residential zones.

#### *Beaverton – Permanent Infrastructure Approach*

The city of Beaverton adopted land use regulations in 2015 to allow the establishment of food cart pods within the city. Prior to the 2015 amendments, carts were restricted to one cart per site, and had to vacate the site after seven hours. These regulations were again revised in December 2016, when strict utility connection requirements were relaxed.

As adopted in 2015, Beaverton's standards were among the most restrictive in the metropolitan region with regard to utilities, sanitation, and parking. According to Beaverton Planning Staff, the city received consistent feedback from property owners regarding the high cost of underground utility installation resulting from both the cost of installation as well as associated System Development Charge (SDC) fees. As a result, the city adopted text amendments in December 2016 that would allow the use of aboveground tanks for potable water and graywater disposal. With the new amendments, the city now requires the following:

- Progressive review process:
  - Type I: On site less than seven hours
  - Type II: Expansion or Establishment of Food Cart Pod
  - Type I: Modification of an approved Food Cart Pod
- Site must be zoned commercial or industrial
- Development standards address circulation, safety, aesthetics, neighborhood compatibility, cart maintenance, and sanitation.
- A minimum of one parking space per cart is required. Carts located in multiple-use zoning districts are exempted from this requirement.

- Carts must connect to permanent electricity, water, and sanitary sewer through underground utility lines with an approved grease trap. Portable graywater storage tanks are prohibited.

*Gresham – Community Design Approach*

The city of Gresham regulates food carts stopped more than four hours. Review procedures and standards are structured around public safety, equity with brick-and-mortar restaurants, urban design goals, and ensuring the carts remain a transitional use and do not become permanent.

- Progressive review process:
  - Exempt: On site for less than four hours in a single day.
  - Type I: Replacement of a cart on previously approved site
  - Type II: New site or expansion of previously approved site
- Allowed in commercial districts and on approved institutional sites
- Community design standards
  - Orientation of service windows toward the street
  - Setbacks
  - Vision clearance and site circulation
  - Screening of accessory items
  - Repair and maintenance
  - Lighting
- Self-propelled carts are prohibited – only carts that may be pushed or pulled are allowed
- Customer shelters limited to tents, canopies, and similar membrane structures.
- Parking demand analysis is required, including demonstration of sufficient off-street and/or on-street parking.
- Approvals automatically renew with business license. If code compliance is necessary to address an uncorrected violation, the renewal is not automatic and the cart(s) must go through a new Type II review to receive a permit. New or revised conditions of approval may be applied as a result of the violation.

According to Gresham staff, approximately seven applications have been approved under the current rules which were adopted in 2014. The city collects parks and transportation SDCs for food carts. Water and sewer charges are not collected as permanent hookups are not permitted.

*Happy Valley – Residential Compatibility Approach*

Happy Valley recently adopted food cart standards that emphasize neighborhood compatibility through design standards, progressive review procedures, and permit revocation standards. Food carts are allowed as a restricted use within commercial and industrial zones, and prohibited in residential zones.

- Progressive review process:
  - Exempt: On site less than two-hours
  - Type I: One or two carts with no accessory buildings
  - Type II: Up to four carts and/or certain accessory structures

- Type III (Design Review): Five or more carts and/or certain accessory structures
- Site design standards
  - Setbacks from lot perimeter and adjacent residential land uses
  - Screening from residential uses
  - Vehicular and pedestrian circulation standards
  - Underground utilities required when site occupied more than 120 days per calendar year
  - Size limits for central pavilions
- Permanent restrooms required if five or more carts present
- Includes standards and procedures for permit revocation
  - Noncompliance with code or conditions of approval
  - Documented noncompliance with the neighborhood as a result of excessive traffic, noise, or other offensive activities.

#### *Clackamas County – Tiered Approach*

Clackamas County regulates food carts based on a tiered scale of permanency, number of carts, and associated site improvements. The review process and standards are increased in proportion to potential impacts. Major components of this approach can be described as follows:

- Review processes vary from exempt (Level One) to Type II (Level Four)
  - Level I: parked less than 2 hours (exempt)
  - Level II: one or two carts and no accessory structures (Type I)
  - Level III: No more than four carts, accessory structures allowed (Type II)
  - Level IV: All others (Type II with Design Review)
- Allowed on both developed and undeveloped sites
- Different standards for food carts inside and outside the UGB with regard to minimum site improvements and graywater disposal
- Setbacks from property lines, residential uses, and vehicle/pedestrian areas
- Landscaping and screening standards
- Utility and sanitation standards
- Accessory structures permitted, including permanent bathrooms.

According to Clackamas County Planning staff, approximately two permits are issued a year. Applicants are not charged SDCs.

#### *City of Tigard - Interim Approach*

The Tigard Development Code does not contain any land use regulations regarding food carts, and does not specifically allow or prohibit their operation on private property. In 2015, the City made a policy decision to allow food carts on private property, provided the placement of the cart did not expressly violate any applicable land use standards. This approach is intended as an interim solution, and carts will be addressed in future planning projects.

To avoid noncompliance with Tigard Development Code, a cart must conform with all of the following standards. No land use review is required.

- Meet state definition for a trailer or vehicle
- Locate in a zone that permits eating establishments
- Locate on a property with an existing building (vacant or occupied) and paved surface
- Meet applicable setbacks
- Cannot obstruct or make unsafe areas designed for pedestrian or vehicle movement
- If occupying a required parking space, a replacement space must be provided

Tigard's interpretation of the code to allow for food carts and trucks was a result of the city exploring ways to implement their strategic plan to make the city more walkable, as well as to support innovative local economic development and respond to requests from the business community. This interpretation is also part of an economic development strategy that is trying to encourage local food entrepreneurship.

#### *City of Portland – Limited Regulation Approach*

Portland has developed the largest and most robust food cart economy in the state, with approximately 600 carts operating across the city and in nearly all neighborhoods. The Portland Zoning Code does not list food carts as an allowed use, but the city has made a policy decision to allow food carts on private property as exempt vehicles that are not subject to land use regulations when they meet certain criteria.

According to the Bureau of Development Services (BDS) website, food carts on private property are regulated like new buildings and must meet all building and zoning regulations. However, carts meeting certain criteria can be considered vehicles and therefore exempt from building and zoning regulations, and most carts are able to meet the criteria for exemption. To be considered an exempt vehicle, all of the following criteria must be met:

- The site is zoned to allow retail uses;
- The cart will sit on a paved vehicle area;
- The cart will not be more than 16' in length;
- The cart has wheels, and the wheels will not be removed;
- Any canopies, awnings, or other attachments have to be supported entirely by the cart and cannot touch the ground; and
- The unit is self-contained, with no plumbing connections.

BDS staff confirmed no other development standards are applicable to exempt vehicles, including minimum standards for parking, landscaping, and compatibility with adjacent residential land uses. Pods of multiple carts are subject to the same minimal regulation as individual carts. Building, electrical, and plumbing permits are still required for any site improvements or utility connections. The effect is a wide variation between cart pod sites on matters of site aesthetics, neighborhood impacts, cleanliness, and infrastructure such as graywater disposal, restrooms, and solid waste management.