



MEETING AGENDA
TUALATIN PLANNING COMMISSION

June 15, 2017; 6:30 p.m.
JUANITA POHL CENTER
8513 SW TUALATIN RD
TUALATIN, OR 97062

1. **CALL TO ORDER & ROLL CALL**
Members: Bill Beers (Chair), Kenneth Ball, Alan Aplin, Angela DeMeo, Mona St. Clair, Janelle Thompson, and Travis Stout.
Staff: Aquilla Hurd-Ravich, Planning Manager; Karen Perl Fox, Senior Planner; Charles Benson III, Associate Planner.
2. **APPROVAL OF MINUTES**
 - A. Approval of TPC Minutes May 18, 2017
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
5. **COMMUNICATION FROM CITY STAFF**
 - A. Progress Update on the Tualatin Development Code Improvement Project
 - B. Mobile Food Unit Ordinance Update
 - C. Schedule for amendments to change Conditional Use Permit review authority
6. **FUTURE ACTION ITEMS**
7. **ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION**
8. **ADJOURNMENT**



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Lynette Sanford, Office Coordinator

DATE: 06/15/2017

SUBJECT: Approval of TPC Minutes May 18, 2017

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 5.18.17](#)



City of Tualatin

www.tualatinoregon.gov

UNOFFICIAL

TUALATIN PLANNING COMMISSION -

MINUTES OF May 18, 2017

TPC MEMBERS PRESENT:

Bill Beers
Kenneth Ball
Alan Aplin
Angela DeMeo
Travis Stout (arrived after agenda item 2)
Mona St. Clair
Janelle Thompson

STAFF PRESENT

Aquilla Hurd-Ravich
Erin Engman
Charles Benson
Lynette Sanford

TPC MEMBER ABSENT:

GUESTS: Andrew Stamp, Campbell Clarey

1. CALL TO ORDER AND ROLL CALL:

Mr. Beers, Chair, called the meeting to order at 6:32 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Beers asked for review and approval of the April 20, 2017 TPC minutes. MOTION by St.Clair SECONDED by Ball to approve the minutes as written. MOTION PASSED 6-0.

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

None

4. ACTION ITEMS:

A. Plan Map Amendment 16-01 proposal to change the designation of 0.64 acres from General Commercial to High Density Residential.

Erin Engman, Assistant Planner, presented the staff report for Plan Map Amendment 16-002 which included a PowerPoint presentation. This proposal is to change the designation of 0.64 acres from General Commercial to High Density Residential located at 6645 SW Nyberg Lane. This includes tax lots 2600 and a portion of 2601.

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

Ms. Engman stated that this proposal is subject to TPC review because TPC serves as the City's advisory body to fulfill Statewide Planning Goal 1 – Citizen Involvement and provide recommendations to City Council. The City Council will review the PMA proposal on June 12th and the final decision may be appealed to LUBA.

Ms. Engman provided background of the site. The subject property shares frontage along SW Nyberg Lane. The General Commercial district land was bisected by an improvement project that was identified in the City of Tualatin's 2001 Transportation System Plan. In 2003, the City of Tualatin acquired a portion of tax lot 2600 for the Nyberg Lane improvement by Dedication Easement #2003-88103. The applicant contends that the remaining 0.64 acres of General Commercial land is undevelopable under its current planning designation due to size, shape, and configuration and is therefore requesting this PMA to change the designation to Residential High Density.

Ms. Engman explained that the site is bordered by the Tualatin River to the north, Stonestrow Apartments to the east, Nyberg Lane to the south, and Forest Rim apartments to the west. Historically, this site was used as an RV park, but the business closed in 2012. The property has sat vacant since that time. The 0.64 acre site is impacted by floodplain constraints that result in 0.45 net buildable acres. Staff found the application complies with all criteria for a Plan Amendment.

Andrew Stamp, Land Use Attorney, 4248 Galewood Street, Lake Oswego, OR 97035

Campbell Clarey, Tandem Property Management, 1200 SW 66th Ave, Suite 300, Portland, OR 97225

Mr. Stamp introduced Campbell Clary, the Development Coordinator for Tandem Property Management, which owns the site. Ms. Clary stated that Tandem Property Management is family-owned and her father has operated this business for the past 30 years. She has been with the company for the past two year's full time and is looking forward to working with Tualatin. The goal for this property is an apartment complex with approximately 270 units.

Mr. Stamp stated that the first step is to get the property zoned properly. The small portion zoned commercial has safety and access constraints along with limited space for retail development. It would also be difficult to compete with the retail businesses across the street.

Ms. DeMeo asked how long Tandem Development has owned the land. Ms. Clarey responded that it was purchased in 2012 when the land was operating as an RV park. Ms. DeMeo asked if there was a contingency plan in place if the zoning is not approved. Mr. Stamp responded that the portion of land will remain undeveloped due to the transportation issues and the amount of rock on the property. Ms. Clarey added that if this property is zoned high density residential, it will result in less traffic. Ms. DeMeo inquired about the benefit of the rezone. Ms. Clarey responded that it will add consistency throughout the site and allow for additional apartment units. Ms. Clarey

added that the aesthetic design is important and there are plans of an impressive entry and landscaping throughout.

Ms. Hurd-Ravich stated that tax lot 2601 is divided into two zoning areas, which is unusual, and tax lot 2600 is very small. Ms. Hurd-Ravich added that in the general commercial zone, residential is not allowed. It was created in the 1970's for the RV park office use.

Mr. Ball asked if a design was in place for the area. Ms. Clarey responded that there was a preliminary site plan presented at the Neighborhood Developer meeting. The renderings will be forthcoming, once the zoning is in place. Mr. Ball asked if the southern part of Nyberg Lane will be developed. Ms. Engman responded that the southern portion is owned by the City and will not be developed. Mr. Ball asked if there has been any interest in the site from businesses. Mr. Stamp responded that they have not been contacted by businesses interested in the property.

Ms. Thompson asked how the development will affect schools in the area. Ms. Hurd-Ravich responded that they have reached out to the school district and a study will be conducted. Ms. Engman added that this section of land would add approximately 12 units. Mr. Stamp added that 12 units would add approximately .019 students.

Mr. Beers asked for a motion from the Commission members. MOTION by Aplin, SECONDED by Beers to recommend approval to City Council. MOTION passed 7-0.

B. Consideration for the Planning Commission Review of Conditional Use Permit (CUP) Applications.

Mr. Benson, Associate Planner, gave of an overview of the presentation he gave to Commission members at the April 20, 2017 TPC meeting of consideration for Planning Commission Review of Conditional Use Permit applications.

Mr. Aplin, who was not in attendance at the last meeting, stated that he read through the materials and believes there is a benefit for the Commission members to take over this responsibility.

MOTION by Beers to recommend to the City Council to delegate approval authority over Conditional Use Permits to the TPC. SECONDED by DeMeo. MOTION passed 7-0.

5. COMMUNICATION FROM CITY STAFF:

None

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that in June there should be an update on food carts and the

development code.

Ms. DeMeo asked what the next steps will be regarding the conditional use permit process. Ms. Hurd-Ravich responded that there will be a work session to present the information to Council for their decision. Following that, there will be a text amendment change in the development and municipal code. Ms. Hurd-Ravich stated that there may not be a change until the end of the year, but a schedule can be brought to the next meeting.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Mr. Ball asked if Mr. Beers will be present at the Council work session to present the conditional use permit recommendation. Mr. Beers responded that he will be present at the work session for the recommendation to Council.

8. ADJOURNMENT

MOTION by Aplin, SECONDED by Beers to adjourn the meeting at 7:15 pm.

_____ Lynette Sanford, Office Coordinator



MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

THROUGH: Sherilyn Lombos, City Manager

FROM: Karen Perl Fox, Senior Planner

DATE: 06/15/2017

SUBJECT: Progress Update on the Tualatin Development Code Improvement Project

ISSUE BEFORE TPC:

Staff will brief Council on the progress made to date on the Tualatin Development Code Improvement Project.

EXECUTIVE SUMMARY:

The Tualatin Development Code Improvement Project started in February 2017 with an audit of the entire Development Code. The audit findings were exhaustive and detailed. Based on the findings from the audit the project team identified a robust set of substantive changes to Chapters 31-80 in the Code Clean-up. These changes include:

- Reorganizing chapters and sections into a consistent structure and logical sequence.
- Creating a new chapter of standardized uses with explanations and definitions.
- Streamlining Planning District chapters by creating clearer structure and improving the user friendliness for customers.
- Clarifying and streamlining language to improve readability.
- Consolidating procedures and applications into a new chapter that will bring together various instructions that spread out throughout the code. This new chapter will incorporate a logical organization and consistent format so the code is easier to read and administer.
- Reformatting to update the appearance and give a fresh look to the Tualatin Development Code.

The Code Clean-up portion of the project is currently on schedule having completed the code audit. Presently, the project team is making all of the changes listed above and preparing the first of several drafts through an iterative process. Several examples of revised code sections are included in the attached presentation. When the drafts are completed the project team will present to the Planning Commission and City Council in Winter 2018. Adoption proceedings will begin in early Spring 2018 with another presentation to the Planning Commission and City Council. The Code Clean-up portion of the project is currently scheduled to conclude in the early part of 2018.

The total project is broken into three parts:

1. **Code Clean-up:** Intended to improve the overall efficiency, internal consistency and readability of the code is a 'policy neutral' technical code clean-up intended to result in adoption of draft amendments.
2. **Outreach and Policy:** Listening and identifying concerns from the community regarding land-use policies and regulations.
3. **Work Program:** Prioritizing and organizing suggestions into a multi-year path forward.

DISCUSSION:

The project team has been working since February 2017 to complete an audit of the Tualatin Development Code. We reviewed, commented and decided on the look and function of the revised code; and presently, the code clean-up work is well-underway. There are no policy considerations at this time.

Attachments: [Progress Update on TDCIP](#)

Tualatin Development Code Improvement Project: Update

TUALATIN PLANNING COMMISSION MEETING
JUNE 15, 2017



- Goals & Analogies

Tualatin's current code



Tualatin's future code



Progress Update Feb 2017 – June 2017

- Audit of Tualatin Development Code Feb -March – completed
- Sample Chapter (Gen. Manufacturing.) – completed
- Code clean up– well underway

Draft Amendments: June – Nov 2017

- **Chapters 31-80 will have some type of update**
- **Substantive changes include :**
 - Improves Organization
 - Reorganizes chapters and sections into consistent structure and logical sequence
 - Standardized Uses
 - New chapter will explain and define uses
 - Streamline Planning District Chapters
 - Creates clearer structure and improves user friendliness of TDC for customers
 - Language Clean-up
 - Clarifies and streamlines language improving readability for users
 - Consolidating Procedures
 - New chapter to simplify and clarify information currently across multiple chapters
 - Incorporates a logical organization and consistent format so code is easier to read and administer
 - Reformatting
 - Updates appearance and gives fresh new look to the TDC

Tualatin Development Code Improvement Project (TDCIP)

PHASE 1: Before/After Illustrations of Policy Neutral



Purpose Section:

Chapter 61: General Manufacturing

BEFORE

SECTION 61.010 PURPOSE.

The purpose of this district is to provide areas of the City that are suitable for light industrial uses and also for a wide range of heavier manufacturing and processing activities. These uses are expected to be more unsightly and have more adverse environmental effects than the uses allowed in the Light Manufacturing Planning District. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards. The heaviest industrial uses that are environmentally adverse or pose a hazard to life and safety shall be prohibited. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of building and home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business and subject to the Special Commercial Setback from arterial streets as generally illustrated in [Map 9-5](#) and specifically set forth in [TDC 61.035](#). In accordance with the Industrial Business Park Overlay District, [TDC Chapter 69](#), and [TDC 60.037-60.038](#) selected small-scale mixed uses that are supportive of and secondary to industrial uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on [Map 9-5](#) and allow selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in [Map 9-5](#) and specifically set forth in [TDC 61.035](#). [Ord. 1003-98, §5, 4/27/98; Ord. 1046-00 §15, 2/14/00; Ord. 1133-03, 3/24/03; Ord. 1370-14 §8, 3/24/14]

AFTER

- REMOVES DUPLICATION
- FOCUSES ON OVERALL INTENT
- IMPROVES CLARITY AND READABILITY

61.100 Purpose

The purpose of the General Manufacturing (MG) district is to provide areas of the City that are suitable for light industrial uses and for a wide range of manufacturing and processing activities. These uses are generally less aesthetically appealing and have greater potential for adverse environmental effects than the uses allowed in the Light Manufacturing (ML) Planning District. The heaviest industrial uses that are environmentally adverse or pose a hazard to life and safety are prohibited. Railroad access and screened outdoor storage will be allowed in this district, conforming to design standards. Commercial uses are allowed in the district on a limited basis, subject to specific requirements.

Permitted Uses:

Chapter 61: General Manufacturing

BEFORE

SECTION 61.020 PERMITTED USES

No building, structure or land shall be used, except for the following uses as restricted in [TDC 61.021](#).

- (1) All uses permitted by [TDC 60.020](#) and [60.037](#) in the Light Manufacturing Planning District.
- (2) Assembly, packaging, processing, and other treatment of beer, coffee, and canned goods.
- (3) Assembly of electrical appliances, such as refrigerators, freezers, washing machines, and dryers.
- (4) Auto body and/or paint shop; auto machine shop; auto radiator repair shop; general auto and light truck repair, including but not limited to, repairing and rebuilding engines and repair of transmissions, drivelines and rear ends except not allowed in the Special Commercial Setback, [TDC 61.035\(1-3\)](#).
- (5) Chemical warehouse and distribution.
- (6) Cold storage plant.
- (7) Concrete batch plant, except not allowed in the Leveton Tax Increment District.
- (8) Manufacture of the following types of products:
 - (a) Batteries.
 - (b) Boilers.
 - (c) Bottles.
 - (d) Brick, tiles, or terra cotta.
 - (e) Cans.
 - (f) Chainsaws.
 - (g) Electric generators.
 - (h) Electric motors.
 - (i) Electric transformers.
 - (j) Engines, larger gasoline or diesel.
 - (k) Heating and cooling equipment.
 - (l) Industrial gases, excluding chlorine.
 - (m) Ladders.
 - (n) Lawnmowers.
 - (o) Manufactured Dwellings.
 - (p) Motor vehicles.
 - (q) Paint.
 - (r) Pet food.
- (9) Prefabricated building or structural members for buildings.
- (t) Rototillers.
- (u) Signs and display structures.
- (v) Windows.
- (9) Marijuana facility, subject to the provisions in TDC Chapter 80.
- (10) Metal casting (small to large size).
- (11) Metal fabrication (light to medium) (of unfinished or semi-finished metals).
- (12) Petroleum product distribution and storage.
- (13) Planning mill.
- (14) Processing, assembly, packaging, and other treatment of small products manufactured from sheet metal, wire larger than 1/4 inch (0.25") in diameter, or tobacco.
- (15) Production of agricultural crops.
- (16) Sale, service and rental of industrial machinery including machine tools, processing, and packaging machinery, forklifts, hoists and conveyors.
- (17) Sandblasting.
- (18) Storage and retail sale of rock, gravel, barkdust, sawdust, coal or topsoil except not allowed in the Special Commercial Setback, [TDC 60.035\(1-3\)](#).
- (19) Structural-mechanical testing laboratories.
- (20) Welding shop.
- (21) Wireless communication facility attached.
- (22) Wireless communication facility.
- (23) Other uses of a similar character found by the Planning Director to meet the purpose of this district, as provided in TDC 31.070.
- (24) Sale, service and rental of construction and industrial equipment to contractors and industrial firms only.

[Ord. 592-83, 6/13/83; Ord. 621-84, 2/13/84; Ord. 812-90, 9/24/90; Ord. 819-91, 1/14/91; Ord. 911-94, 2/14/94; Ord. 913-94, 2/28/94; Ord. 965-96, 12/9/96; and Ord. 988-97, 12/8/97; Ord. 1003-98, 4/27/98; Ord. 1026-99, 8/9/99; Ord. 2046-00, 2/14/00; Ord. 1133-03, 03/24/03; Ord. 1122-02, 11/25/02; Ord. 1212-06, 06/26/06; Ord. 1370-14, 9/9, 3/24/14; Ord. 1379-15, 5/4/23/2015]

AFTER

- IMPROVES CLARITY WITH USE OF TABLES
- UTILIZES STANDARDIZED USE CATEGORIES
- ORGANIZES AND GROUPS RELATED USES
- IMPROVES USER FRIENDLINESS OF CODE

61.200 Uses

Table 61-1 lists uses Permitted, Conditionally Permitted, Limited or Not Permitted in the MG district. Within each use category, specific uses may be restricted pursuant to TDC 61.300.

Table 61-1 (excerpt)
Use Categories in the MG District

| Use Category | Status | Exceptions & Additional Standards |
|---|--------|---|
| Industrial Use Categories: P (Permitted) L (Limited) C (Conditional) | | |
| Industrial Service | P/C | <ul style="list-style-type: none"> • Machine shop over 7,500 gross square feet permitted as a conditional use. • Machine shop less than 7,500 gross square feet permitted outright. |
| Heavy Manufacturing | P/L | <ul style="list-style-type: none"> • Concrete batch plant not permitted in the Leveton Tax Increment District. • Some manufacturing uses not permitted. See XX.XXX |
| Light Manufacturing | P | |
| Solid Waste Treatment and Recycling | L/C | Subject to TDC 61.300 (5). |
| Vehicle Storage | L | Not permitted in the Limited Commercial Overlay. |
| Warehouse and Freight Movement | P/C | Warehousing of building materials and supplies permitted as a conditional use. Bus maintenance and storage facilities permitted as a conditional use. |
| Wholesale and Freight Movement | P/C | Wholesale sales of building materials and supplies is permitted as a conditional use. |

Development Standards:

Chapter 61: General Manufacturing

BEFORE

SECTION 61.050, 61.060 AND 61.080

Section 61.050 Lot Size.

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facility which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

- (1) The minimum lot area shall be 20,000 square feet.
- (2) The minimum lot width shall be 100 feet.
- (3) The minimum average lot width at the building line shall be 100 feet.
- (4) The minimum lot width at the street shall be 100 feet.
- (5) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in [TDC 73.400\(8\) to \(12\)](#).
- (6) The minimum lot width at the street shall be 50 feet on a cul-de-sac street. [Ord. 866-92, 4/27/92; Ord. 965-96, 12/9/96]

Section 61.060 Setback Requirements.

- (1) Front yard. The minimum setback is 30 feet. When the front yard is across the street from a residential or Manufacturing Park (MP) district, a front yard setback of 50 feet is required. When a fish and wildlife habitat area is placed in a Tract and dedicated to the City at the City's option, dedicated in a manner approved by the City to a non-profit conservation organization or is retained in private ownership by the developer, the minimum setback is 10 – 30 feet, as determined in the Architectural Review process, with the exception of front yards across the street from a residential or MP District, provided the buildings are located farther away from fish and wildlife habitat areas.
- (2) Side yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the side yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a side yard setback of 50 feet is required.
- (3) Rear yard. The minimum setback is 0 to 50 feet, as determined through the Architectural Review process. When the rear yard is adjacent to a property line or across the street from a residential or Manufacturing Park (MP) District, a rear yard setback of 50 feet is required.
- (4) Corner lot yards. The minimum set-back is the maximum setback prescribed for each yard for a sufficient distance from the street intersections and driveways to provide adequate sight distance for vehicular and pedestrian traffic at intersections and driveways, as determined through the Architectural Review process.
- (5) The minimum parking and circulation area setback is 5 feet, except when a yard is adjacent to public streets or Residential or Manufacturing Park District, the minimum setback is 10 feet. No setback is required from lot lines within ingress and egress areas shared by abutting properties in accordance with [TDC 73.400\(2\)](#).
- (6) No spur rail trackage shall be permitted within 200 feet of an adjacent residential district.
- (7) No setbacks are required at points where side or rear property lines abut a rail-road right-of-way or spur track.
- (8) No fence shall be constructed within 10 feet of a public right-of-way.
- (9) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider [TDC 73.510](#), shall be a minimum of 5 feet, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Ord. 592-83 §99, 6/13/83; Ord. 621-84 §13, 2/13/84; Ord. 862-92 §42, 3/23/92; Ord. 904-93 §42, 9/13/93; Ord. 965-96 §75, 12/9/96; Ord. 1026-99 §85, 8/9/99; Ord. 1050-00 §9, 3/13/00; Ord. 1098-02, 2/11/02; Ord. 1224-06 §19, 11/13/06]

Section 61.080 Structure Height.

- (1) Except as provided in TDC 61.080(2) - (4), no structure shall exceed a height of 60 feet and flagpoles which display the flag of the United States of America either alone or with the State of Oregon flag shall not exceed 100 feet above grade provided that the setbacks are not less than a distance equal to the flagpole height.
- (2) The maximum permitted structure height in TDC 61.080(1) may be increased to no more than 100 feet, provided that all yards adjacent to the structure are not less than a distance equal to the height of the structure.
- (3) Height Adjacent to a Residential District. Where a property line, street or alley separates MG land from land in a residential district, a building, flagpole or wireless communication support structure shall not be greater than 28 feet in height at the required 50 foot setback line. No building or structure, including flagpoles, shall extend above a plane beginning at 28 feet in height at the required 50 foot setback line and extending away from and above the setback line at a slope of 45 degrees, subject always to the maximum height limitation in TDC 61.080(1) and (2).
- (4) Wireless Communication Support Structure. The maximum structure height for a wireless communication support structure and antennas is 100 feet unless the wireless communication support structure and antennas are located within 300 feet of the centerline of I-5, in which case the maximum structure height is 120 feet. [Ord. 792-90 §6, 1/8/90; Ord. 965-96 §76, 12/9/96; Ord. 1026-99 §87, 8/9/99; Ord. 1046-00 §20, 2/14/00; Ord. 1116-02, 8/26/02]

AFTER

- CONSOLIDATES DEVELOPMENT STANDARDS
- ORGANIZES FOR CLARITY AND EASE OF UNDERSTANDING

| Standard | Requirement | Exceptions and Additional Standards |
|--|---------------------|---|
| Lot Size | | |
| Minimum Lot Size | 20,000 sq. ft. | Lots within the Central Urban Renewal Area shall conform to lot sizes described on Map 9-3. |
| Maximum Lot Size | Not Applicable | |
| Lot Dimensions | | |
| Minimum Lot Width | 100 feet | |
| Minimum Average Lot Width | 100 feet | Measured at the building line. |
| Minimum Street Frontage – Cul-de-sac | 100 feet 50 feet | For flag lots, minimum street frontage must meet minimum access requirements of TDC 73.400 (8) to (12). |
| Minimum Setbacks | | |
| Front -Adjacent to residential or Manufacturing Park district | 30 feet 50 feet | No fences permitted within 10 feet of a public right of way. Minimum front setback may be reduced through the Flexible Setbacks for Habitat preservation process. See 73.XXX. |
| Side -Adjacent to residential or Manufacturing Park district | 0-50 50 feet | Determined through Architectural Review Process. No minimum setback if adjacent to railroad right of way or spur track. |
| Rear -Adjacent to residential or Manufacturing Park district | 0-50 50 feet | Determined through Architectural Review Process. No minimum setback if adjacent to railroad right of way or spur track. |
| Parking and Circulation Areas -Adjacent to residential or Manufacturing Park district | 5 feet 10 feet | No minimum setback required adjacent to joint access approach in accordance with TDC 73.400 (2). |
| Building Height | | |
| Maximum Height | 60 feet | May be increased to 100 feet if yards adjacent to structure are not less than a distance equal to the height of the structure. |
| -Adjacent to residential district | 28 feet | Measured at the 50-foot setback line... |

After that: Dec 2017 – March 2018

Review and Adoption

- Planning Commission Meeting– Winter 2018
- City Council Work Session – Winter 2018
- Planning Commission Meeting – Early Spring 2018
- City Council Meeting (Hearing) – Early Spring 2018

Comments



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Charles Benson, Associate Planner

DATE: 06/15/2017

SUBJECT: Mobile Food Unit Ordinance Update

ISSUE BEFORE TPC:

Staff will provide an update to the Commission on activities pertaining to the proposed modifications to food cart regulations in Tualatin that have occurred since the last update to the Commission on October 20, 2016. Staff will also present the proposed regulations and standards included in the most recent draft ordinance and identify upcoming Commission actions as part of the overall process.

EXECUTIVE SUMMARY:

At the October 20, 2016 Planning Commission meeting, staff presented an update on public outreach efforts as part of the proposed modifications to the food truck/cart (also defined as mobile food unit) ordinance conducted during Summer 2016, including survey results and input from the Commercial Citizen Involvement Organization (CCIO) and the Tualatin Chamber of Commerce (Chamber). Staff also provided an update on recommended code components based on direction provided by the Tualatin City Council at the October 10, 2016 City Council work session, noting that Staff would return to Council on October 24, 2016 to present a draft list of code components for Council consideration. Commissioner posed questions regarding operation standards and regulations, and members of the public provided comments.

At the October work session meeting, Council's feedback included the need to hear more about the concerns from restaurants and requested that staff engage with the business community to further study potential food cart regulations. Based on this feedback, Planning staff organized and hosted a work group to solicit public input on this topic, and sought approval from the CCIO and the Chamber of the work group findings and the draft code components.

Project Timeline Summary

The proposal to update Tualatin's food truck/cart ordinance has its origins in Fall 2015, when the PuPu Shack, a small business that serves shaved ice out of a food truck on the corner of SW Nyberg Street and Boones Ferry Road, commented at a City Council hearing that they were notified they were in violation of Tualatin Development Code (TDC) 34.013, which, at the time, was the only City policy on mobile food truck operations (see Attachment A). In October 2015, Council directed Staff to develop a project framework and to research potential options regarding a code update on this topic. The early stages of this process focused on adding food

truck/cart regulations to the TDC and thus requiring a Plan Text Amendment (PTA); however, internal Staff deliberations concluded that adding these regulations to the Tualatin Municipal Code (TMC) would be a more efficient and effective process and that the resultant PTA would focus solely on edits to existing regulations found in TDC 34.013. Council approved this framework in June 2016, and, in July 2016, enacted Ordinance No. 1393-16 which temporarily allowed food trucks and carts to operate in Tualatin's commercial and industrial areas independent of existing TDC 34.013 regulations (see Attachment B).

Staff worked throughout Summer/Fall 2016 per the approved process, with the intent of completing the process by December 2016. Council decided at the October 24, 2016 work session that additional study was needed and authorized the formation of a task force to study the issue further. On December 10, 2016, Council enacted Ordinance No. 1398-16, which extended the temporary provisions of Ordinance No. 1393-16 until December 31, 2017 (the original provisions of Ordinance No. 1393-16 were set to expire December 31, 2016, see Attachment C). While there is evidence of food trucks operating in Tualatin's industrial areas, no new business permits strictly for food truck vendors have been issued since Ordinance No. 1393-16 was enacted.

Work Group Findings

The work group convened on January 10, 2017 with the purpose of:

- Understanding issues related to food cart policy (definitions, enforcement, options considered to date);
- Identifying and discussing issues and concerns related to food carts from the work group; and
- Using input to develop a draft ordinance for Council consideration.

This meeting was open to the public and was attended by a small representation of restaurant owners and business advocates, who discussed concerns regarding food truck/cart operations in Tualatin, goals of the proposed ordinance, and regulation alternatives (see Attachment D).

The most voiced concerns regarding food trucks/carts were:

- Impacts on and competition with existing brick-and-mortar restaurants;
- No current rules/process in place for regulating and/or enforcing food truck/cart operations;
- Potential impacts to traffic and parking; and
- Food safety.

The most commonly identified goals of a proposed ordinance included the following:

- Allow food trucks, carts and pods in the industrial areas;
- Prohibit food trucks, carts, and pods in the central commercial area;
- Ensure public health and safety; and
- Promote harmony between restaurants and food trucks/carts.

The Food Cart Work Group summary report is included as Attachment E.

Draft Ordinance Components

Staff created a draft ordinance based on all work completed to date, including findings and recommendations derived from the Food Cart Work Group and further conversations with both the CCIO and the Chamber. The proposed ordinance is focused on food trucks/carts that

operate on private property and provide service to the general public and expressly does not apply to private events or public events where permits are issued. While the question of pods was discussed throughout this process, it was determined that pods would require development standards that would need to be developed and included in the TDC at a later date. The key components of the draft ordinance are discussed below (the complete draft ordinance is included as Attachment F).

Applicability

As noted above, the proposed ordinance would strictly apply to food truck/cart operations on private property that serve the general public and in direct competition with brick-and-mortar restaurants. The proposed regulations would not apply to vendors operating under an approved City event permit or under a street closure permit granted by the City. Private catering events would also be exempt from these regulations, which is a stipulation of great importance to the CCIO.

Business Licenses and Regulatory Requirements

In response to concerns regarding lack of specific processes and regulations (and thus enforcement) and overall public safety, food truck/cart vendors will need to comply with the following:

- Any person wanting to operate a mobile food unit must obtain a City of Tualatin business license prior to operating a mobile food unit within the City.
- In addition to a business license, a person wanting to operate a mobile food unit must submit documentation to the City that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.
- A person operating a mobile food unit must comply with all applicable policies and regulations set forth by the Tualatin Municipal Code and the Tualatin Development Code, including but not limited to all traffic laws and parking regulations.
- A person operating a mobile food units must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.
- Mobile food units must have wheels and the wheels must not be removed.

In addition to providing a structural framework for regulating food trucks/carts, these licenses and regulations would allow the City to gather information regarding vendor activity. Item 5 promotes the mobile and temporary character of these uses, which should not appear to be stationary or permanent.

Location Standards

The proposed ordinance would allow mobile food units to operate in the following planning districts:

- CR - Recreational Commercial;
- MC - Medical Center;
- ML - Light Manufacturing;
- MG - General Manufacturing;
- MP - Manufacturing Park;
- MBP - Manufacturing Business Park; and

- IN – Institutional

Mobile food units would also be allowed to operate in the CG - General Commercial planning district for limited durations subject to a Mobile Food Unit Special Location Permit. This provision was included as a means to not impact current Farmer's Market and similar events at Bridgeport, as the proposed ordinance would also limit the number of food trucks/carts on a site at any given time. In addition, mobile food units would be prohibited from operating within 100 feet of a gas station due to perceived safety concerns.

The proposed ordinance also creates a distinction between food trucks/carts and pushcarts, as pushcarts operations were not considered to embody the same potential for negative impacts as food trucks/carts. Pushcarts would be allowed to operate in the following planning districts:

- CC- Central Commercial;
- CG - General Commercial;
- ML - Light Manufacturing;
- MG - General Manufacturing; and
- MP - Manufacturing Park.

Pushcarts would be subject to the following standards:

- Be no larger than six feet in length;
- Not locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market;
- Not conduct business on public sidewalks without obtaining a permit from the City;
- Not operate on a private sidewalk, except by permission of the property owner; and
- Comply with the site standards applicable to all mobile food units (see below).

Site Standards

Food trucks/carts would be subject to the following site standards:

- Food trucks/carts must not obstruct pedestrian, bicycle, or vehicle pathways;
- Food trucks/carts must provide trash/recycling facilities;
- Food trucks/carts must operate on an existing hard-surfaced area;
- Food trucks/carts must have self-contained water, sewer, and electrical systems and cannot connect to public or private utilities; and
- Only one vendor may operate on a site at a time without special permit.

Upcoming Planning Commission Actions

Per TDC protocol, the Commission is to provide recommendations to Council for proposed Plan Text Amendments (PTAs). While the proposed ordinance will reside in the TMC, the existing TDC 34.013 will be removed from the code.

As noted earlier, a discussion of food truck/cart pod regulations were not included in the proposed ordinance as these regulations are expected to take the form of site design standards and would thus be included in TDC Chapter 73 at a later date. As including pod standards in the TDC would also constitute a PTA, the Commission would be asked to provide recommendations to Council for this modification. Staff intends to seek guidance from the Commission on potential design options as that process progresses, noting that pod design standards vary throughout the local jurisdictions in the Portland metro area.

Next Steps

Staff will return to Council later this summer, to present a draft ordinance and proposed revisions to TDC 34.013 for Council consideration. Staff will return to Commission for final briefing and recommendations on August 17, 2017.

Attachments: Attachment A - PowerPoint Presentation
 Attachment B - Ordinance 1393-16
 Attachment C - Ordinance 1398-16
 Attachment D - Food Cart Work Group Invitation
 Attachment E - Food Cart Work Group Summary Report
 Attachment F - Mobile Food Unit Final Draft Ordinance



**MOBILE FOOD UNIT (FOOD TRUCK/CART)
ORDINANCE UPDATE**

**TUALATIN PLANNING COMMISSION
JUNE 15, 2017**



TONIGHT'S DISCUSSION OVERVIEW

- Provide update on proposed ordinance process and activities
- Present proposed regulations and standards included in the most recent draft ordinance
- Discuss upcoming Planning Commission actions



PROJECT TIMELINE SUMMARY

- Fall 2015: PuPu Shack commented at City Council hearing that they were notified they were in violation of TDC 34.013.
- Spring 2016: City Council approved Staff proposal to draft mobile food truck/cart ordinance.
- Summer 2016: City Council enacted Ordinance No. 1393-16.
- Fall 2016: Staff presented research findings and draft ordinance to City Council and Planning Commission.



PROJECT TIMELINE SUMMARY

- October 2016: City Council authorized the formation of a task force to study food truck/cart regulations.
- December 2016: City Council enacted Ordinance No. 1398-16.
- January 2017: Tualatin Food Cart Work Group meeting held to solicit input from the community on potential food cart regulations.
- Spring 2017: Staff incorporated results from Food Cart Work Group into revised draft ordinance.



WORK GROUP FINDINGS

- Food Cart Work Group meeting held on January 10, 2017.
- Attended by small representation of restaurant owners.
- Discussed concerns and potential impacts of food truck/cart operations in Tualatin.
- Created a list of goals for a proposed ordinance.



DRAFT ORDINANCE COMPONENTS

APPLICABILITY

- Regulates food trucks/carts on private property that serve the public.
- Does **not** apply to vendor operations under an approved City event or street closure permit.
- Does **not** apply to private catering events.



DRAFT ORDINANCE COMPONENTS

LICENSING

- Operators must obtain City of Tualatin business license.
- Operators must submit proof of all required health and safety licenses.
- Food trucks/carts must comply with all health, safety, and environmental laws.
- All mobile food units must have wheels and wheels must not be removed.



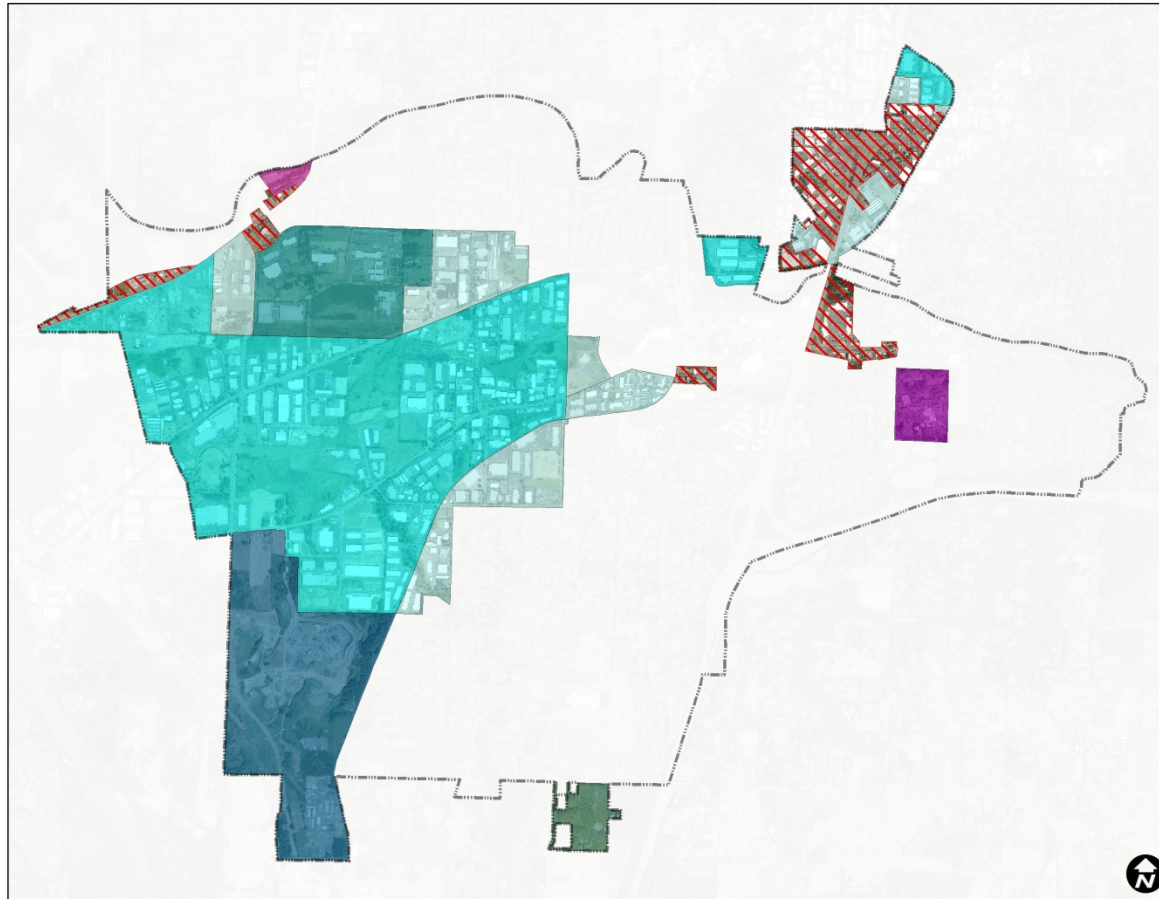
DRAFT ORDINANCE COMPONENTS

LOCATION STANDARDS

- Food trucks/carts permitted in CR, MC, IN, and all manufacturing districts.
- Food trucks/carts allowed in CG district on a limited basis subject to special location permit.
- Pushcarts allowed in CC, CG, MG, ML, and MP districts.
- All mobile food units must not operate within 100 feet of a gas station.



DRAFT ORDINANCE COMPONENTS

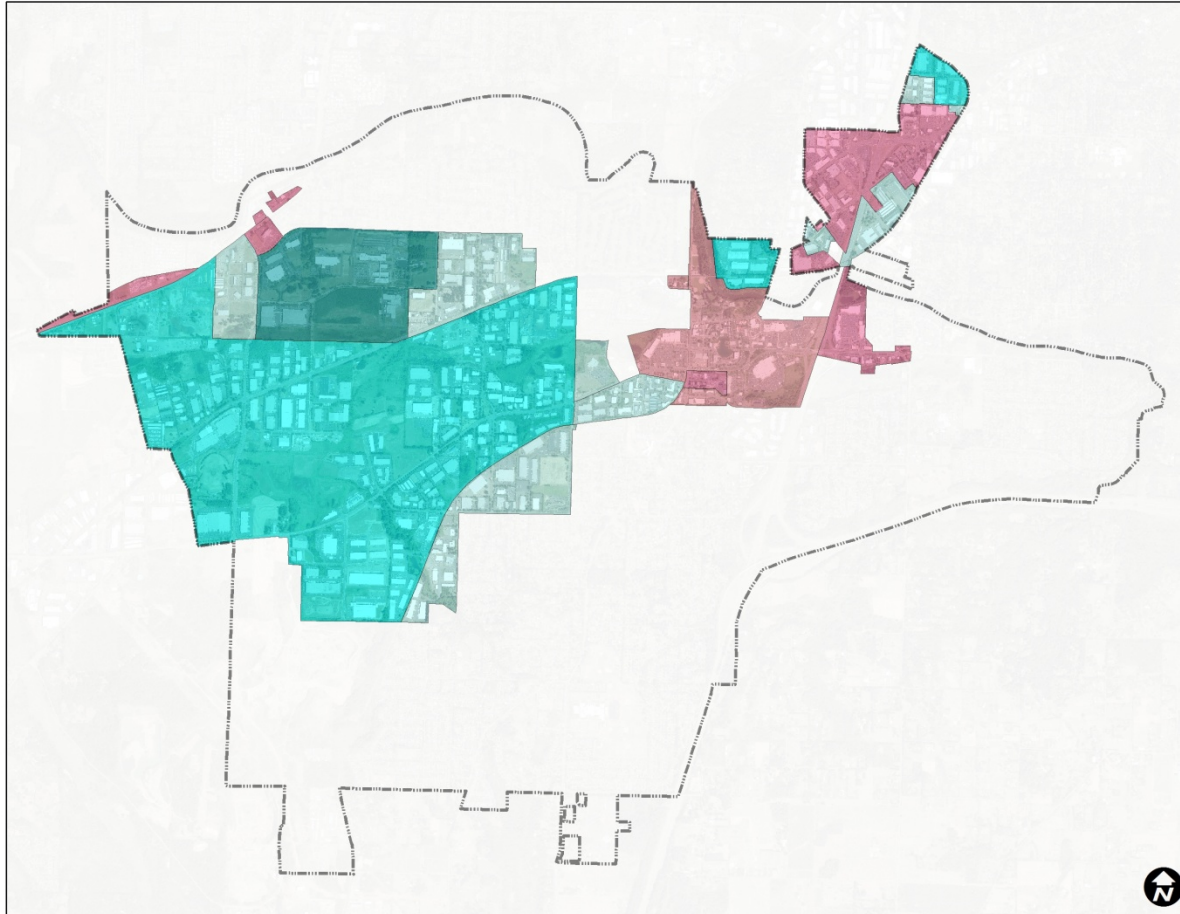


Planning Districts
where Food Trucks/
Carts are permitted
to operate:

CR
IN
MC
ML
MG
MP
MBP
CG (with permit)



DRAFT ORDINANCE COMPONENTS



**Planning Districts
where Pushcarts are
permitted to
operate:**

CC
CG
ML
MG
MP



DRAFT ORDINANCE COMPONENTS

SITE STANDARDS

- Must not obstruct pedestrian, bicycle, or vehicle pathways.
- Must provide trash/recycling facilities.
- Must operate on an existing hard-surfaced area.
- Must have self-contained water, sewer, and electrical systems and cannot connect to public or private utilities.
- Only one vendor may operate on a site at a time without special permit.



UPCOMING TPC ACTIONS

- Provide recommendations to City Council on proposed revisions to TDC 34.013.
- Provide guidance/insight on future pod regulations (TDC Chapter 73).



NEXT STEPS

- Draft ordinance and proposed revisions to TDC 34.013 to City Council work session on July 24, 2017
- Project returns to Planning Commission for final briefing and recommendations on August 17, 2017



**MOBILE FOOD UNIT (FOOD TRUCK/CART)
ORDINANCE UPDATE**

**TUALATIN PLANNING COMMISSION
JUNE 15, 2017**

ORDINANCE NO. 1393-16

AN ORDINANCE TEMPORARILY ALLOWING MOBILE FOOD UNITS TO
OPERATE IN THE CITY OF TUALATIN

WHEREAS, Mobile Food Units, defined in OAR 333-150-0000, can allow individual entrepreneurship at a small scale and provide unique eating establishments for the public; and

WHEREAS, Council is currently reviewing and considering new code provisions to allow Mobile Food Units to operate in Tualatin; and

WHEREAS, Council wants to temporarily allow Mobile Food Units to operate in Tualatin until such time as Council can approve permanent regulations.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to temporarily allow Mobile Food Units to operate in the City until such time as the Council can consider and establish permanent regulations.

Section 2. Mobile Food Units Allowed.

- A. Mobile Food Units mean 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.
- B. Mobile Food Units are allowed to operate on private property in all Commercial and Industrial planning areas within the City.
- C. Mobile Food Units must obtain a business license under Tualatin Municipal Code 9-01.
- D. Operation of Mobile Food Units on City property and rights-of-way is subject to the permitting requirements of the City, as provided in the relevant sections of the Tualatin Municipal Code and Tualatin Development Code.

Section. 3. Ordinance Not Codified. This ordinance will be known as Tualatin's Temporary Mobile Food Unit Regulations and it being temporary, will not be codified in the Tualatin Municipal Code.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction,

the remainder of this ordinance shall remain in full force and effect.

Section 5. Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and takes effect immediately upon adoption.

Section 6. Ordinance Expiration. This ordinance automatically expires and is to be deemed repealed on December 31, 2016, unless sooner repealed or extended by Council ordinance.

Adopted by the City Council this 13 Day of June, 2016.

CITY OF TUALATIN, OREGON

BY


Mayor

APPROVED AS TO FORM

BY


City Attorney

ATTEST:

BY


City Recorder

ORDINANCE NO. 1398-16

AN ORDINANCE AMENDING ORDINANCE NO. 1393-16 TO CONTINUE
TO TEMPORARILY ALLOW MOBILE FOOD UNITS TO OPERATE IN
THE CITY OF TUALATIN

WHEREAS, on June 13, 2016, Council adopted Ordinance No. 1393-16 to temporarily
allow mobile food units to operate in the City;

WHEREAS, Section 6 of Ordinance No. 1393-16 provided for expiration of the
ordinance on December 31, 2016, unless the Council repealed or extended the date;

WHEREAS, Council wishes to extend the expiration date of Ordinance No. 1393-16;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Section 6 of Ordinance No. 1393-16, adopted June 13, 2016, is amended
to read as follows:

This ordinance automatically expires and is to be deemed repealed on December 31,
~~2016~~ 2017, unless sooner repealed or extended by Council ordinance.

Section 2. Emergency. This ordinance is necessary for the immediate protection of
the public peace, health, safety and welfare and takes effect immediately upon adoption.

Section 3. Ordinance Not Codified. Ordinance No. 1393-16 and this ordinance are
known as Tualatin's Temporary Mobile Food Unit Regulations and, being temporary, will not
be codified in the Tualatin Municipal Code.

ADOPTED this 12th day of December, 2016.

CITY OF TUALATIN OREGON

BY 
Mayor

APPROVED AS TO LEGAL FORM

BY 
City Attorney

ATTEST

BY 
City Recorder



TUALATIN FOOD CART WORK GROUP

Join Us To Share Your Input on Food Carts in Tualatin!

ARE YOU INTERESTED IN FOOD CARTS IN TUALATIN? SHOULD THEY BE ALLOWED? WHERE SHOULD THEY GO? THE CITY IS HOSTING A WORK GROUP ON TUESDAY, JANUARY 10, FROM 3:00 P.M. TO 5:00 P.M. AT THE TUALATIN LIBRARY, WHERE COMMUNITY MEMBERS CAN SHARE THEIR THOUGHTS ON FOOD CARTS/FOOD TRUCKS. THIS INPUT WILL BE SHARED WITH THE TUALATIN CITY COUNCIL AS THEY CONSIDER IF FOOD CARTS/TRUCKS SHOULD BE ALLOWED AND HOW TO REGULATE THEM. ALL COMMUNITY MEMBERS ARE INVITED AND REFRESHMENTS WILL BE PROVIDED. PLEASE RSVP AT <http://bit.ly/TualatinFoodCarts> OR CALL 503.691.3029. WE HOPE TO SEE YOU THERE!

Tualatin Food Cart Work Group

Date: Tuesday, January 10, 2017

Location: Tualatin Library Community Room, 18878 SW Martinazzi Ave.

Time: 3:00 p.m. to 5:00 p.m.

Work Group Purpose:

- » Understand issues related to food cart policy (definitions, enforcement, options considered to date).
- » Identify and discuss issues and concerns related to food carts from the work group.
- » Use input to develop a draft ordinance for Council consideration.

RSVP: <http://bit.ly/TualatinFoodCarts>

Questions? Contact Charles Benson, Associate Planner via email cbenson@ci.tualatin.or.us or call 503.691.3029

For More Info: Visit <http://bit.ly/FoodCartFAQ>

City of Tualatin | Mobile Food Vendor Work Group Summary Report

February 6, 2017



Prepared by: JRO and Co
WWW.JROANDCO.COM

Washington
809 Legion Way, Suite 307
Olympia, WA 98501

Oregon
PO Box 82318
Portland, OR 97282

Introduction

The Tualatin City Council directed City staff to organize a work group to discuss the issue of mobile food vendors, specifically food carts and food trucks. J Robertson and Co. (JRO & Co.) was hired to work with staff to organize and facilitate the session. The purpose of the work group was to:

- Understand issues related to food cart policy (definitions, enforcement, options considered to date)
- Identify and discuss issues and concerns related to food carts from the work group
- Use input to develop a draft ordinance for Council consideration

In early discussions regarding mobile food vendors, members of the public raised issues such as vendors at special events, vendors at block parties and mobile food trucks in the right of way (this includes ice cream trucks in residential areas); however, these issues are addressed in other policies and were not included as part of this discussion.

Prior to the work group meeting, JRO and Co. completed a review of previous public involvement efforts and background information, attended a Commercial Citizen Involvement Organization (CIO) meeting focused on this topic and conducted phone interviews with representatives from the Chamber of Commerce and the Commercial CIO. The Tualatin Chamber and Commercial CIO had organized earlier meetings around this topic and provided summaries of the input they gathered from their membership. This information combined with the public involvement efforts from the City helped our team to develop an agenda that would help to achieve the following outcomes from this work group session:

- Gather input from restaurants and other interested community members and develop a summary report
- Identify areas of alignment/consensus for developing a draft ordinance
- Prepare a draft ordinance for Council consideration

Working with City staff, the Tualatin Chamber and the Commercial CIO, we gathered a list of restaurant owners and others who have expressed interest in this topic to invite to the work group. This meeting was open to the public and over 100 individuals were invited by email to attend, as well as posting the information on the City's website and Nextdoor. The work group was held on January 10, 2017 with a small representation of restaurant owners and business advocates. Staff provided background information from the previous year of research and public involvement, followed by a facilitated discussion of concerns related to mobile food vendors, goals for an ordinance and various alternatives for regulating these businesses. A detailed summary of the discussion is included below.

Work Group Attendees

Cathy Holland, Commercial CIO
Jonathan Crane, Commercial CIO
Roxanne Martin, Roxy's Island Grill
Mike Martin, Roxy's Island Grill
Shannon Mackaben, Lee's Kitchen
Brandan Ensley, Firehouse Subs
Bo Kwan, Koi Fusion

Staff: Alice Cannon, Aquilla Hurd-Ravich, Charles Benson, Madison Thesing

Consultant: Sara Singer, JRO & Co.

Background Information

Initial questions were raised about mobile food vending and food carts at a September 2015 City Council meeting following the public comment by the owners of the PuPu Shack who had been operating a shave ice shack near the Tualatin Commons in violation of the Tualatin Development Code (TDC). The Council directed staff to research policy options for modifying the food truck/cart ordinance.

In June 2016, the City Council enacted Ordinance No. 1393-16 which would temporarily allow food trucks/carts to operate in commercial and industrial areas until the December 31, 2016, while staff completed the research and outreach efforts. City staff conducted public outreach with the business community and others in Tualatin, including attending meetings of the CCIO and the Tualatin Chamber, conducting an online survey, and completing research of policies in other communities. The results were presented to the Council in October 2016, and staff was directed to form a work group to continue the discussion on the mobile food vendor policy. The Council enacted Ordinance No. 1398-16 in December 2016, which extends the temporary provisions included in Ordinance No. 1393-16 until December 31, 2017.

During the initial outreach and discussions with the public, there were varying uses of the terminology to identify food trucks, carts, stands, etc. To help bring clarity to the work group discussion, staff provided the following definitions:

- Push Carts: non-motorized carts, pushed by hand; these typically operate on sidewalks, plazas, and streets; currently allowed per TDC 34.013 with time, size, and items for sale restrictions
- Stationary Carts: non-motorized carts, pulled by a motorized vehicle; typically operates in parking lots and streets; currently not permitted per TDC 34.013 but allowed under temporary Ordinance 1398-16
- Mobile Food Trucks: fully motorized trucks; typically operates in parking lots and on streets; includes catering trucks; currently not permitted per TDC 34.013, but allowed under temporary Ordinance 1398-16

Work Group Summary

The work group discussion began by outlining the session purpose and expected outcomes. Following introductions and the review of background information (see Appendix A), the participants were asked to reflect on their concerns regarding mobile food vendors and share them with the group. Each participant had a chance to share their concerns, and there were many common concerns among the group.

Concerns Regarding Food Carts/Trucks Include the following:

- Impact on brick and mortar restaurants
- Not regulated or taxed the same as brick and mortar restaurants
- Competition to existing restaurants
- Proposed rules are bad for food trucks
- Some property owners do not prevent food carts from operating in proximity to existing restaurants
- No enforcement or consequences
- Industrial area needs food service 24/7
- Will it discourage new restaurants from coming to Tualatin?
- Safety concerns
- Parking for food truck/cart customers
- No process in place for carts/trucks
- People (non-customers) using the facilities (restrooms, parking, etc.) in brick and mortar locations

After the concerns were identified, the group discussed the ordinance and participants were asked to define the goals for the ordinance (e.g., protect existing businesses, provide more options for the industrial area, etc.). All participants shared ideas for the ordinance goals and developed the list below.

Goals of Ordinance:

- Increase food options in the manufacturing area
- Keep food carts/trucks in the industrial area
- Ensure enforcement and safety (staff noted this will be vetted with TVF&R)
- Restaurants and food carts live in harmony
- Allow food cart pods in the Industrial area (e.g., Happy Valley Station, Portland Pods, etc.)
- Minimize impacts on traffic
- Prevent carts/trucks in the downtown area
- Restrict trucks/carts from brick and mortar restaurants by 1,000 feet
- Allow food carts in Bridgeport Farmers Market
- Ensure public safety, prohibit carts/trucks from parking on gas stations

Work group participants were asked to consider regulatory alternatives that would help to meet the goals of the ordinance previously outlined. While many of the participants agreed on things such as including a process for approving/licensing mobile vendors and having a process for enforcement of any rules, there were varying regulatory options for how to achieve the goals of the ordinance. These alternatives are listed below under the corresponding goals they help to achieve.

Regulation Alternatives:

The group identified the goal of preventing mobile food vendors in the downtown area and keeping them in the industrial area to provide more options for the employees who work in this part of Tualatin. Some of the regulatory alternatives discussed to meet these goals included:

- Do not allow mobile food vendors within a 1,000 foot buffer (or 500 feet) from any brick and mortar restaurant
- Prohibit in central commercial area
- Allow in manufacturing areas and at Legacy Meridian Park Medical Center
- Allow mobile food vendors in central commercial, but provide a buffer from brick and mortar restaurants

One joint restaurant/food truck owner shared the goal of restaurants and food carts existing in harmony in Tualatin, and the other participants agreed this should be a goal for the ordinance. One regulatory alternative that could assist with achieving this goal is to require written permission from property owners where a mobile food vendor is operating.

Overall, a goal shared by the work group participants is to provide more food service options in Tualatin's Industrial area. A few policy options discussed include:

- Allow food cart pods in the Industrial area (like developments such as Happy Valley Station, Portland Pods, etc.)
- Allow food cart pods on undeveloped land in the Industrial area
- Allow 24/7 operations in manufacturing districts (work group suggested removing the operating hours from earlier draft ordinance)

Lastly, participants wanted to allow for existing ice cream trucks to be able to continue operating in neighborhoods as they do today. As this proposed ordinance will not regulate activities in the right-of-way, the proposed ordinance does not need to address this issue.

Participants also shared other concerns related to mobile food vendors, but not directly related to the ordinance being discussed. The following concerns were noted by staff:

- The regulatory process should be fair
- Will restaurant owners get first right of refusal to locate/operate food carts and trucks?
- Special events result in use of restaurant bathrooms

Next Steps

This summary will be shared with the participants of the work group for final review and comment, and it will be available on the City's website. Staff will use the input to develop a final ordinance to present to Council for review and adoption in 2017.

Appendix A: Mobile Food Vending and Food Carts Background Information

TIMELINE SUMMARY

- September 2015: PuPu Shack commented at City Council hearing that they were notified they were in violation of TDC 34.013.
- October 2015: Staff asked for direction regarding mobile food trucks/carts at City Council Work Session. City Council directed staff to research options for modifying food truck/cart ordinance and draft a timeline for proposed changes.
- June 2016: Staff presented a proposal regarding framing, policy considerations, and schedule at City Council Work Session.
- June 2016: City Council enacted Ordinance No. 1393-16 temporarily allowing food trucks/carts to operate in commercial and industrial areas until 12/31/2016.
- August/September 2016: Staff presented research results and examples of neighboring jurisdiction's food truck/cart regulations to City Council and Planning Commission. Staff asked City Council for direction on proposed policy considerations.
- Mid-October 2016: Staff presented public outreach efforts and survey results to City Council and Planning Commission. Staff asked for direction on recommended policy code components. City Council asked for simplified code components.
- October 24, 2016: Staff presented simplified code components at City Council Work Session. City Council authorized the formation of a task force to study food truck/cart regulations.
- December 12, 2016: City Council enacted Ordinance No. 1398-16 temporarily allowing food trucks/carts to operate in commercial and industrial areas until 12/31/2017.



PUBLIC OUTREACH SUMMARY

City of Tualatin

- Mobile Food Unit FAQ page originally posted on City of Tualatin website in June 2016 after Ordinance 1393-16 was enacted; the FAQ page has been updated at proposal milestones.
- Created a short survey on SurveyMonkey to gauge public interest in the potential for food carts/trucks in Tualatin. Survey was open from September 1 – 30, 2016, and was advertised on the City’s website, Facebook page, and emailed to local businesses.
- At the request of City Council, hosting Tualatin Food Cart Work Group on January 10, 2017 to gather additional information on a potential ordinance.

Tualatin Commercial Citizen Involvement Organization (CCIO)

- City staff attended CCIO meetings specifically related to food carts/trucks on September 7, 2016, and November 30, 2016, to gather input from the business community on the proposed ordinance.
- Results from CCIO survey conducted at the September 7, 2016 meeting were included in the City staff presentation to City Council.
- CCIO has forwarded recommendations to City Council for consideration, and City Council has requested CCIO be a key participant in the Food Cart Work Group.

Tualatin Chamber of Commerce

- City staff attended Chamber meeting on September 26, 2016 to present a project status update to the Chamber Board.
- Chamber has forwarded recommendations to City Council for consideration.



MOBILE FOOD UNIT DEFINITIONS

Definition from Ordinance Nos. 1393-16 and 1398-16:

“Mobile Food Units mean 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.”

- Broad definition meant to apply to all mobile food operations.

THREE MAIN CATEGORIES



Push Carts

Push Carts

- Non-motorized, pushed by hand
- Usually operates on sidewalks, plazas, and streets during special events
- Currently allowed per TDC 34.013 with time, size, and items for sale restrictions



Stationary Carts

Stationary Carts

- Non-motorized, pulled by motorized vehicle
- Usually operates in parking lots and streets during special events
- Currently not permitted per TDC 34.013 but allowed per Ordinance 1398-16



Mobile Food Trucks

Mobile Food Trucks

- Fully motorized
- Usually operates in parking lots and on streets
- Includes catering trucks (prepackaged food only)
- Currently not permitted per TDC 34.013 but allowed per Ordinance 1398-16



SIMPLIFIED CODE RECOMMENDATIONS

Presented at City Council Work Session on October 24, 2016:

- Proposed standards do not apply to vendors under an approved City event permit, or where a street closure permit is granted
- Business License & Regulatory Requirements
 1. Obtain a City business license
 2. Submit documents to the City that establishes the vendor has obtained all required health and sanitary licenses
 3. Comply with all health, safety, and environmental laws
 4. Units have wheels; no semi-permanent or permanent units
- Location Standards—Commercial and Manufacturing Districts
 1. Must operate on an existing parking lot or other hard-surfaced area
 2. May not park or operate within a public right-of-way
- Location Standards—Residential Districts
 1. May only stop on the right side of a street closest to the street edge or curb, and not block a driveway or otherwise create a safety hazard
- Site Standards—Commercial and Manufacturing Districts
 1. Cannot obstruct pedestrian pathways, driveways, drive aisles, or public rights-of-way
 2. Must vacate the site during the hours of 12 AM and 6 AM daily (nothing allowed to stay overnight)
 3. Must provide garbage and recycling receptacles for their patrons
 4. Units must have self-contained water, sewer, and electrical systems
 5. Connections to public or private water, sewer, and electrical systems are prohibited



REGULATORY PROCESS SUMMARY

Tualatin Municipal Code (TMC)

- Any potential food truck/cart ordinance would be included in the TMC.
- The potential ordinance would include regulations and restrictions pertaining to food truck/cart operations.
- Any proposed revisions to the TMC will require a public meeting in front of the City Council, who then decides whether or not to amend the TMC.

Tualatin Development Code (TDC)

- Any potential food truck/cart regulations pertaining to use and planning district location would be included in the TDC and require a Plan Text Amendment (PTA).
- PTA's require a public meeting in front of the Tualatin Planning Commission, who then makes a recommendation to the City Council.
- PTA adoption will require a public hearing in front of the City Council, who then decides whether or not to grant the PTA proposal.
- PTA's are considered major land use actions and typically takes three to four months before a decision is rendered.

NEXT STEP

- The results from today's work group will be presented at the City Council Work Session on February 13, 2017 for discussion and consideration.



MOBILE FOOD UNITS

9-9-010 Purpose and Applicability.

The purpose of this Chapter is to permit mobile food units to operate within the City on private property and establish regulations to protect the health, safety, and welfare of the public. The standards of this Chapter do not apply to mobile food units that operate as a vendor under an approved City event permit, or under a street closure permit granted by the City. The standards of this Chapter also do not apply to private catering events.

9-9-020 Definitions.

“Mobile Food Unit” means a vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or water on which food is prepared, processed, or converted, or which is used in selling and dispensing food to the public. Mobile Food Units include, but are not limited to, food trucks, food carts, and pushcarts.

“Person” means individuals, corporations, associations, firms, partnerships, limited liability companies, and joint stock companies.

“Pushcart” means a non-motorized cart designed to be pushed or pulled by a person.

“Site” means a lot or parcel of property on which a mobile food unit is permitted to operate.

9-9-030 Business Licenses and Regulatory Requirements.

(1) Any person wanting to operate a mobile food unit must obtain a City of Tualatin business license prior to operating a mobile food unit within the City.

(2) In addition to a business license, a person wanting to operate a mobile food unit must submit documentation to the City that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.

(3) A person operating a mobile food unit must comply with all applicable policies and regulations set forth by the Tualatin Municipal Code and the Tualatin Development Code, including but not limited to all traffic laws and parking regulations.

(4) A person operating a mobile food units must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.

(5) Mobile food units must have wheels and the wheels must not be removed.

9-90-040 Location Standards.

(1) Mobile food units are allowed to operate in the following planning districts:

- (a) CR - Recreational Commercial
- (b) MC - Medical Center
- (c) ML - Light Manufacturing
- (d) MG - General Manufacturing
- (e) MP - Manufacturing Park
- (f) MBP - Manufacturing Business Park
- (g) IN - Institutional

(2) Mobile food units are permitted to operate for a limited duration in the following planning districts, subject to a Mobile Food Unit Special Location Permit, as provided in TMC 9-9-060.

- (a) CG –General Commercial.

(3) Mobile food units are prohibited to operate within 100 feet of a gas station.

9-9-050 Pushcarts.

(1) Pushcarts are allowed to operate in the following planning districts:

- (a) CC - Central Commercial;
- (b) CG - General Commercial;
- (c) ML - Light Manufacturing;
- (d) MG - General Manufacturing; and
- (e) MP - Manufacturing Park (MP)

(2) Pushcarts must comply with the following standards:

- (a) Be no larger than six feet in length;
- (b) Not locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market;
- (c) Not conduct business on public sidewalks without obtaining a permit from the City;
- (d) Not operate on a private sidewalk, except by permission of the property owner; and
- (e) Comply with the Site Standards in TMC 9-9-070.

9-9-060 Mobile Food Unit Special Location Permit.

(1) A person may operate a mobile food unit under a Mobile Food Unit Special Location Permit granted by the City, as provided in this section.

(2) Each Mobile Food Unit Special Location Permit granted authorizes the person specified on the permit to operate a mobile food unit at the location(s) specified on the permit for a period of time not to exceed 90 days from the date stated on the permit. Each Mobile Food Unit operating under a Mobile Food Unit Special Location Permit must comply with the Site Standards in TMC 9-9-070.

(3) An applicant for a Mobile Food Unit Special Location Permit, must provide the following information:

- (a) The name and contact information of the mobile food unit operator;
- (b) The specific location of where the mobile food unit intends to operate and the intended duration of operation;
- (c) The name, contact information, and proof of consent from the owner of the property where the mobile food unit intends to operate;
- (d) Proof of a City of Tualatin business license.
- (e) Proof that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.

(4) If the applicant shows proof satisfactory to the City that the application criteria have been met, the City will grant the Mobile Food Unit Special Location Permit.

(5) If the City denies the Mobile Food Unit Special Location Permit, the City will notify the applicant in writing of the reasons for the denial. An applicant may correct the deficiency or appeal the denial.

(6) An applicant may appeal a denial of a Mobile Food Unit Special Location Permit to the City Manager by filing a request for review. The request for review must contain a copy of the denial notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason(s) that the denial of the Mobile Food Unit Special Location Permit was in error. The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument to support the applicant's position. The City Manager must make a written decision within 30 days of the conclusion of the hearing. The City Manager's decision is final on the matter.

9-9-070 Site Standards.

- (1) Mobile food units, including all items associated with the operation, must not obstruct pedestrian pathways, driveways, drive aisles, sidewalks, streets, or public rights of way, or otherwise create a traffic or safety hazard.
- (2) Mobile food unit operators must provide garbage and recycling for its patrons.
- (3) Mobile food units must have self-contained water, sewer, and electrical systems, as applicable.
- (4) Mobile food units are prohibited from connecting to public or private water, sewer, and electrical utilities.
- (5) Mobile food units must operate and park only within an existing paved parking lot or other hard-surfaced area.
- (6) Only one mobile food unit is allowed to be present at a site at any one time, unless the site has been granted a Special Event Permit under TMC 5-05 or a Public Assembly Permit under TMC 6-02.

9-9-080 Joint and Several Liability. Any person who owns a mobile food unit will be held jointly and severally liable with any person that operates the mobile food unit for any violation of this Chapter.

9-9-090 Violations.

- (1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.
- (2) The civil infraction procedures in Tualatin Municipal Code Chapter 7-01 apply to the prosecution of any violation of this Chapter.



MEMORANDUM

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Aquilla Hurd-Ravich, Planning Manager

DATE: 06/15/2017

SUBJECT: Schedule for amendments to change Conditional Use Permit review authority

ISSUE BEFORE TPC:

At the May 2017 meeting, the Planning Commission voted on and approved the concept of changing Conditional Use Permit Review authority from the City Council to the Planning Commission. The idea was first presented to Council when the annual report was delivered at the April 10, 2017 City Council meeting. The Mayor and Council agreed that it was timely and prudent to transition Conditional Use Permit review to the Planning Commission. Staff presented a history of Conditional Use Permits(CUP) from 2007 - 2016, gave a review of criteria used to review CUPs, and a summary of typical conditions of approval.

EXECUTIVE SUMMARY:

Last meeting Commissioners requested a schedule of amendments to make this change. This will three meetings as outlined below.

- Planning Commission Recommendation- July 20, 2017
- City Council Public Hearing- August 14, 2017
- City Council Ordinance Adoption- August 28, 2017
- Ordinance goes into effect 30 days after adoption

Attachments: Attachment A - Schedule



Schedule of Amendments

- PTA 17-0001 CUP Review Authority
 - Planning Commission Recommendation
 - July 20, 2017
 - City Council Public Hearing
 - August 14, 2017
 - City Council Ordinance Adoption
 - August 28, 2017
- Ordinance goes into effect 30 days after adoption