



MINUTES  
PLANNING COMMISSION MEETING  
1300 NE Village Street  
Fairview, OR 97024  
Tuesday, August 13, 2019

PRESENT: Hollie Holcombe, Chair  
Russell Williams, Vice Chair  
Steven Hook  
Steve Owen  
Wendy Lawton  
Les Bick

ABSENT: Jeff Dennerline

STAFF: Sarah Selden, Senior Planner  
Eric Rutledge, Associate Planner  
Devree Leymaster, City Recorder

**1. CALL TO ORDER**

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

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

None.

**3. ADOPT MINUTES – May 28 & July 9, 2019**

Vice Chair Williams moved to approve the May 28 and July 9, 2019 minutes and Commissioner Bick seconded. Motion passed unanimously.

AYES: 6

NOES: 0

ABSTAINED: 0

**4. WORK SESSION**

a. Food Cart Code Amendments: Work Session #2

Associate Planner Rutledge reviewed the proposed draft code for food cart regulations as referenced in Exhibit A.

Commissioner Hook asked about the following items in the draft code included in the commission packet.

- Page 2, C.7. – when is the applicant required to provide the County Health verification? AP Rutledge replied when the application is routed for review. It is also possible than an existing cart owner would already have a certificate.
- Page 2, C.3(e) – should it be pads or pods? Staff clarified it should be pads; referring to a hard surface.
- Page 4, 2.d. – compatibility is difficult to interpret; who decides if it is compatible? AP Rutledge referred to Page 5, 2.g. for context. Chair Holcombe proposed adding “with”; ...shall be compatible “with” other...
- Page 5, E.1(g) – proposed adding annual permit requirements.

Commissioner Lawton inquired about safety elements i.e. exit signs, sprinklers, etc. AP Rutledge replied it will depend on the structure. The fire, life, safety review would be done through the building permit process. She inquired about the increased pavement and stormwater issues i.e.

flooding, drainage issues, etc. AP Rutledge answered areas converted to paved from un-paved would go through a review process and stormwater impacts would be considered and mitigated.

Commissioner Lawton asked if staff is gathering feedback from other cities; how they wish the code had been developed, lessons learned, etc. AP Rutledge replied yes, staff is gathering that information.

Vice Chair Williams asked about Page 6, G. Parking and counting spaces on an adjacent parcel. AP Rutledge replied if the adjacent site meets the requirements, it would be allowed.

Councilor Owen inquired about restrooms i.e. permanent, portable building, etc. AP Rutledge remarked nothing is specifically defined; portable could be an option.

Commissioner Lawton asked about light and noise; requirements to mitigate? AP Rutledge referred to Page 7, I. Lighting to address lighting standards and there are other areas in the code that address noise.

General feedback from the Commission regarding screening (20 ft. setback from residential uses, an exception to the 20 ft. setback from residential uses if specific screening requirements are met, and “residential uses” should include mixed-use development) and site aesthetic and compatibility standards (screening requirements for site amenities; design and compatibility standards for accessory structures: requiring high-quality materials be used for site amenities and accessory structures; and prohibiting materials that result in poor aesthetic appearance) – yes to all.

AP Rutledge asked if the hours should be limited. Commissioner Owen proposed researching what others are doing, see if there is a best practice.

Garth Everhart, Vancouver, WA, commented he is the property owner of Market Place Apartments, a residential use that abuts the property being considered for food carts. He remarked the apartment tenants will look down on the pods. He noted the Village has site design requirements. The burden for a food cart pod is much lower than what other developments are required to do. This could add to the city’s struggle to get brick and mortar restaurants and further de-incentivize them. He noted the proposed code doesn’t address landscape maintenance, has no bike requirements, and it allows more signage that what businesses are allowed. He expressed concern for parking and not addressing the standards for customers; compatibility issues for how they will meet the Village design standards; how will interim use be defined; and will the property owner be required to install the 15 foot sidewalks any other developer would be required to do.

SP Selden noted the 15 foot sidewalk would be required. The Council has clarified that a food cart pod shall be aesthetically pleasing and high quality. The proposed interim use is 5 to 10 years (has not been decided yet). To be successful they need to strike a balance to be temporary and affordable enough to be feasible; before the site is developed with a permanent brick and mortar building.

Commissioner Bick remarked he is not against food carts but noted we are a small population and queried if it would be a dis-service to established eating establishments. He commented this type of development is contrary to the master plan and that perhaps the Village is not the best site for the overlay. Concerned there may not be enough walkable traffic and visibility to support food pods.

Commissioner Hook commented food carts may help bring visibility. Vice Chair Williams noted there are multiple customers with different wants and needs. It may attract more customers and help fill empty store fronts. Commissioner Bick remarked there is a finite number of customers; it could dilute the customer base.

Commissioner Owen remarked the level of design standards should reflect whether looking at temporary or permanent. If the food carts are something to fill in the gap; should be more flexible and cost considerate; if permanent then need to look more closely at integrating and reflecting the Village design standards.

Richard Lang, Parker Development (North Brook Development), shared they are currently negotiating with two restaurants. It is a significant investment (7 year lease and personal guarantee). Having a food cart pod development is going to make them pause in their decision making. He noted he doesn't see how this project could be compatible and aesthetically pleasing. He reminded the Commission the dynamics of the Village will be changing over the next year or two with the construction of approved developments.

#### 5. COMMISSION AND STAFF UPDATES

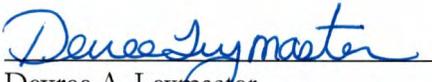
SP Selden reviewed the observations from the July 23 tour as referenced in *Exhibit B* and gave a status update for development projects.

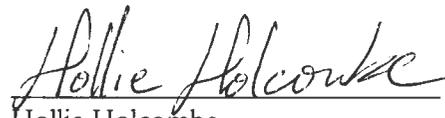
#### 6. TENTATIVE AGENDA

September 10, 2019 – Training: Public Hearing and Land Use Procedures

#### 7. ADJOURNMENT

Meeting adjourned by consensus at 8:30 PM.

  
Devree A. Leymaster  
City Recorder

  
Hollie Holcombe  
Chair

  
Date

# FAIRVIEW PLANNING COMMISSION WORK SESSION

FOOD CART REGULATIONS  
Draft Code Review

August 13, 2019

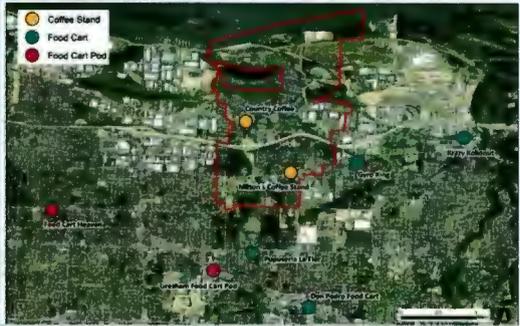


## BACKGROUND

- Fall 2018 Interest from Village property owner
- February 2019 Identified as potential policy update
- March 2019 Early feedback from Planning Commission
- June 2019 PC / CC Work Session
- July 2019 Site visit to Prost! food cart pod




## FOOD CARTS NEAR FAIRVIEW



## POTENTIAL BENEFITS / IMPACTS

Benefits	Impacts
<p><b>Community:</b></p> <ul style="list-style-type: none"> <li>• Positive impacts on street vitality and neighborhood life</li> <li>• New food and drink opportunities</li> <li>• New jobs and businesses (low barrier entrepreneurs)</li> </ul> <p><b>Existing businesses / property owners</b></p> <ul style="list-style-type: none"> <li>• Complement existing businesses and activities</li> <li>• Create new activity in underperforming commercial areas</li> <li>• Provide an interim use on vacant properties</li> </ul>	<p><b>Community:</b></p> <ul style="list-style-type: none"> <li>• Noise and traffic near residential land uses</li> <li>• Need for restrooms and parking</li> <li>• Aesthetic impact of operations (trash, utilities, etc.)</li> <li>• Environmental impacts (gray water dumping)</li> </ul> <p><b>Existing businesses / property owners</b></p> <ul style="list-style-type: none"> <li>• Brick-and-mortar stores may feel threatened by food carts and see them as unfair competition that can dilute their customer base</li> </ul>

### AMENDMENT SUMMARY

- **FMC 19.13 Definitions**
  - Add "Food cart" and "Food cart pod"
- **FMC 19.490 Miscellaneous Permits**
  - Add Section 400 "Food and Beverage Cart permits"
- **Zoning Map**
  - Add "Food Cart Overlay Zone" ?



### DEFINITIONS & APPLICABILITY

- **Food cart pod** – a site containing one or more food carts and associated amenities on private property
- **Food cart** – mobile vehicle, such as a food truck, trailer, or cart, from which service of food and/or beverages is provided to walk-up customers
- Does not include drive-through uses such as drive-through coffee stands
- No changes proposed to regulations of public right-of-ways. Food carts on public streets still prohibited.

### PERMIT PROCEDURES

Type II	Type I
<ul style="list-style-type: none"> <li>■ <b>New food cart pods</b></li> </ul>	<ul style="list-style-type: none"> <li>■ <b>New food cart within an approved pod</b></li> <li>■ <b>Renewal of existing food carts and food cart pods</b></li> </ul>

### SITE DESIGN – GENERAL

- **Carts must be located on paved surface**
- **Carts and amenities must be served by 5 ft. wide paved surface for pedestrian access**



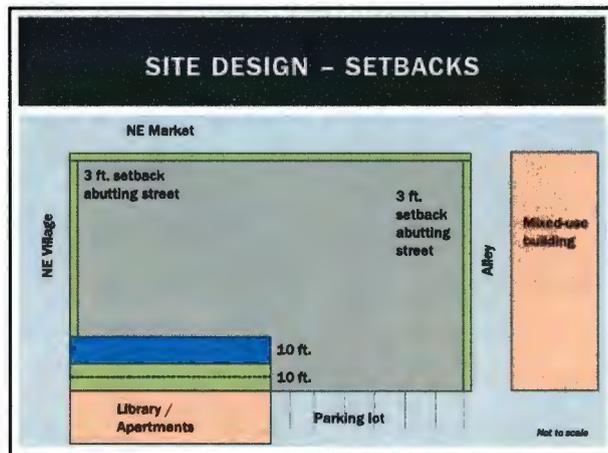

### SITE DESIGN - GENERAL

- 6 ft. separation between carts
- Carts and site amenities cannot occupy required parking, landscaping, pedestrian walkways, or fire/emergency vehicle access



### SITE DESIGN - SETBACKS

- Front and side setbacks abutting a street
  - Min. 3 ft. from property line
- Rear and interior side setbacks
  - Same as underlying zone
  - 20 ft. minimum when abutting a residential zone or land use
  - OR
  - 10 ft. minimum when abutting a residential zone or land use with the 6 ft. tall fence and 5 ft. wide landscaped area with certain planting requirements



### SITE DESIGN - FENCING

- High-quality building material including wood, brick, stone, concrete, metal, and similar AND compatibility
- 4 ft. max height along street frontages
- 6 ft. max height on interior / side yards



### AMENITIES WITHIN PODS

- On-site restrooms required, must be screened
- Waste and recycling receptacles required, must be screened
- Accessory storage structures limited to 10 ft. height / 120 SF, must be compatible or screened




### AMENITIES WITHIN PODS – AESTHETIC AND COMPATIBILITY

- Screening
  - Screening shall include well-maintained and attractive vegetation or high quality building material
- Design Compatibility
  - All on-site amenities shall be compatible with other development on the site and within the surrounding neighborhood
  - Structures providing shelter to customers shall be constructed with high-quality building material that is compatible with other development on the site and within the surrounding neighborhood.

### AMENITIES WITHIN PODS – AESTHETIC AND COMPATIBILITY



**Village building materials:**

- Brick
- Concrete
- Stone
- Wood

### AMENITIES WITHIN PODS – AESTHETIC AND COMPATIBILITY



**Sandy Blvd. building materials:**

- Brick
- Vinyl
- Cyclone fencing
- Prefab metal

### AMENITIES WITHIN PODS – AESTHETIC AND COMPATIBILITY



### INDIVIDUAL FOOD CARTS

- Carts and accessories must be kept in good repair and in a safe and clean condition
- Accessory items including tanks and barrels shall fully enclosed with screening



### INDIVIDUAL FOOD CARTS

- Size limited to 26 ft. in length / 15 ft. in height
- Must obtain City of Fairview business license and all other applicable local, County, and State permits



### UTILITIES

- Wastewater (grey water)
  - Connected to underground sanitary sewer OR
  - Connected to underground / aboveground wastewater holder holding tanks serviced by a DEQ licensed plumber
- Potable water
  - Connected to permanent water source OR
  - Connected to potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules
- Electricity
  - Connection to permanent power source required. No overhead wires directly to individual food carts. Generators prohibited.

### PARKING

- Minimum of 1.5 parking spaces required per cart
- Parking can be shared with an existing use on the site same or an adjacent parcel when the number of spaces provided exceeds the minimum required to serve both uses

3,000 SF Office  
(8.1 spaces required)

8.1 + 1.5 = 9.6 required spaces

Single food cart  
(1.5 spaces req.)

### SIGNS

- Signage on individual carts limited to the face of the food cart
  - Cannot exceed 3 ft. above the roof line of the cart
  - Signs attached to the roof are prohibited
- One (1) A-board sign per cart allowed on private property




### SIGNS

- Rotating and wind signs prohibited
- All other signs must meet existing sign code regulations




### DRAFT CODE FEEDBACK & QUESTIONS

- Setbacks
  - Should "residential uses" include mixed-use development such as the Village Mixed-Use zone?
  - Is a 20 ft. an appropriate setback from residential uses?
  - Should the code allow an exception to the 20 ft. setback (e.g. to 10 ft.) if certain screening requirements are met?

### DRAFT CODE FEEDBACK & QUESTIONS

- Site Aesthetic and Compatibility Standards
  - Are the screening requirements for site amenities (e.g. restrooms, trash receptacles, etc.) acceptable?
  - Are the design and compatibility standards for accessory structures (e.g. customer shelters) acceptable?
  - Should the code require and prohibit certain materials?

### DRAFT CODE FEEDBACK & QUESTIONS

- Utilities
  - Should above ground tanks for water and wastewater be allowed?
  - As written, screening is required for above ground tanks.

### DRAFT CODE FEEDBACK & QUESTIONS

- Operating Hours
  - Should the code limit operating hours for food carts?
- Other feedback or questions?

### NEXT STEPS

- Incorporate feedback into draft code
- Public outreach event recommended (e.g. at library)
- Targeted feedback from potential pod operations and cart owners
- Planning Commission Hearing on draft code and map amendment (Fall 2019)
- City Council on draft code and map amendment (Fall 2019)

**FAIRVIEW  
PLANNING COMMISSION**

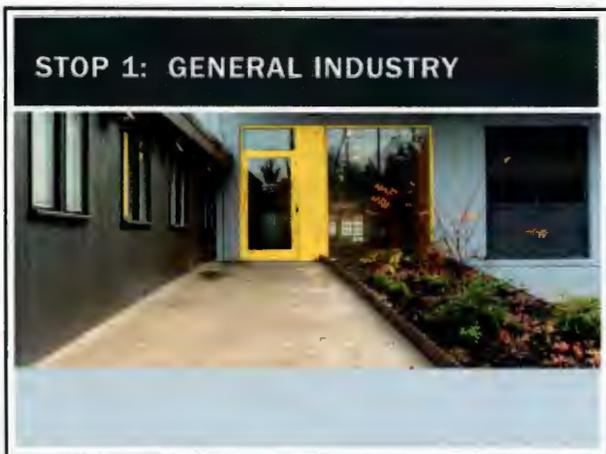
Review of July 23 Planning  
Commission Tour

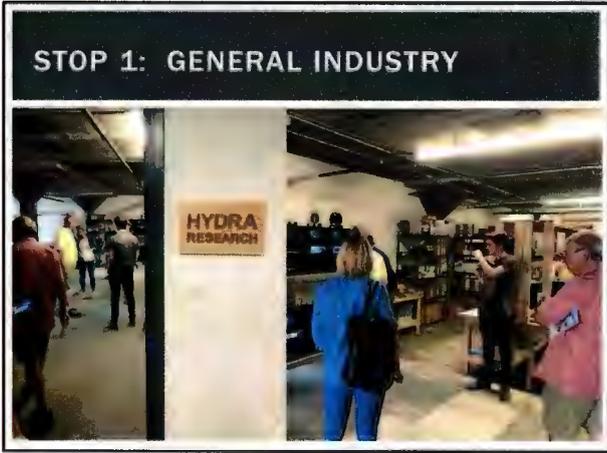
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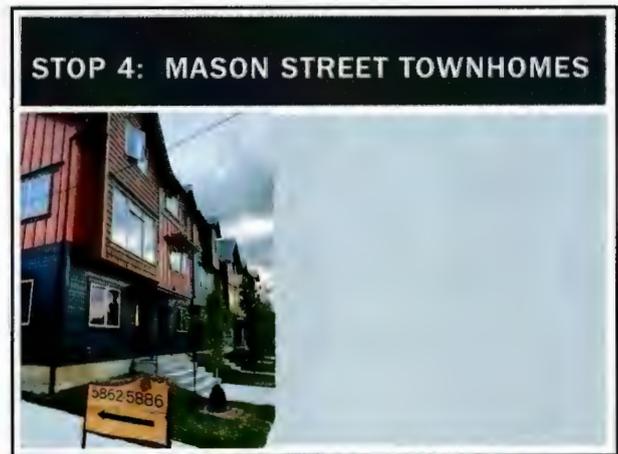


**WHAT WE SAW:**

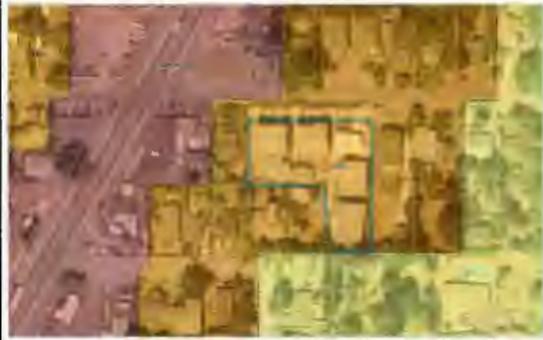
- 1. General Industry**
  - Shared light industrial warehouse
- 2. Origami**
  - 10 attached townhomes, 2 with ADUs
  - 2 detached single family dwellings
  - All for-sale units on individual lots
- 3. Prost! Food Cart Pod**
- 4. Mason Street Townhomes**
  - 14 attached townhomes in 4 buildings, for-sale units
  - Common house
  - Shared open space
- 5. Cully Grove**
  - 16 single family homes, for-sale units
  - Oriented around common building and open space/gardens







**STOP 4: MASON STREET TOWNHOMES**



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**What Might Happen in the Common House?**

- Potlucks & Shared Meals
- Birthday Parties
- Movie Nights
- Book Clubs
- Quiet Retreat
- Crafts (sewing, art projects...)
- Host Out-of-Town Guests
- Laundry
- Community Meetings
- Yoga/Exercise
- Breakfast Club
- Dancing



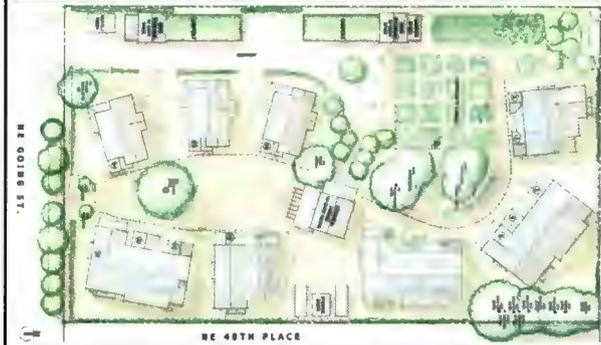
**STOP 5: CULLY GROVE COTTAGE CLUSTER**



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COTTAGE CLUSTER**

