



PUBLIC MEETING NOTICE  
FOR THE  
WASHINGTON COUNTY PLANNING COMMISSION

**HILLSBORO CIVIC CENTER - SHIRLEY HUFFMAN AUDITORIUM  
150 EAST MAIN STREET, HILLSBORO, OR 97123**

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WEDNESDAY, APRIL 4, 2018

PUBLIC MEETING 1:30 PM

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Prior to scheduled public hearing items, the Planning Commission schedules time to receive briefings from county staff as work session items. These briefings provide the Planning Commission an opportunity to conduct informal communications with each other, review the agenda, and identify questions they may ask before taking action on the agenda items during the public meeting. No public testimony is taken on work session items.

Following work session briefings, the Planning Commission considers items published in their agenda, including scheduled public hearing items and consideration of minutes. The public is welcome to speak during the public hearing portions of the meeting. The public may also speak on any item not on the agenda during the Oral Communications section of the agenda.

Upon request, the county will endeavor to arrange provision of the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. If you need a sign language interpreter, assistive listening device, or a language interpreter, please call 503- 846-3519 (or 7-1-1 for Telecommunications Relay Service) by 5:00 p.m. on the Monday preceding the meeting date.

A handwritten signature in black ink, appearing to read "Andy Back", is written over a horizontal line.

**Andy Back**

Planning and Development Services Division Manager

# WASHINGTON COUNTY PLANNING COMMISSION

## HILLSBORO CIVIC CENTER SHIRLEY HUFFMAN AUDITORIUM (NEW TEMPORARY LOCATION)

The Planning Commission welcomes your attendance at the Public Meeting. If you wish to speak on a public hearing agenda item or during Oral Communications, please feel free to do so. Time is generally limited to five minutes for individuals and 10 minutes for an authorized representative of a Citizen Participation Organization (CPO). The Chair may adjust the actual time limits. However, in fairness to others, we respectfully ask your cooperation on the following:

Please follow sign-in procedures located on the table by the entrance to the auditorium.

- When your name is announced, please be seated at the table in front and state your name and home or business address for the record.
- Groups or organizations wishing to make a presentation are asked to designate one spokesperson in the interest of time and to avoid repetition.
- When more than one citizen is heard on any matter, please avoid repetition in your comments. Careful attention to the previous speakers' remarks will be helpful in this regard.
- If you plan to present written testimony at the hearing, please bring 15 copies for distribution to Commission members and staff.

### PUBLIC MEETING DATES

#### BOARD OF COMMISSIONERS WORK SESSIONS

8:30 a.m. 1st and 3rd Tuesdays

2:00 p.m. 4th Tuesday

#### BOARD OF COMMISSIONERS MEETINGS

10 a.m. 1st and 3rd Tuesdays

6:30 p.m. 4th Tuesday

#### PLANNING COMMISSION MEETINGS

1:30 p.m. 1st Wednesday

6:30 p.m. 3rd Wednesday

***Note: Occasionally it may be necessary to cancel or add a meeting date.***



**PUBLIC MEETINGS BEFORE THE PLANNING COMMISSION**  
**HILLSBORO CIVIC CENTER**  
**SHIRLEY HUFFMAN AUDITORIUM**

**WEDNESDAY    APRIL 4, 2018    1:30 PM**

**AGENDA**

**CHAIR:**                                    A. RICHARD VIAL  
**VICE-CHAIR:**                            JEFF PETRILLO  
**COMMISSIONERS:**                    ED BARTHOLEMY, IAN BEATY, TEGAN ENLOE, DEBORAH LOCKWOOD,  
   ANTHONY MILLS, ERIC URSTADT, AND MATT WELLNER

**PUBLIC MEETING (SHIRLEY HUFFMAN AUDITORIUM)**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DIRECTOR'S REPORT**
- 4. SPECIAL MEETING DATE**
- 5. WORK SESSION**
  - a. Metro Regional Transportation Plan Overview**
  - b. SW Corridor Light Rail Project**
  - c. Growth Management Decision Process**
- 6. ORAL COMMUNICATIONS (Limited to items not on the agenda)**
- 7. PUBLIC HEARING**
  - a. Ordinance No. 831 – Mobile Food Sites**

An ordinance amending the Community Development Code an Element of the Comprehensive Plan, Relating to Mobile Food Units
- 8. CONSIDERATION OF MINUTES**
  - a. March 7, 2018**
- 9. ADJOURN**

**Department of Land Use & Transportation · Planning and Development Services**  
**Long Range Planning**

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## WASHINGTON COUNTY PLANNING COMMISSION MINUTES OF WEDNESDAY, MARCH 7, 2018

### ALL PUBLIC MEETINGS ARE RECORDED

#### 1. CALL TO ORDER: 1:30 P.M. Shirley Huffman Auditorium

The meeting was called to order by Chair Vial.

#### 2. ROLL CALL

Planning Commission (PC) members present: A. Richard Vial, Jeff Petrillo, Ed Bartholemy, Ian Beaty, Tegan Enloe, Eric Urstadt, and Matt Wellner. PC members absent: Deborah Lockwood, and Anthony Mills.

Staff present: Andy Back, Theresa Cherniak, Erin Wardell, Steve Kelley, Jessica Pelz, John Floyd, Reza Farhoodi, and Susan Aguilar, Long Range Planning (LRP); Jacquilyn Saito-Moore, County Counsel.

#### 3. DIRECTOR'S REPORT

Andy Back, manager for Planning and Development Services (PDS), provided the PC with updates:

- The Board of Commissioners (Board) approved the LRP Work Program on March 6 with a few changes. These changes included:
  - Adding an issue paper to the Tier 1 priority list assessing County implementation of Goal 5 Significant Natural Resources requirements. This change was implemented due to comments received.
  - Short term rentals was returned again to the Tier 3 priority list.
  - Including an amendment to the Omnibus Ordinance relative to addressing multiple marijuana processors on a single site.
  - Staff will return with further recommendations on a CCI (Committee for Community Involvement) request regarding posting of development sites.
- The first PC meeting in July coincides with the July 4 holiday. Staff will send a poll to determine the best date for a special meeting, since the meeting is in the middle of ordinance season.

**Department of Land Use & Transportation · Planning and Development Services  
Long Range Planning**

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- Future PC meetings:
  - March 21 meeting topic:
    - A work session is scheduled regarding Telecommunications Facilities in the Right-of-Way (ROW). This topic could be moved to April.
  - April meeting topics:
    - Ordinance No. 831 - Mobile Food Sites
    - Work Sessions: Southwest Corridor updates and Telecommunication Facilities in the ROW.

Chair Vail asked if there were any objections to cancelling the March 21, 2018 meeting.

**Vote: 7-0. Motion passed**

#### **4. WORK SESSION**

##### **a. Transportation Requirements and Procedures for Development - Issue Paper No. 2017-03-Part 2**

Andy Back, PDS manager opened the discussion of Issue Paper No. 2017-03 along with Steve Kelley, senior planner and Erin Wardell, principal planner for the Transportation group of LRP. Staff continued discussion from the December 6, 2017 PC meeting regarding the issue paper and draft update to Resolution and Order (R&O) 86-95 *"Determining Traffic Safety Improvements Under the Traffic Impact Fee Ordinance."* Staff shared that the County has identified five billion dollars of needs and that the need for an enhanced transportation system is greater than the resources.

In 2016, the Board identified the need to update Washington County's transportation requirements and procedures for development. This Tier 1 task was then carried over to the following 2017 LRP work program. Issue Paper No. 2017-03 reviews current development requirements and practices including a recommendation to update R&O 86-95. The draft R&O distributed to PC members and interested parties implements the recommendation of the issue paper, recommends continuing the safety approach (with allowance for augmented safety techniques) and multimodal requirements, and includes flexibility to address unique circumstances. Staff explained the need to update R&O 86-95: to improve review of pedestrian and bicycle infrastructure, to evaluate development based on cumulative traffic, and to explore and encourage win-win improvements. Staff also discussed proportionality issues, and concluded with the issue paper timeline and the public process.

##### PC discussion:

- Questions and concerns regarding proportionality
- Concerns regarding ambiguity in the draft R&O
- A comment encouraging staff to work with the Home Builders Association (HBA)
- Concern that staff is imposing more development requirements

Public comment:

**James Adkins, government affairs manager - HBA, 155 SW Bany Road, Lake Oswego, OR** - submitted a letter and presented HBA concerns to the PC. Mr. Adkins shared that the HBA and membership supported the conceptual update of R&O 86-95, but stated there were unanswered questions and potentially unintended consequences that needed further collaboration efforts between the County and HBA. Some of the potential concerns included: disproportionate requirement changes, increased uncertainty for development, and imposing new development requirements.

**b. Rural Roads/Urban Edge - Issue Paper No. 2017-06**

Jessica Pelz, senior planner and Erin Wardell, principal planner for the Transportation group of LRP made a PowerPoint presentation discussing rural roads and urban edge roads. Staff highlighted the following issues: Bike and pedestrian safety in urban/rural edge areas, suggestions for ROW dedication and road improvements for border roads, and state law including policy implications for planning ROW in urban reserve areas. Some additional question asked: should border roads be treated differently and should there be new classification or design standards for border roads. Rural/urban road examples, rural road conflicts, and staff recommendations were among the other topics discussed.

## Recommendations included:

1. Border Roads:
  - a. Create a design standard for border roads.
  - b. A policy for ROW dedication from the urban side.
  - c. Include all border roads on the TDT (Transportation Development Tax) project list.
2. Work on potential process changes to allow ROW designation and adoption within urban reserves.
3. Further analysis: roadway function & design standards, connector road policies, prioritization of rural roads improvement needs.

PC discussion

- Question regarding whether there is a statute that regulates the classification change or the distinction of a rural road due to population growth or heavy traffic.
- Question regarding whether there are any safety concerns for multi-use paths
- Comment regarding state interpretation that roads cannot be constructed on rural and urban reserves
- A comment regarding round-about sidewalks and limited usage
- A question regarding whether any border road projects fall under the MSTIP (Major Street Transportation Improvement Program) project list

**5. ORAL COMMUNICATIONS**

None

**6. SELECTION OF CHAIR AND VICE CHAIR**

Commissioner Wellner moved to nominate A. Richard Vial for Chair. Commissioner Beaty seconded motion. **Vote: 7-0. Motion passed and Commissioner Vial accepted.**

Commissioner Wellner move to nominate Jeff Petrillo for Vice Chair. Commissioner Urstadt seconded motion. **Vote: 7-0. Motion passed and Commissioner Petrillo accepted.**

**7. CONSIDERATION OF MINUTES**

**a. December 20, 2017**

Commissioner Wellner moved to approve minutes from the December 20, 2017 PC meeting. Commissioner Beaty seconded motion. **Vote: 7-0. Motion passed.**

Commissioner	Vote
Bartholemy	Yes
Beaty	Yes
Enloe	Yes
Lockwood	Absent
Mills	Absent
Petrillo	Yes
Urstadt	Yes
Vial	Yes
Wellner	Yes

**a. January 17, 2018**

Commissioner Beaty moved to consider minutes from the January 17, 2018 PC meeting. Commissioner Petrillo seconded motion. **Vote 7-0. Motion passed.**

Commissioner	Vote
Bartholemy	Yes
Beaty	Yes
Enloe	Yes
Lockwood	Absent
Mills	Absent
Petrillo	Yes
Urstadt	Yes
Vial	Yes
Wellner	Yes

**8. ADJOURN: 4:00 P.M.**

There being no further business to come before the Planning Commission, the meeting was adjourned.

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A. Richard Vial  
Chairman, Washington County  
Planning Commission

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Andrew Singelakis  
Secretary, Washington County  
Planning Commission

Minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

Submitted by Long Range Planning Staff

DRAFT





March 27, 2018

To: Washington County Planning Commission

From: *for* Andy Back, Manager *Amanda C*  
Planning and Development Services

Subject: **PROPOSED LAND USE ORDINANCE NO. 831 - An Ordinance Amending the Community Development Code, an Element of the Comprehensive Plan, Relating to Mobile Food Units**

### STAFF REPORT

**For the April 4, 2018 Planning Commission Hearing**  
*(The public hearing will begin no sooner than 1:30 p.m.)*

#### I. STAFF RECOMMENDATION

Conduct the public hearing; recommend approval of Ordinance No. 831 to the Board of Commissioners (Board).

#### II. OVERVIEW

Ordinance No. 831 proposes amendments to the Washington County Community Development Code (CDC) related to mobile food units (“food carts” or “food trucks”), mobile food sites (“food cart pods”) and the locations where such developments may be allowed. Specifically, the amendments would:

- Establish mobile food sites as an allowed use in specific land use districts in unincorporated Washington County.
- Exempt sites hosting mobile food units for 12 hours or less within a 24-hour period from permit requirements in nonresidential districts, provided certain site standards are met.
- Require a Type I Temporary Use process for approval of small mobile food sites. A small mobile food site has no more than 8 mobile food units located on a previously developed site, without buildings or structures (except tents and canopies).
- Exempt Type I Temporary Uses from the provisions of CDC Section 501 (Public Facility and Service Requirements).
- Require a Type II Special Use (SU) process for approval of large mobile food sites. A large mobile food site meets one or more of the following: 9 or more mobile food units, is not located on a developed site, provides drive-thru service, and/or contains buildings and/or structures.

### III. BACKGROUND

Mobile food units are small businesses serving food from a truck, trailer or pushcart. Once limited to businesses serving ice cream or tacos, this fast-growing economic sector now includes all manner of cuisines and beverages. Their mobile nature and the need for relatively low capital make it easier for entrepreneurs with relatively small investments to enter and test different markets as they become established.

At present, the CDC does not acknowledge or regulate a mobile food unit (MFU) as a separate and distinct land use from a permanent brick-and-mortar restaurant. Lacking regulations specific to MFUs, the County only allows for these mobile micro-restaurants through the same process, standards and fees that apply to larger eating and drinking establishments located in permanent buildings. The existing CDC standards applicable to eating and drinking establishments may be a poor fit with the often temporary and ad-hoc nature of sites hosting MFUs. As a result, many business owners have either abandoned their efforts to operate MFUs or are operating outside of the land use process.

#### ***Oregon Health Authority Rules***

For purposes of inclusiveness, clarity and consistency with Oregon Administrative Rule (OAR) terminology, Ordinance No. 831 utilizes the term *mobile food unit* rather than “food cart” or “food truck.” Oregon Health Authority (OHA) rules define a MFU as “any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer” (OAR 333-162-000). Operating individually or in groups, it is their mobility and small size that distinguishes them from brick-and-mortar restaurants.

Under OHA rules, MFUs must comply with the following criteria to maintain their status as a mobile business:

- MFUs shall remain mobile at all times during operation. Tongues may be removed from trailers, but wheels must be mounted and operational at all times (OAR 333-162-0030).
- All operations and equipment must be integral to the MFU. The only exceptions are for barbeques, customer seating, and auxiliary storage (OAR 333-162-0020).
- MFUs must operate from a licensed restaurant, commissary, or warehouse. Licensing authorities can waive this requirement if the MFU is found capable of operating without a base of operation, by including all equipment and utensils that a commissary would provide (OAR 333-162-0040).

OHA rules require active MFUs to obtain a mobile food license from the county in which they are based. About 100 mobile food licenses have been issued by Washington County Environmental Health for MFUs operating in both the incorporated and unincorporated areas of the county. While hard data are difficult to come by, the majority of these businesses are likely operating within urbanized portions of Washington County. By comparison, there are about 800 licensed units within the city of Portland.

***Issue Paper No. 2017-02: Food Carts in Unincorporated Washington County***

In response to public inquiries and staff concerns regarding the lack of MFU regulations in the CDC, the Board directed staff to prepare an issue paper as part of the 2016 Long Range Planning (LRP) Work Program (Task 1.33). The result was *Issue Paper 2017-02: Food Carts in Unincorporated Washington County*, which outlined the potential benefits and impacts of mobile food sites, surveyed the regional regulatory landscape and made recommendations regarding possible CDC amendments. These recommendations included CDC amendments addressing some or all of the following elements:

- Limit the allowance of MFUs to developed sites in specified land use districts;
- Allow MFUs as a renewable temporary use, similar to farmers markets and mini farmers markets;
- Use a tiered-review process to account for the number of MFUs approved for a site and the length of their stay; and
- Create MFU development standards to address issues of sanitation, safety, public health and neighborhood compatibility.

The issue paper was presented Jan. 24, 2017, to the Planning Commission (PC) and to the Board at its Feb. 14, 2017, work session. Based on the recommendations included in the issue paper, the Board directed development of an ordinance as part of the adopted 2017 LRP Work Program (Task 1.26).

***Ordinance Development***

Staff began development of ordinance language in 2017. Ordinance content was informed by outreach to the American Planning Association, affected County departments, planning staff at regional counties and cities, Clean Water Services, Tualatin Valley Fire & Rescue, Oregon Liquor Control Commission and Department of Environmental Quality. In addition, staff interviewed three mobile food site operators with locations in Aloha, Portland, Milwaukie and Happy Valley.

A preliminary draft of the proposed amendments was presented to the PC at its Oct. 4 and Nov. 1, 2017, meetings. Discussion of the draft resulted in the following feedback from the PC:

- Questions regarding:
  - Whether an ordinance was needed;
  - Size limits for structures;
  - MFUs at farm stands, farms, private events and vending in the public right-of-way; and
  - Parking requirements.
- Opinions that the regulation of MFUs appeared to be more of a health, water quality and traffic management issue rather than a land use matter;
- Suggestion that ADA requirements be considered; and
- Suggestion that MFUs should be allowed in all districts and standards should be simple and minimal.

### ***Ordinance Notification***

Notice 2018-01 regarding proposed Ordinance No. 831 was mailed March 9, 2018, to about 400 parties on the General and Individual Notification Lists (community participation organizations, cities, special service districts and interested parties). A copy of the notice and ordinance was provided to the PC at that time. A display advertisement regarding the ordinance was published March 16, 2018, in *The Oregonian* newspaper.

## **IV. ANALYSIS**

The proposed CDC amendments are shown in Exhibit 1 of the filed ordinance. These amendments would create three approval categories for MFUs. Collectively, they are intended to achieve the following outcomes:

- Create regulatory clarity by defining and regulating mobile food sites as temporary, ad-hoc land uses that are distinct from brick-and-mortar restaurants. Lack of regulations tailored to the needs of MFUs discourages both investment and compliance.
- Create a clear and flexible permitting path for property owners wanting to host MFUs.
- Ensure mobile food sites are conducted as lawful uses in a manner that is not detrimental or disruptive to neighboring properties, residents and public infrastructure.
- Protect public health and safety through coordination with other agencies to ensure all MFU operations are conducted in lawful compliance with county, state and federal requirements.

### ***Regulatory Categories***

Staff recommends a three-category approach to regulating mobile food sites. These categories are primarily based on the number of MFUs, the length of time they stay at a site and the type of improvements proposed. This approach provides a flexible permitting path that is typical of those used by other jurisdictions in the region.

The following table summarizes the three permitting categories recommended by staff. Proposed standards in each category are discussed further in the analysis section.

**Table 1**

	<b>EXEMPT FROM PERMIT</b>	<b>SMALL MOBILE FOOD SITES</b>	<b>LARGE MOBILE FOOD SITES</b>
<b>Use Type</b>	Exempt	Temporary Use	Special Use
<b>Review Procedure</b>	Exempt from land use permit requirements	Type I	Type II
<b>Time Limit</b>	12 hours or less	1 year (renewable)	None
<b>Number of Carts</b>	No restriction	1-8	9 or more*
<b>Qualifying Site</b>	Must be located on a developed site**	Must be located on a developed site**	May be located on a developed or undeveloped site
<b>Permitted Structures</b>	None permitted	Shelters limited to tents, canopies and similar membrane structures	Any structure permitted by the applicable land use district.
<b>Public Facilities (CDC Article V)</b>	Exempt	Exempt	Must comply with Public Facility Standards
<b>Parking</b>	None required	None required	1 space per cart***

\* Also applies to mobile food sites containing less than nine carts when buildings or structures are proposed, when located on an undeveloped site and/or when drive-thru service is proposed.

\*\* As proposed in the ordinance, a developed site is a "lot or parcel or combination of lots or parcels containing a lawfully established parking area, with or without existing buildings or structures."

\*\*\* Minimum parking may be reduced below this standard, as permitted in Section 413-8 (Reduction of Minimum Off-Street Parking).

As noted in the background section of this report, an early draft of the regulations was presented at two PC meetings. Feedback received at those meetings was incorporated into the proposed ordinance and includes the following changes:

- Simplifying the regulations from four to three permitting categories;
- Relaxing time limits for exempt sites from six to 12 hours;
- Allowing a larger number of MFUs via a temporary use permit; and
- Removing the 200-square-foot limit on eating shelters.

**Land Use Districts**

Article III of the CDC contains the function and standards of each land use district in the county. Staff recommends that these be modified to allow MFUs in commercial, industrial and institutional districts. MFUs would not be allowed in residential or future development districts.

The following table summarizes the land use districts where staff recommends the different types of MFU sites be allowed:

**Table 2**

<b>PERMITTED LAND USE DISTRICTS</b>	<b>EXEMPT SITES</b>	<b>SMALL SITES</b>	<b>LARGE SITES</b>
Neighborhood Commercial (NC)	P	P	P
Office Commercial (OC)	P	P	P
Community Business District (CBD)	P	P	P
General Commercial (GC)	P	P	P
Industrial (IND)	P	P	N
Institutional (INST)	P	P	N
Rural Commercial (R-COM)	P	N	N
Transit Oriented Retail Commercial (TO:RC)	P	P	P
Transit Oriented Employment (TO:EMP)	P	P	P
Transit Oriented Business (TO:BD)	P	P	P
Neighborhood Corner Commercial District North Bethany (NCC NB)	P	P	P
Neighborhood Commercial Mixed Use North Bethany (NCMU NB)	P	P	P
In Conjunction with Existing Institutional Use (Any District)	P	N	N

*P = Permitted / N = Not Permitted*

The proposed amendments generally allow all mobile food sites in the same districts that permit eating-and-drinking establishments (brick-and-mortar restaurants) that sell to the general public. Exceptions to this include the following:

- The Rural Commercial district (R-COM) would be restricted to mobile food sites meeting the standards for exempt sites. Staff has concern that small and large mobile food sites might become a destination for non-rural residents, contrary to the purpose of the R-COM district to serve the basic convenience and service needs of the rural and natural resource community (CDC Section 352-1).
- The Industrial and Institutional districts currently limit eating-and-drinking establishments to accessory uses such as employee cafeterias. For consistency, staff recommends only exempt or small mobile food sites be allowed in these districts, since large mobile food sites have the potential to draw a significant number of out-of-district visitors.
- The proposed amendments would allow existing institutional uses in any district to host mobile food sites meeting the criteria for exempt sites. This is intended to permit special events and provide food choices at places like parks, schools or religious institutions that may not be located in an Institutional land use district.

**Definitions**

Three new definitions would be added to CDC Section 106 (Definitions) for food cart, mobile food site and mobile food unit, to clearly define the sites as a distinctly different use than traditional eating-and-drinking establishments.

***Exemption from Permit Requirement***

The existing language of CDC Section 201-2 establishes allowed activities that are exempt from a development permit. New text would be added to exempt sites hosting MFUs for less than 12 hours within a 24-hour period, provided certain standards are met regarding location, utilities and pedestrian/vehicle safety.

- Twelve hours is recommended as a reasonable duration that would allow MFUs to operate without fundamentally altering the primary use of the site. Staff originally proposed six hours, but revised the standard based on PC input.
- By limiting the duration of MFUs at these sites, the MFUs are less likely to create lasting area impacts such as unwanted noise and or a significant reduction in available on-street parking.
- No limit is proposed on the number of MFUs that may be present on a site, provided the site is free of MFUs for at least 12 hours per day.
- No limit is proposed on the number of days per week, month or year that a property may host MFUs.
- As discussed previously in this report, exempt mobile food sites would be allowed in the broadest range of land use districts.

Table 3 compares exemption criteria among several jurisdictions.

**Table 3**

JURISDICTION	EXEMPTION CRITERIA
Happy Valley	Two hours or less per day
Clackamas County	Two hours or less per day
Beaverton	Three hours or less per day
Gresham	Four hours or less per day
Washington County (proposed)	12 hours or less per day
Tigard	No time limit provided certain locational criteria are met
Portland	No time limit provided certain locational criteria are met

***Minimum Off-Street Parking Requirements***

CDC Section 413-6.1 establishes minimum parking requirements for specified land uses.

Following are the parking recommendations for mobile food sites:

- No parking requirements for exempt or small mobile food sites;
- One parking space per MFU for large mobile food sites; and
- Like other land uses, large mobile food sites would be eligible for all parking reduction options available in Section 413-8 (Reduction of Minimum Off-Street Parking). This could include a potential reduction of up to 100 percent of required parking through the submission of a parking analysis that substantiates the reduction.

Staff is unaware of any traffic or parking studies completed regarding mobile food sites. Given this lack of information and the temporary nature of exempt or small mobile food sites, staff recommends only large mobile food sites be required to provide off-street parking. This is due to

their relatively large size and ability to construct permanent shelters that could draw a substantial number of visitors throughout the year. Should parking become an issue for small mobile food sites, the issue could be revisited in a future ordinance and implemented when the temporary use permit is renewed.

Table 4 compares the parking standards of other jurisdictions.

**Table 4**

JURISDICTION	MINIMUM REQUIRED PARKING
Portland	None
Tigard	None
Washington County (Proposed)	One space per MFU for large mobile food sites. None required for small mobile food sites.
Beaverton	One space per MFU in commercial and industrial districts. None required in Multiple Use Zones
Clackamas County	None for developed sites. Two spaces per MFU when there are three or more units on a previously undeveloped site.
Gresham	Applicant to prepare a parking demand analysis to be reviewed by the city. Off-street parking may be required if the applicant cannot demonstrate that adequate parking is available to meet demand.
Happy Valley	11.5 spaces per 1000 square feet of enclosed seating area. Same ratio as brick-and-mortar restaurants.

***Special Use Standards for Large Mobile Food Sites***

New CDC Section 430-81 would define and establish special use standards for large mobile food sites. Special use standards provide for a specific use, and are in addition to existing base land use district standards in the CDC. Approval would require a Type II land use procedure.

The standards of new Section 430-81 would govern mobile food sites hosting nine or more MFUs and/or associated permanent structures (e.g., eating shelters or other buildings). It would also regulate smaller food sites containing site or operational characteristics that are more appropriately reviewed through a Type II procedure. A Type II procedure requires public notice, provides the opportunity for the public or affected agencies to comment on the proposal, and allows staff to use more discretion when appropriate. In addition, a Type II procedure also allows the County to apply conditions of approval that may be necessary to minimize impacts to public infrastructure or nearby land uses.

Following is a description of the types of uses that staff recommends be considered large mobile food sites and the reasoning behind this recommendation:

- *Sites with nine or more MFUs and/or sites with permanent structures.* Such sites are more likely to become local or sub-regional destinations; with that comes the potential to generate off-site impacts such as noise and increased vehicular traffic. Regional examples include the BG Food Cartel, Happy Valley Station, Cartlandia and the Portland Mercado.



- *Sites without a lawfully established parking area, regardless of the number of MFUs.* Such sites contain undeveloped land that is being converted to a commercial land use.
- *Drive-thru mobile food sites, regardless of their size.* Existing County standards for drive-thru service (Section 430-41) require County staff to exercise discretion and impose conditions of approval. Discretionary standards and conditions of approval may only be applied through a Type II or III procedure.

The proposed text includes development standards for parking and circulation, accessory structures, minimum setbacks and utility and sanitation. These development standards include:

- Parking and circulation standards to protect customer safety, preserve site access and ensure sufficient parking is available for both the mobile food site and existing uses on the site (if any).
- No limits on the type or size of accessory structures, provided they satisfy the standards of the underlying land use district.
- Minimum yard and setback standards, since MFUs are vehicles, not structures and are not subject to existing minimum yard requirements.
- A minimum separation distance of at least 5 feet between MFUs, for fire safety. There have been several fires involving one or more MFUs in the city of Portland. A contributing factor to the cause of these fires was the lack of distance between MFUs. The County's Building Official concurs that a five-foot separation is a reasonable requirement.

New application submittal requirements are designed to facilitate interdepartmental and interagency coordination with Washington County Department of Health & Human Services, local fire protection districts and the Oregon Liquor Control Commission. The proposal requires sign off from each agency to ensure bathrooms, wastewater, fire code issues and alcoholic beverage service issues are addressed. Addressing these issues may affect the proposed layout of the mobile food site.

This language is included due to Health & Human Services requirements (e.g., bathrooms and waste disposal), and fire district concerns (preservation of egress paths and site access) that may influence the layout of the mobile food site.

### ***Small Mobile Food Sites***

A new temporary use section would define and establish standards for small mobile food sites. The temporary use section intended for land uses that are impermanent in nature. Staff recommends that small sites with minimal amenities and no permanent structures be treated in the same manner as other permitted temporary uses such as farmers markets, Christmas tree lots and festivals.

This new section is intended to govern mobile food sites that contain no more than eight mobile food units on an existing parking area and no permanent buildings. The number of units was increased from six to eight, based on PC input that the proposed regulations be less restrictive. The proposed standards and application requirements are substantially similar to those of large mobile food sites, with a few key differences:

- Like other temporary uses, permits would be valid for one year and would be renewable.
- Only previously developed sites with hard parking surfaces may host a small mobile food site. As proposed in the ordinance, a developed site is a “lot or parcel or combination of lots or parcels containing a lawfully established parking area, with or without existing buildings or structures.” This standard ensures the MFU remains capable of being mobile in a short amount of time and is more likely to provide an accessible walking surface to customers and employees with mobility issues.
- Structures would be limited to tents, canopies and other membrane structures. Permanent buildings and structures are not consistent with a time-limited approval.
- Like other temporary uses, there is no minimum parking standard.

#### ***Application of the Public Facility and Service Requirements***

New text would exempt all Type I temporary uses, including small mobile food sites, from meeting the requirements of Section 501 (Public Facility and Service Requirements). The intent of this change is to codify an existing administrative practice of not requiring temporary, time-limited uses such as Christmas tree lots and farmers markets to dedicate or construct public facility improvements.

#### ***Potential Options for Consideration***

As noted in the background section of this report, staff recognizes that the PC has expressed opinions that less restrictive regulations are preferred for this new industry. Additional amendments not included in the ordinance, but that the PC may wish to consider, include the following:

- Expand the exempt category to also allow a property owner to host one MFU without a time limit.
- Increase or decrease the number of MFUs permitted at small mobile food sites. However, staff is suggesting eight MFUs is a threshold that makes sense for a temporary use given the potential impacts to surrounding land uses.

### **Summary of Proposed Changes**

Ordinance No. 831 proposes to amend the CDC to allow the establishment of mobile food sites in Commercial, Industrial and Institutional land use districts in unincorporated Washington County.

- Adds mobile food sites as an allowed use in specific land use districts in unincorporated Washington County.
- Exempts sites hosting mobile food units for 12 hours or less within a 24-hour period from land use permit requirements in nonresidential districts, provided certain site standards are met.
- Requires a Type I Temporary Use process for approval of small mobile food sites. A small mobile food site has no more than 8 mobile food units located on a previously developed site, without buildings or structures (except tents and canopies).
- Exempts Type I Temporary Uses from the provisions of Section 501 (Public Facility and Service Requirements).

- Requires a Type II Special Use (SU) process for approval of large mobile food sites. A large mobile food site has one or more of the following: 9 or more mobile food units, is not located on a developed site, provides drive-thru service, and/or contains buildings and/or structures.