



MEETING AGENDA
TUALATIN PLANNING COMMISSION

August 17, 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, Travis Stout, Mona St. Clair, Janelle Thompson
Staff: Aquilla Hurd-Ravich, Planning Manager; Charles H. Benson III, Associate Planner
2. **APPROVAL OF MINUTES**
 - A. Approval of June 15, 2017 Minutes
3. **COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA)**
Limited to 3 minutes
4. **ACTION ITEMS**
5. **COMMUNICATION FROM CITY STAFF**
 - A. July 2017 Revisions to Draft Mobile Food Unit Ordinance
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: 08/17/2017

SUBJECT: Approval of June 15, 2017 Minutes

ISSUE BEFORE TPC:

Attachments: [TPC Minutes 6.15.17](#)



City of Tualatin

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UNOFFICIAL

TUALATIN PLANNING COMMISSION

MINUTES OF June 15, 2017

TPC MEMBERS PRESENT:

Kenneth Ball
Alan Aplin
Angela DeMeo
Travis Stout
Mona St. Clair
Janelle Thompson

STAFF PRESENT

Aquilla Hurd-Ravich
Charles Benson
Karen Perl Fox
Lynette Sanford

TPC MEMBER ABSENT: Bill Beers

GUESTS: None

1. CALL TO ORDER AND ROLL CALL:

Kenneth Ball, Vice Chair, called the meeting to order at 6:35 pm and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Ball asked for review and approval of the May 18, 2017 TPC minutes. MOTION by Thompson SECONDED by Aplin approve the minutes as written. MOTION PASSED 6-0.

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

None

4. ACTION ITEMS:

None

5. COMMUNICATION FROM CITY STAFF:

A. Progress Update on the Tualatin Development Code Improvement Project.

Ms. Hurd-Ravich presented an update on the Tualatin Development Code Improvement Project (TDCIP) which included a PowerPoint presentation. Ms. Hurd-Ravich noted that we currently have a code that was written in 1979. It's been changed to reflect the

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.

community's character and has been modified along the way. Our goal is make it more efficient and reflective of our present time.

Ms. Hurd-Ravich stated that the TDCIP started in February 2017 with an audit of the entire Development Code. Based on the findings from the audit, the project team identified a list of substantive changes to Chapters 31-80 in the code clean-up. Substantive changes include:

- Improved organization
- Standardized uses – explain and define uses
- Streamline planning district chapters
- Language clean-up
- Consolidating procedures
- Reformatting

Ms. Hurd-Ravich presented examples of these changes which removed duplication, focused on overall intent, and improved clarity and readability. Category use tables will also be used in the new format and procedures will be consolidated.

Ms. Hurd-Ravich noted the next steps include 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

Mr. Aplin asked if there is an expectation about how lengthy the new code will be. Ms. Perl Fox responded that we expect that it will be scaled down considerably. Mr. Ball asked if there will additions to the code. Ms. Hurd-Ravich responded that this is policy neutral; eventually we'll get into policy discussions. Ms. Perl Fox added that amendments will be brought to the Commission for adoption in phases.

B. Mobile Food Unit Ordinance Update.

Mr. Benson, Associate Planner, presented an update on the Mobile Food Unit Ordinance which included a PowerPoint presentation. Mr. Benson began with a history of the Food Cart Ordinance, which originated in Fall 2015. The PuPu shack, a small business that serves shaved ice out of a food truck, commented at a City Council hearing that they were notified that they were in violation of the TDC 34.013. The early stages of this process focused on adding food truck/cart regulations to the TDC and thus requiring a Plan Text Amendment (PTA).

At the October 2016 City Council Work Session, 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, the Planning staff organized and hosted a work group to solicit public input on

this topic, and sought approval from the CCIO and Chamber of the work group findings and the draft code components. In Spring 2017 staff incorporated results from Food cart Work Group into a revised draft ordinance.

Mr. Benson noted the draft ordinance components include regulating 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, and does not apply to private catering events.

Mr. Benson stated that there was concern from the brick and mortar restaurants that the food trucks will take away their business and were opposed to them in the downtown core area. To address that, there are limitations put in place as to where they can be located, they must have a business license, operators must submit proof of all required health and safety licenses, and the food carts must have wheels.

Mr. Benson added that the food carts will be allowed in the manufacturing and industrial areas since food choices are limited in those areas. Ms. Hurd-Ravich added there will be limited availability in the general commercial areas. Mr. Ball asked if food carts are allowed in business parks, such as the one behind Fred Meyer (Mohawk Business Park). Ms. Hurd-Ravich replied that it would only be allowed for a catering event, but not for the public. Mr. Benson added that they will be allowed in a business park for its employees only.

Mr. Benson stated the upcoming TPC actions include providing recommendations to City Council on the proposed revisions to TDC 34.013 and to provide guidance/insight on future pod regulations (TDC Chapter 73). The project returns to the Planning Commission for final briefing and recommendations on August 17, 2017.

Ms. St. Clair asked if temporary food trucks will be allowed in the residential areas of Basalt Creek once construction begins. Mr. Benson responded that it has not been discussed but we will consider it and discuss at a later date. Ms. Hurd-Ravich responded that we are trying to stay away from residential planning districts and there will need to be temporary measures in place. Mr. Aplin added that it could be safety issue if there are numerous trucks and there should be provisions in place for unobstructed pedestrian traffic.

Ms. Thompson asked if there are limitations for how long a truck can be parked. Mr. Benson responded that the hours are not limited. Ms. Hurd-Ravich added that it was pointed out to us that in the Industrial area there are three shifts of workers that we need to be cognizant of.

Ms. DeMeo asked for clarification of commercial areas on the map and inquired about the Bridgeport Village area. Ms. Hurd-Ravich added that Bridgeport Village allows food carts at their farmers market and they must apply for temporary special event permit. They also need property owner permission to operate.

C. Schedule for amendments to change Conditional Use Permit review authority

Ms. Hurd-Ravich Aquilla presented the schedule for amendments to change Conditional Use Permit review authority. Ms. Hurd-Ravich stated that 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 Mayor and Council agreed that it was timely and prudent to transition.

Ms. Hurd-Ravich stated that currently the City Council has two meetings, a public hearing and a meeting for the resolution. The first meeting consists of presentations from staff and the applicant and comments from the public. The Council then makes a decision and directs the staff members to return with a resolution. Ms. Hurd-Ravich acknowledged that it is unclear how this will be handled by the Planning Commission since we only meet once a month. Another option is to take a recess and come back with a decision the same evening. Ms. Hurd-Ravich will discuss this with the City Attorney to see what our options are.

Ms. Hurd-Ravich presented the schedule:

- 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.

6. FUTURE ACTION ITEMS

Ms. Hurd-Ravich stated that at our July 20 meeting, we will have an action item on Conditional Use Permits. In August, we anticipate an action item regarding the food cart ordinance and a variance.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

Ms. DeMeo noted that she is unable to attend the meeting on July 20th.

Mr. Ball stated that he received a mailer from Clackamas County regarding the Urban Reserve and wondered if it's a global agreement between West Linn, Lake Oswego, and Tualatin. Ms. Hurd-Ravich responded that the land has not yet been divided. Metro and Clackamas County have an intergovernmental agreement to finalize the urban reserves. The land division has not been identified or decided upon.

Mr. Aplin inquired about the Legacy Meridian addition. Ms. Hurd-Ravich responded that the addition will be four stories and approximately 160,000 square feet. They are also expanding their parking area.

8. **ADJOURNMENT**

MOTION by Aplin, SECONDED by Thompson to adjourn the meeting at 7:35 pm.

_____ Lynette Sanford, Office Coordinator



STAFF REPORT

CITY OF TUALATIN

TO: Tualatin Planning Commissioners

FROM: Charles Benson, Associate Planner

DATE: 08/17/2017

SUBJECT: July 2017 Revisions to Draft Mobile Food Unit Ordinance

ISSUE BEFORE TPC:

Staff will provide a status update on the proposed draft mobile food unit ordinance to the Planning Commission, including revisions to the proposal based on direction provided by the Tualatin City Council at the July 10, 2017 City Council work session.

EXECUTIVE SUMMARY:

At the June 15, 2017 Planning Commission meeting, staff presented a project update on the proposed draft mobile food unit ordinance, including an overall project timeline, project activities since the previous update to the Planning Commission (on October 20, 2016), and text of the proposed ordinance. At this latest (June 15, 2017) Commission meeting, staff responded to Planning Commission questions on the proposed ordinance and potential mobile food unit operations, notably pedestrian safety near food trucks, hours of operation restrictions, and whether food trucks/carts would be allowed to operate in specific commercial areas and on construction sites in residential areas.

Staff presented a project update on the proposed ordinance to the City Council at the July 10, 2017 City Council work session, which included a summary of the findings from the Tualatin Food Cart Work Group and the proposed draft mobile food unit ordinance (see Attachment A for the meeting minutes from this work session). The City Council discussed the draft ordinance at length, highlighted by whether food trucks/carts should be allowed to operate in the Commercial Office (CO) planning district, further definition of situations and events where the proposed ordinance would be applicable, further clarification on the regulatory powers and applicability of proposed licenses and permits, and whether food trucks/carts should be allowed to operate on construction sites. Council directed staff to return to the Tualatin Food Cart Work Group for clarification on their position regarding food trucks/carts in the CO planning district and the permitting processes.

Staff made further revisions to the proposed draft ordinance based on Council direction, and forwarded these revisions to the Tualatin Food Cart Work Group, the CCIO, the Chamber, and those included on the Interested Parties list for their comment/input (see Attachment B). Key revisions to the draft ordinance include the following:

1. Modifications to the 'Purpose and Applicability' section to further refine situations where

the proposed ordinance would apply.

2. Creation of a new mobile food unit permit; the previous draft did not propose a new specific mobile food unit permit, only proof of a Tualatin business license and proof of compliance with all health, safety, and environmental laws.
3. Food trucks would be allowed to operate in the CO planning district, but not within 200 feet of the Central Commercial (CC) planning district.
4. Food trucks would not be allowed to operate in the General Commercial (CG) planning district without an approved Special Event or Public Assembly permit--which are existing City of Tualatin permits. The previous draft proposed the creation of a "mobile food unit special location permit" to allow food trucks to operate in the CG planning district; the provisions for this new special location permit have been eliminated.
5. Only one mobile food unit would be allowed on any given site at one time without an approved Special Event or Public Assembly permit.

The only public comments received on these proposed changes to the draft ordinance--outside of direct communication with both the CCIO and Chamber--were from Charlie Sitton from the Century Hotel, who is primarily concerned about food trucks operating at the Lake of the Commons (see Attachment C for his comments), and Joseph Hall--whose sons operate The PuPu Shack, the only food truck operating in the Tualatin commercial core--who is concerned that the proposed ordinance will prohibit the PuPu Shack from operating at its current location and that this business has been left out of the ordinance process (see Attachment D for his comments).

Next Steps

Staff will present the revised draft to the City Council at their September 11, 2017 work session.

Attachments: [Attachment A_City Council Work Session Minutes_July 10 2017](#)
 [Attachment B_Revised Draft Ordinance](#)
 [Attachment C_Revised Draft Comments Sitton](#)
 [Attachment D_Revised Draft Comments Hall](#)
 [Attachment E_PowerPoint Presentation](#)



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 07/24/2017

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of July 10, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of July 10, 2017.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of July 10, 2017](#)
[City Council Regular Meeting Minutes of July 10, 2017](#)



Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs; Project Engineer Dominique Huffman; IS Director Bates Russell; Associate Planner Charles Benson

CALL TO ORDER

Mayor Ogden called the work session to order at 5:37 p.m.

1. ***Mobile Food Unit Ordinance: Project Update.***

Planning Manager Aquilla Hurd-Ravich and Associate Planner Charles Benson provided a project update on mobile food units. Planner Benson provided a brief recap on the project timeline to date. Draft ordinance components including applicability, licensing and regulatory requirements, and location standards were reviewed. Manager Hurd-Ravich spoke to concerns presented from the Commercial Citizens Involvement Organization (CCIO) regarding food trucks in Commercial Office (CO) areas. The CCIO would like to see buffering in place around the Central Commercial District. Planner Benson reviewed site standards as a component of the draft ordinance. Next steps for this project include incorporating feedback from Council and the Planning Commission, holding a public hearing on the proposed ordinance, and a public hearing on the plan text amendment.

Councilor Kellogg asked why CO was removed from the original proposal. Manager Hurd-Ravich stated it was removed in order to place a buffering between food carts and brick and mortar restaurants. Councilor Kellogg stated he was under the impression the CCIO was not opposed to their being food trucks in CO zones. Assistant City Manager Alice Cannon stated one of the solutions was to put a 1,000 foot buffer in place which eliminated all CO zones. She stated staff was not in favor of the buffer in this form because it is difficult to administer. Councilor Kellogg stated he would like to see CO included as permissible, so citizens could eat in their office parks and reduce congestion on the roads.

Councilor DeHaan arrived at 5:53p.m.

Councilor Kellogg asked if private catering events are excluded from the ordinance. Planner Benson stated as long as they are not selling directly to the public they are allowed to cater.

Council President Davis asked if there were other groups opposed to including CO.

Manager Hurd-Ravich stated participants wanted a buffer of some sort in place.

Councilor Morrison asked if developers would be able to have food trucks come into unimproved areas to feed workers during construction periods. He also asked if food trucks would be allowed if the Farmers Market returned to the Commons. Manager Hurd-Ravich stated the Commons and City operated property would be excluded.

Councilor Grimes asked if CO was included, if a permitting processes could be established instead of administering a buffer.

Councilor Kellogg asked if CO could have the same standards as General Commercial (GC). Manager Cannon stated staff could review that as an option.

Mayor Ogden asked why there are permitted uses. Manager Hurd-Ravich stated there are permitted uses in place to not disturb current uses. Mayor Ogden asked if there was pushback on permitted uses in the GC. Manager Hurd-Ravich stated she did not receive any from brick and mortar stores.

Council President Davis asked if food truck owner's getting private property owner's permission was a possible to solution instead of buffering.

Mayor Ogden requested staff go back to the task force group and get clarity on the OC standards. Councilor Grimes would also like clarification from the group on the permitting processes.

Councilor DeHaan asked if there was research available to support brick and mortar's stores dissatisfaction with food trucks and the actual affects on their businesses.

Councilor Kellogg asked if there are exemptions for city events. City Manager Lombos stated there is a process in place through Community Services for city events, she noted their permits have standards for food trucks.

2. *Active and Safe Transportation in Tualatin.*

Assistant City Manager Alice Cannon spoke to the Council goal regarding active and safe transportation in Tualatin. She stated this goal was identified at the Council Advance in February 2017. The goal specifically stated "a funded transportation system that supports mobility, connectivity, and accessibility in all modes." Currently there is a Transportation Safety Coordination Team in place that includes staff from the Police, Public Works and Community Service Departments. They discuss safety concerns from residents, evaluate, prioritize, and implement projects, communicate with residents, and include the CIO's when appropriate. The current budget for the program is \$80,000 and the purpose of that funding is to address affordable safety projects in neighborhoods. Examples of typical costs for projects and completed projects done over the past two years where shared.

Councilor Bubenik would like to research an additional small fee on utility bills to fund future projects.

Councilor Kellogg stated fees where just added for street trees and would like to

research another options, such as a local Major Streets Transportation Improvement Program (MSTIP).

Council President Davis stated she is in support of all things that improve transportation in the area. She wanted to be clear the money now is for small local projects and not major transportation projects.

Councilor Morrison stated he would like to take a \$5 million, 5 year bond, to the voters to fund such projects.

Mayor Ogden stated two separate types of projects are being discussed, neighborhood projects and congestion projects. He noted funding for these types of projects is very different.

Councilor Kellogg stated he believes citizens would rather see funding go to congestion relief then pedestrian projects.

Councilor DeHaan would like to focus projects on walk ability in the area.

Council President Davis stated original funding for the projects was in response to a request from CIO's wanting to be able to complete smaller neighborhood projects and not to fix congestion.

3. Council Rules.

Due to lack of time this item will be placed on a future meeting agenda.

4. Climate Cities.

Due to lack of time this item will be placed on a future meeting agenda.

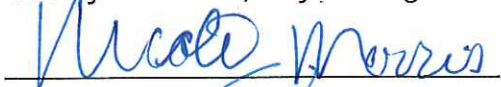
5. Council Meeting Agenda Review, Communications & Roundtable.

None.

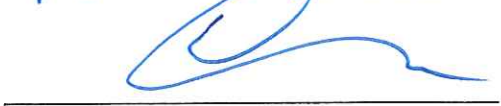
ADJOURNMENT

The work session adjourned at 7:04 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary



/ Lou Ogden, Mayor

Changes to Draft Mobile Food Unit Ordinance Presented to City Council on July 10, 2017

9-9-010 Purpose and Applicability.

Modifications to this section include further refinement on the applicability of this ordinance, including a more definitive list of events (and applicable permits required **outside** of this process) where this ordinance does **not** apply. Revisions also include adding private catering events where the sale or distribution of food is not open to the public to the list of activities not regulated by the proposed ordinance.

9-9-020 Definitions.

No changes proposed.

9-9-030 Mobile Food Unit Permit Required.

This is a new section with a substantial change: a mobile food unit permit would now be required to operate a mobile food unit in the City of Tualatin; the previous draft ordinance did not require a specific permit, only a Tualatin business license and proof of compliance with all health, safety, and environmental laws. This new section has a detailed list of required items for a complete mobile food unit application and the approval process.

9-9-040 Operating Requirements.

This section includes the same operating requirements from the previous draft ordinance, maintaining that operators must comply with the TMC, TDC, and all health, safety, and environmental laws.

9-9-050 Location Standards.

Revisions to this section include adding the Commercial Office (CO) planning district to the list of planning districts where mobile food units are allowed to operate, with the caveat that they are not allowed to operate within 200 feet of the Central Commercial (CC) planning district. See attached map for reference. This section also eliminates General Commercial (CG) as a permitted district. The previous draft ordinance allowed mobile food units in the CG planning district only with a “mobile food unit special location permit;” the provisions for this permit (per *9-9-060 Mobile Food Unit Special Location Permit* from the previous draft ordinance) have been completely eliminated. The purpose of the special location permit in the previous draft ordinance was to allow food trucks/carts on sites during events, such as a farmer’s market. The revised and simplified mobile food unit ordinance would only allow one food truck/cart to operate on a site at a given time; and multiple food trucks/carts can operate on a site in the CG planning district with an approved Special Event or Public Assembly permit.

9-9-060 Site Standards.

This section is essentially the same with the exception of revised site standards that now clarify that only one mobile food unit is allowed to be present at a site at any one time (see point 6); references to mobile food units included as part of a Special Event Permit under TMC 5-05 or a Public Assembly Permit under TMC 6-02 are exempt from this revised ordinance as discussed in *9-9-010 Purpose and Applicability* above.

9-9-070 Pushcarts.

The same standards found in 9-9-050 Pushcarts from the previous draft ordinance.

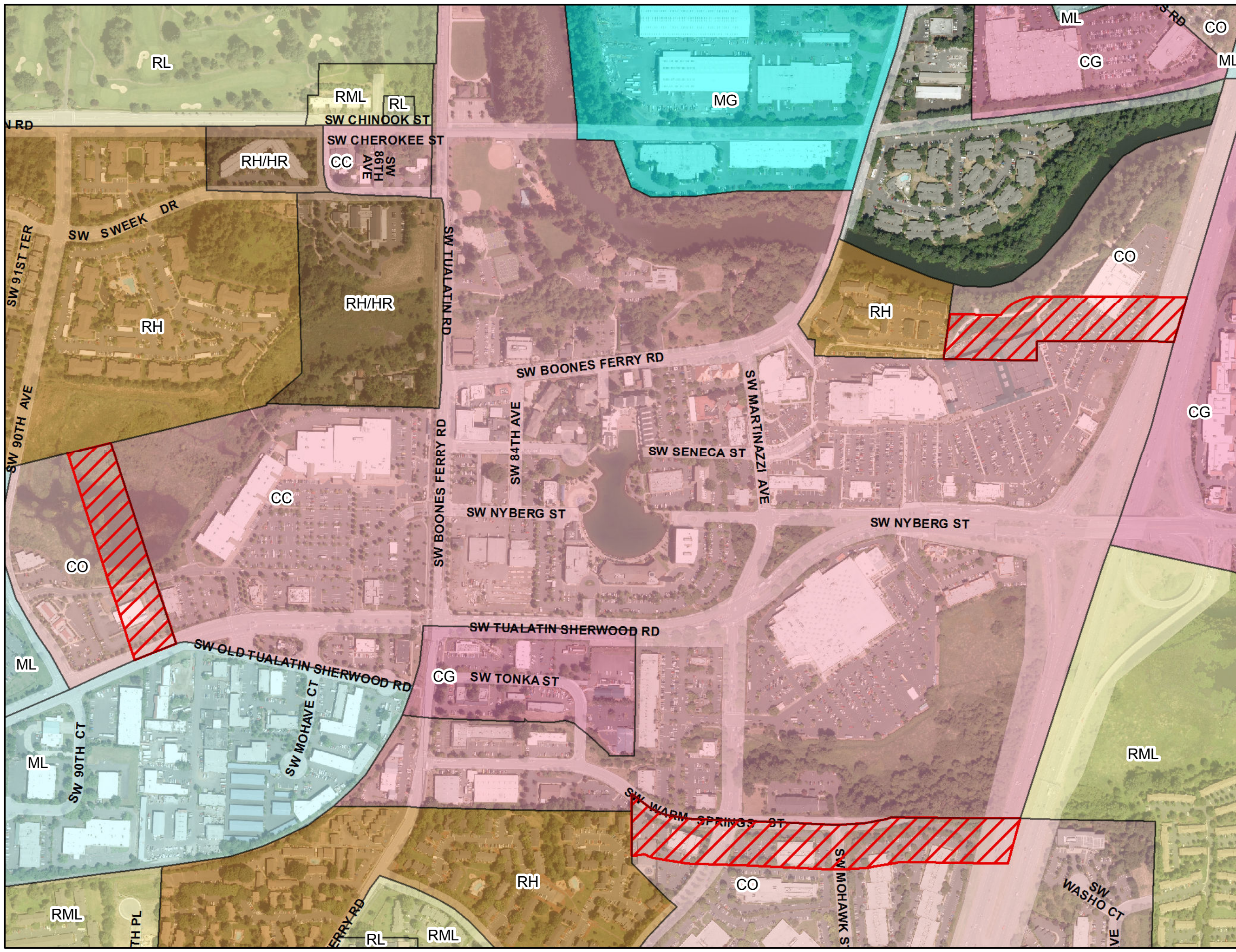
9-9-080 Joint and Several Liability.













No changes proposed.

9-9-090 Violations.

This section includes additional information regarding circumstances that could result in the revocation of a mobile food unit permit.

Central Tualatin Food Truck/Cart Restricted Areas in CO Districts



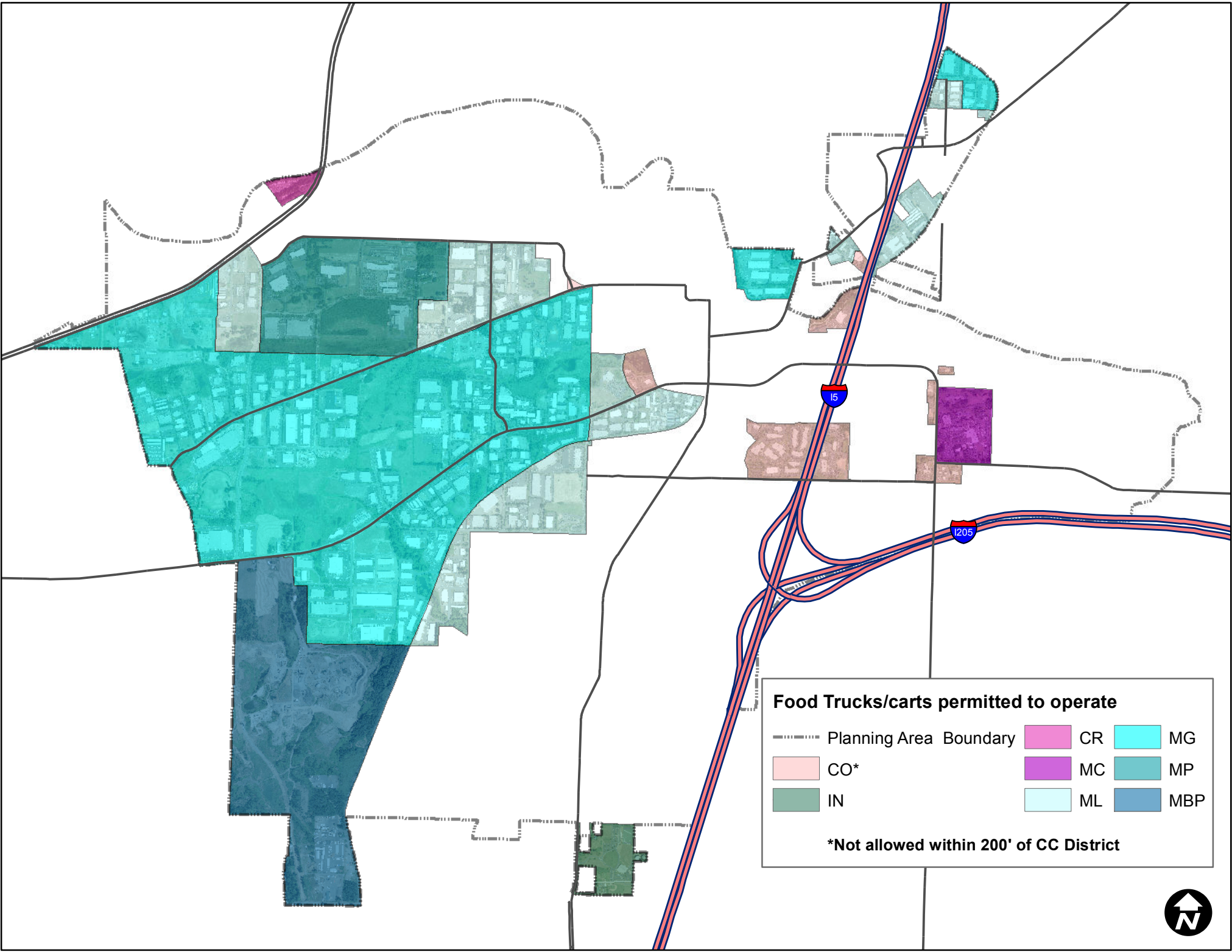
-  CO Buffer Area
-  Commercial Office (CO)
-  Central Commercial (CC)
-  General Commercial (CG)
-  Light Manufacturing (ML)
-  General Manufacturing (MG)
-  Low Density Residential (RL)
-  Medium Low Density Residential
-  Medium High Density Residential (RMH)
-  High Density Residential (RH)
-  High Density/High Rise Residential (RH/HR)
-  GISProduction.DBO.ROW

CO Buffer is 200' feet from adjacent CC Planning District



RF 1:4,800

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS 7/20/2017

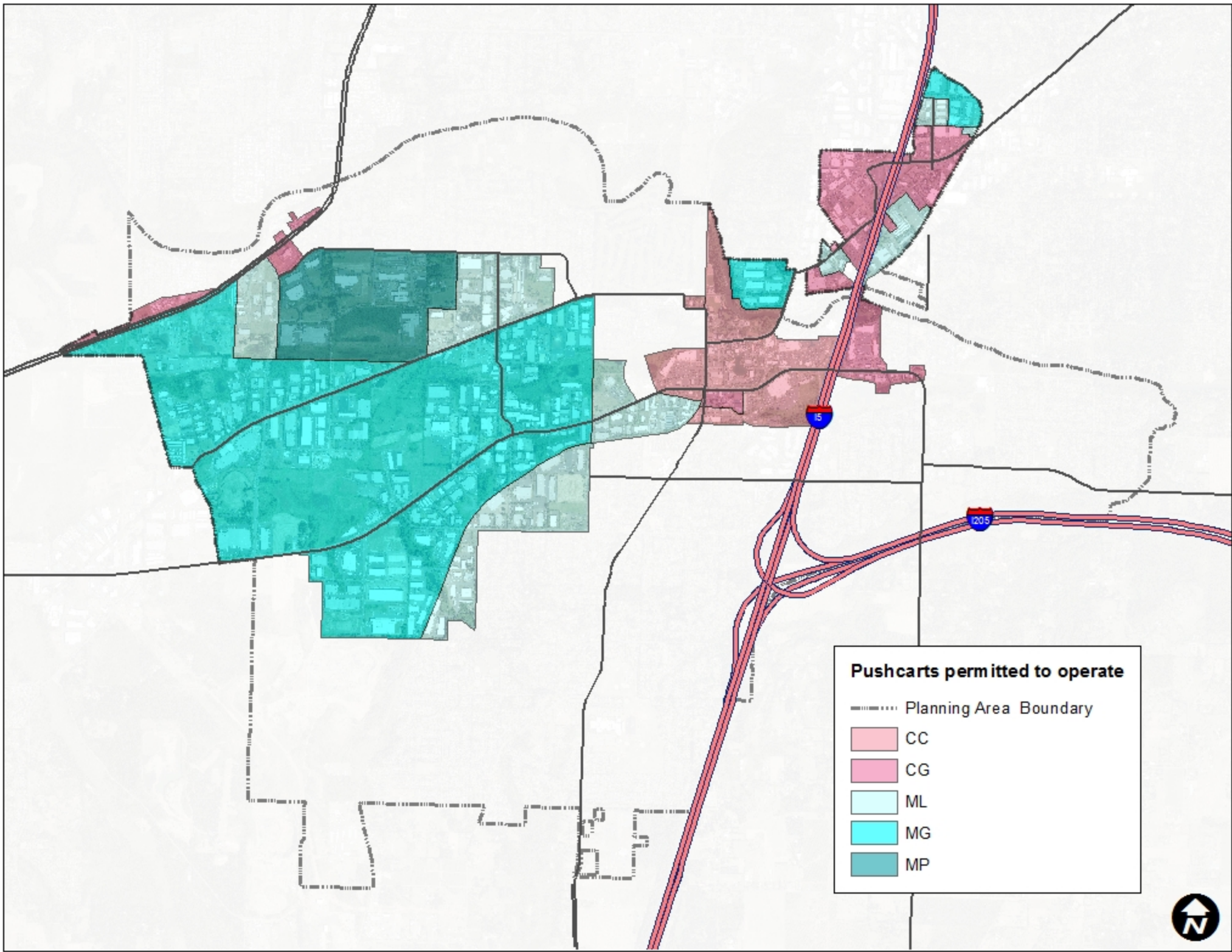


Food Trucks/carts permitted to operate

----- Planning Area Boundary	CR	MG
CO*	MC	MP
IN	ML	MBP

***Not allowed within 200' of CC District**





REVISED DRAFT – JULY 20, 2017

MOBILE FOOD UNITS

9-9-010 Purpose and Applicability.

(1) 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.

(2) The requirements of this Chapter do not apply to a mobile food unit that operates:

- (a) as a vendor under an approved City event permit;
- (b) under a street closure permit granted by the City;
- (c) on private property authorized by a Special Event Permit issued under TMC 5-5;
- (d) on private property authorized by a Special Assembly permit issued under TMC 6-2;
- (e) under the authority of any other permit issued by the City where the City indicates approval of a mobile food unit; and
- (f) at private catering events where the sale or distribution of food is not open to the public.

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 Mobile Food Unit Permit Required.

- (1) Any person wanting to operate a mobile food unit must obtain a City of Tualatin Mobile Food Unit Permit prior to operating a mobile food unit within the City.
- (2) An applicant for a Mobile Food Unit Permit must provide the following information:
 - (a) The name and contact information of the mobile food unit owner;
 - (b) The name and contact information of the mobile food unit operator;
 - (c) The specific location of where the mobile food unit intends to operate and the intended duration of operation;
 - (d) The name, contact information, and proof of consent from the owner of the property where the mobile food unit intends to operate;
 - (e) Proof of a City of Tualatin business license; and
 - (f) 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.
- (3) If the applicant shows proof satisfactory to the City that the application criteria have been met, the City will grant the Mobile Food Unit Permit.
- (4) If the City denies the Mobile Food Unit 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.
- (5) An applicant may appeal a denial of a Mobile Food Unit 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 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.
- (6) A person granted a Mobile Food Unit Permit must notify the City of any changes in the information provided in the Mobile Food Unit application within 30 days of the change, and update such information annually.

9-9-040 Operating Requirements.

- (1) 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.
- (2) A person operating a mobile food unit must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.
- (3) A mobile food unit must have wheels and the wheels must not be removed.

9-90-050 Location Standards.

- (1) Mobile food units are allowed to operate in the following planning districts:
 - (a) CO – Commercial Office – except a mobile food unit cannot operate in the CO planning district if the location is within 200 feet of the Central Commercial (CC) planning district;
 - (b) CR - Recreational Commercial;
 - (c) MC - Medical Center;
 - (d) ML - Light Manufacturing;
 - (e) MG - General Manufacturing;
 - (f) MP - Manufacturing Park;
 - (g) MBP - Manufacturing Business Park; and
 - (h) IN – Institutional
- (2) Mobile food units are prohibited to operate within 100 feet of a gas station.

9-9-060 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 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.

9-9-070 Pushcarts.

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

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

(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 9-9-060.

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 TMC Chapter 7-01 apply to the prosecution of any violation of this Chapter.

(3) In addition to prosecution for a civil infraction, a person found in violation of any provision of this Chapter may have a Mobile Food Unit Permit revoked.

(a) Prior to revocation, the City Manager, or designee, must provide the person with written notice of the alleged violation and an opportunity to rebut the allegations.

(b) The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument.

(c) Upon conclusion of the hearing, the City Manager, or designee, must make a written decision within 30 days of the conclusion of the hearing. The City Manager's, or designee's, decision is final on the matter.

DRAFT

FIRST DRAFT – JUNE 7, 2017

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.

Charles Benson

From: Charlie Sitton [charlie@thecenturyhotel.com]
Sent: Friday, July 21, 2017 11:36 AM
To: Charles Benson
Cc: LouOgden
Subject: RE: Food Carts, Project Update

Charles

After all of this discussion on these food carts, I know of 4 restaurants around this lake that I have talk with that are not happy that the City decided to make their own rules and have food carts at the commons Friday nights for the concerts.

City gets to make their own rules, I was told it was a special permit! This is not right for us business who contributed to the community here on the Lake of the Commons, a poor decision by someone at the city.

I did talk with Sherilyn, I was told that is what the people wanted, still sucks for the business on the lake trying to pay their taxes.

I was told when I built this place that there was going to be a community center where the grass is now on the commons also.

Charlie Sitton

CENTURY HOTEL

8185 SW Tualatin-Sherwood Road
Tualatin, OR 97068 503.692.3600
www.thecenturyhotel.com
charlie@thecenturyhotel.com

From: Charles Benson [<mailto:cbenson@tualatin.gov>]

Sent: Friday, July 21, 2017 11:01 AM

To: Jonathan Crane <jon@integritystaffingusa.com>; brett@simple.be; bww3574@worldwidewingsus.com; catherine.p.holland@gmail.com; Charlie Sitton <charlie@thecenturyhotel.com>; cindytranlasen@gmail.com; dlawton@utbmcd.com; emami007@comcast.net; gm534@redrobin.com; info@eatindustry.com; jcollins@bellagiospizzeria.com; jmakarowsky@comcast.net; jonaho@bigeddytaphouse.com; lasengrill@gmail.com; linda@tualatinchamber.com; Lisa Notaras <lisa@haydensgrill.com>; mackaben0932@comcast.net; mapleleaf1320@msn.com; mike@tualatinlife.com; nybergrivorsor@firehousesubs.com; phillips3193@comcast.net; robertekellogg@yahoo.com; rovermyer53@gmail.com; sarubies@yahoo.com; store-242@sharis.com; Tualatincommercialcio@gmail.com; veribowl1@gmail.com; vikingconstruction7@gmail.com; mmiller@pamplinmedia.com; thehallhomestead@frontier.com

Cc: Aquilla Hurd-Ravich <AHURD-RAVICH@tualatin.gov>; Melinda Anderson <manderson@tualatin.gov>; Tanya Williams <twilliams@tualatin.gov>

Subject: RE: Food Carts, Project Update

Hello Interested Parties,

Update from our last email:

We have presented a draft ordinance to both the Tualatin Planning Commission (June 15, 2017) and the City Council (July 10, 2017) for their recommendations and direction, respectively. Based on comments received from both bodies—in addition to continued coordination with both the CCI and the Chamber—we have revised the draft ordinance for your review and comment.

The attached document includes a summary sheet that lists the changes between the revised and previous drafts, updated maps, and the text of both the revised and previous ordinances. Please review and forward any comments by **Friday, August 4, 2017**, for consideration to be included in this revised draft ordinance.

At this time, we have tentatively scheduled presentations of the revised draft ordinance to the Tualatin Planning Commission on Thursday, August 17, 2017, and then the City Council Work Session on Monday, September 11, 2017.

Please feel free to contact me with any additional questions or visit the mobile food unit webpage for additional information:

<https://www.tualatinoregon.gov/planning/mobile-food-unit-food-truckcart-ordinance-update>

Sincerely,
Charles

Charles H. Benson, III, AICP

Associate Planner

City of Tualatin | Community Development Department

503.691.3029 | www.tualatinoregon.gov

Charles Benson

From: thehallhomestead@frontier.com
Sent: Thursday, August 03, 2017 10:01 AM
To: Charles Benson
Subject: Re: Food Carts, Project Update

Mr. Benson:

My name is Joseph Hall. My kids operate The Pupu Shack on the corner of Boones Ferry Road and Nyberg. They have been in operation for over four years, and were instrumental in the passage of the temporary ordinance governing the operation of food carts in Tualatin.

As you are likely aware of, when it was first brought into question whether it was within City policy to operate a food cart a few years ago, Ammon (and Tanner) involved themselves in the TRANSPARENT process of getting the currently-operating policy discussed and passed with the City Council. Following the meeting where the ordinance was passed (and given that they were the only mobile food truck operating at a fixed location), I was approached by staff from the City's planning office and asked if the boys and I would consider being part of the committee put together to draft a more permanent ordinance. I indicated to her that we would be happy to, and discussed how I thought it would be beneficial to have fair and objective opinions contributed to the process. She assured me that it would take some time, but that she would make sure that we were involved.

I never heard from her. In fact, having messages left inquiring about the timing of the start of these meetings were never replied to. The mayor had indicated that the temporary policy would continue to 'roll over' until a more permanent version of it was passed. So I didn't give it much thought. Until a few weeks ago when I read the article in The Times outlining the currently proposed ordinance.

I find it curious that the ONLY operating food truck in the Downtown Tualatin area was never given consideration to be involved. I find it curious--even it was an 'oversight'--that at some point during these meetings that SOMEONE hadn't noticed that the only mobile food truck operator in Downtown Tualatin was not sitting at the table.

To that end, I have some concerns regarding the proposed ordinance that I would like to bring to light, and hopefully have the opportunity to discuss in person with this committee. I believe that the ordinance itself is biased. Many people (including a few news media outlets who have caught onto this story) who have contacted me since the article was published (and who have subsequently read the proposed ordinance themselves) would even say that it is targeting the kids and their truck specifically, to the degree that it will drive them out of business.

9-9-010 2 The requirements of this Chapter do NOT apply to a mobile food unit that operates:

(e) under the authority of any other permit issued by the City where the City indicates approval of a mobile food unit;
Does this offer 'exceptions' to operation in the CC zone? If so, it may leave some hope for the kids to operate under an exception, but at what point does the exception become the rule and all vendors are then barred.

9-9-040 The prohibition of mobile food carts in the CC. **This is new. It would be interesting to see where those that sit on the committee (or those they are vicariously representing) operate their own personal businesses as it relates to the CC zone. I re-iterate, the ONLY food cart currently (or nearly ever) operating in this zone is The Pupu Shack. As a matter of fact, once the temporary ordinance was passed, Barrington Properties (the landlord the kids lease space from and pay electricity to) placed ads for TWO MONTHS in an attempt to see what interest there was in having another truck or two on the empty lot. They got exactly ONE RESPONSE. That conversation lasted less than five minutes and they never called back. And they didn't call back because there is not foot traffic in that area--something necessary to make such a venture and location profitable.**

And after all of that--you are going to allow pushcarts to operate in the CC area. Again, this smacks in the face of singling out a specific business in an attempt to make it nearly impossible for them to operate in the good faith manner they have for four years.

Informationally--Both Beaverton and Hillsbory have just recently opened up their downtown business district to food trucks to nothing less than a stellar response. Beaverton has opened it up all week; Hillsboro now had Food Truck Fridays in their downtown business district. When we initially discussed the ordinance with the City Council, Mayor Ogden noted

both of those communities (Beaverton in particular) as cities that should be considered to model the more permanent ordinance after. It appears that this proposed draft is going in the opposite direction.

9-9-060 Site Standards

(3) Mobile food units must have self-contained water, sewer, and electrical systems, as applicable. **These are all required by Washington County in order to have the truck licensed and legal to operate. The kids operating The Pupu Shack have never failed an inspection. In fact (as they had their annual inspection just yesterday), the inspector told me as he was leaving that theirs has been the easiest truck to inspect for years because they have maintained it so well and kept it so clean.**

(4) Mobile food units are prohibited from connecting to public or PRIVATE water, sewer, and electrical utilities. **I believe that this is a truck/business-specific jab at The Pupu Shack. And by the way, it makes no sense. For a committee that is apparently so concerned with the aesthetics of Downtown Tualatin (or wherever the trucks might be parked) and being environmentally sound, the alternative to plugging into (even private) utilities is a GENERATOR. Generators are not only loud, but they burn gas all day vs the utilization of a inconspicuous, commercial grade extension cord. I find this insert of the ordinance petty. I can imagine that it likely came from the same source that claimed for weeks that the kids didn't have a business license, county permit, food handlers cards, or pay income or local taxes--all of which were not true and slanderous. If a private property owner wants to allow a mobile food truck to use THEIR electricity, where does it behoove a municipality to require them to do otherwise. This is personal and government overreach. At some point I believe that the private property owner should have some weighted input into this process. The Emami Family has been very supportive of the kids--even when they didn't need to be.**

Initially, the argument against any food carts fell into three arguments (oftentimes lauded by the same people):

1. If we allow food carts in Downtown Tualatin, we will be overrun by them. Even when the temporary ordinance was passed that was the cry. History has now shown that to be untrue. Making the existing ordinance (at least in its framework) permanent is not going to change that. There is no interest. There is no food traffic. Thus, there is no business. The kids are able to operate because they cater to KIDS who know who they are from driving their mobile routes.

2. If we allow food carts we won't be able to compete because they don't have the overhead other businesses in the area do. Firstly, shave ice isn't a competitive commodity in Tualatin. Secondly, the largest overhead expense is wages. The kids pay out nearly everything they make in employee wages and taxes (in all honesty, it COSTS my wife and I to help cover their overhead in this regard). As a side note--because of the kids' business attempts, they have helped TuHS graduates pay for college and missions post-HS graduation.

3. If we allow food carts we won't be able to compete because they don't have the county health oversight and regulations that other food establishments do. This is not true in the least bit. They are under the same county rules and regulations as any other restaurant is. They are oftentimes inspected by the same inspectors (depending on workloads).

I would implore you to consider my concerns and involve us in the process. If your committee, the city council, and the city manager's office want the public to trust that their processes are transparent and fair, the least that can be done is to involve those in the process that are actually participating in the daily operations of conducting such a business.

Joseph Hall

On Friday, July 21, 2017 11:01 AM, Charles Benson <cbenson@tualatin.gov> wrote:

Hello Interested Parties,

Update from our last email:

We have presented a draft ordinance to both the Tualatin Planning Commission (June 15, 2017) and the City Council (July 10, 2017) for their recommendations and direction, respectively. Based on

comments received from both bodies—in addition to continued coordination with both the CCIO and the Chamber—we have revised the draft ordinance for your review and comment.

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At this time, we have tentatively scheduled presentations of the revised draft ordinance to the Tualatin Planning Commission on Thursday, August 17, 2017, and then the City Council Work Session on Monday, September 11, 2017.

Please feel free to contact me with any additional questions or visit the mobile food unit webpage for additional information:

<https://www.tualatinoregon.gov/planning/mobile-food-unit-food-truckcart-ordinance-update>

Sincerely,
Charles

Charles H. Benson, III, AICP
Associate Planner
City of Tualatin | Community Development Department
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**MOBILE FOOD UNIT
(FOOD TRUCK/CART)
ORDINANCE UPDATE**

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

**TUALATIN PLANNING COMMISSION
AUGUST 17, 2017**



TONIGHT'S DISCUSSION OVERVIEW

- Provide update on proposed ordinance process and activities
- Present revisions to the most recent draft ordinance
- Discuss upcoming Planning Commission actions



PROJECT TIMELINE SUMMARY

- Fall 2015: Downtown food truck found to be in violation of current TDC 34.013
- Spring 2016: Council approves project framing, enacts temporary ordinance; staff conducts outreach
- Fall 2016: Council authorizes task force, extends temporary ordinance
- Winter 2017: Task force meets, drafts objectives and goals
- Spring 2017: Staff incorporates task force recommendations into draft ordinance
- Summer 2017: Updates to TPC and Council; revisions to ordinance based on feedback



DRAFT ORDINANCE REVISIONS

PURPOSE AND APPLICABILITY

- Includes more detailed list of ordinance applicability.

MOBILE FOOD UNIT PERMIT REQUIRED

- New permit to be created.
- Same regulatory and licensing requirements.



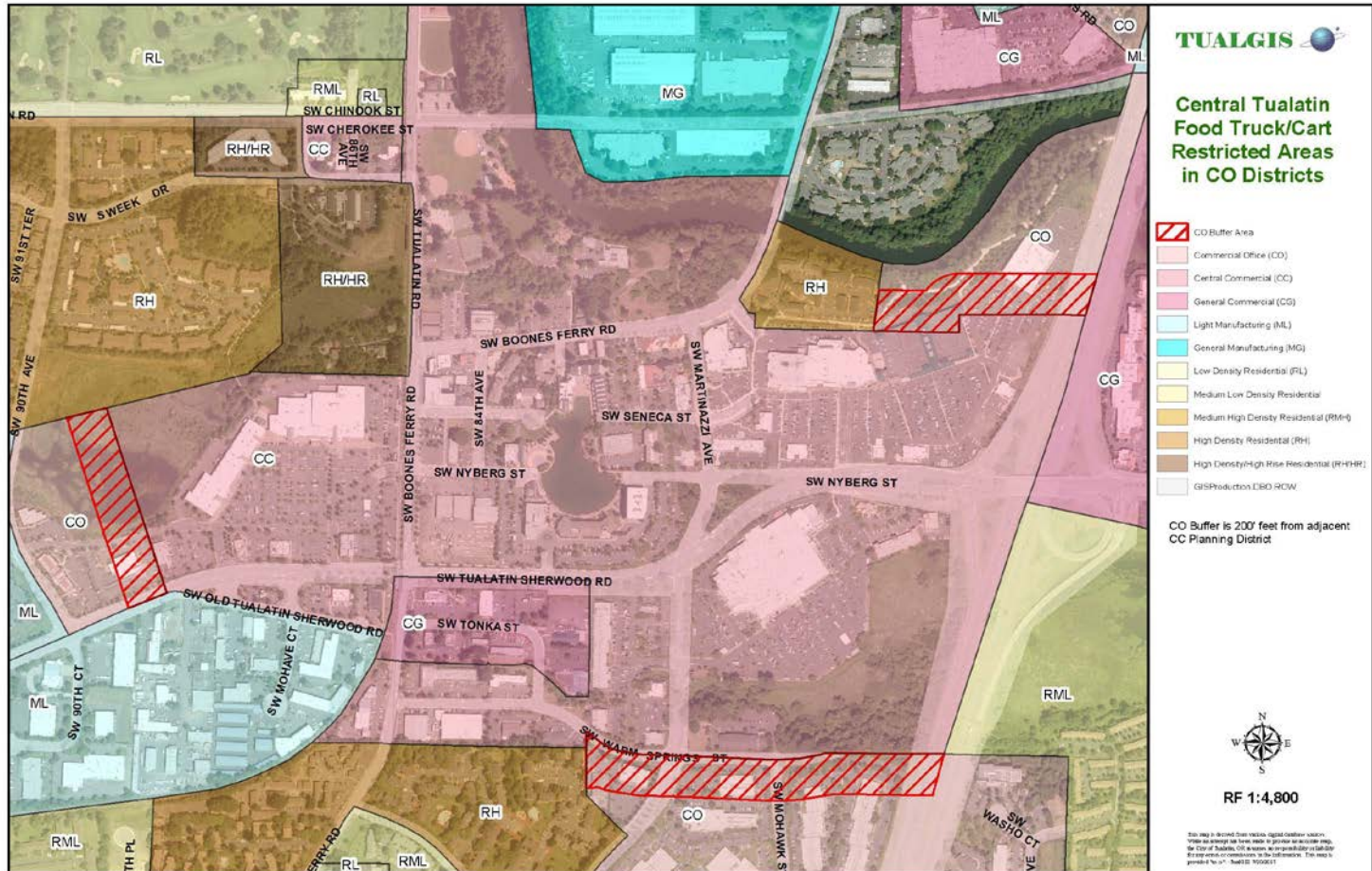
DRAFT ORDINANCE COMPONENTS

LOCATION STANDARDS

- Food trucks/carts allowed in CO district but not with 200 feet of CC district.
- Food trucks/carts prohibited in CG district.
- Mobile food unit special location permit eliminated.



DRAFT ORDINANCE REVISIONS



MOBILE FOOD UNIT (FOOD TRUCK/CART)
ORDINANCE UPDATE

TUALATIN PLANNING COMMISSION
AUGUST 17, 2017



DRAFT ORDINANCE REVISIONS

SITE STANDARDS

- Only one vendor may operate on a site at a time.

VIOLATIONS

- Includes additional information pertaining to permit violations.



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

- Revised draft ordinance to City Council work session on September 11, 2017



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

**TUALATIN PLANNING COMMISSION
AUGUST 17, 2017**