

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Fifth Reading and Fifth Public Hearing
Land Use & Transportation; County Counsel (All CPOs)

Agenda Title: **CONSIDER PROPOSED A-ENGROSSED ORDINANCE NO. 831 –
AN ORDINANCE AMENDING THE COMMUNITY
DEVELOPMENT CODE, AN ELEMENT OF THE
COMPREHENSIVE PLAN, RELATING TO MOBILE FOOD
UNITS**

Presented by: Andrew Singelakis, Director of Land Use & Transportation
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 831 proposes to amend the Community Development Code to permit the establishment of mobile food sites (also known as food cart pods) in commercial, institutional, and some transit oriented land use districts in unincorporated Washington County. A-Engrossed Ordinance No. 831 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

The Board conducted hearings for Ordinance No. 831 on May 1, May 15, and June 5, 2018. On June 5, 2018, the Board directed engrossment of the ordinance to make several changes. The changes were described in the staff report for the June 26, 2018 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 831 on June 26, 2018 and continued the hearing to July 17, 2018.

The staff report for the July 17, 2018 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance webpage. Copies of the report will also be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk's Desk Item: Staff Report *(click to access electronic copy)*

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 831 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 831.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No.	<u>7.a.</u>
Date:	07/17/18

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 831

An Ordinance Amending the Community Development Code, an Element of the Comprehensive Plan, Relating to Mobile Food Units

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, 766, 769-776, 782-788, 791, 792, 797-802, 804, 809-811, 813-815, 820, 822, 823-824, 826-828, and 831-833.

B. The increased public interest in mobile food units (“food carts”) indicates the need for updates to the Community Development Code Element of the Comprehensive Plan to

1 create regulations for such units. The Board recognizes that such changes are necessary from
2 time to time for the benefit and welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the
4 Department of Land Use and Transportation has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to the
7 Board. The Board finds that this Ordinance is based on that recommendation and any
8 modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters and
10 information necessary to consider this Ordinance in an adequate manner and finds that this
11 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
12 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
13 County Charter, the Washington County Community Development Code, and the Washington
14 County Comprehensive Plan.

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as an amendment to the designated document as follows:

18 A. Exhibit 1 (12 pages), amends the following sections of the Community
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 302 – R-5 District (Residential 5 Units per Acre);

4. Section 303 – R-6 District (Residential 6 Units per Acre);
5. Section 304 – R-9 District (Residential 9 Units per Acre);
6. Section 305 – R-15 District (Residential 15 Units per Acre);
7. Section 306 – R-24 District (Residential 24 Units per Acre);
8. Section 307 – R-25+ District (Residential 25 Units or More per Acre);
9. Section 308 – Future Development 20-Acre District (FD-20);
10. Section 309 – Future Development 10-Acre District (FD-10);
11. Section 311 – Neighborhood Commercial District (NC);
12. Section 312 – Office Commercial District (OC);
13. Section 313 – Community Business District (CBD);
14. Section 314 – General Commercial District (GC);
15. Section 375 – Transit Oriented Districts;
16. Section 390 – North Bethany Subarea Overlay District;
17. Section 413 – Parking and Loading;
18. Section 430 – Special Use Standards; and
19. Section 501 – Public Facilities and Service Requirements.

SECTION 3

All other Comprehensive Plan provisions that have been adopted by prior ordinance, which are not expressly amended or repealed herein, shall remain in full force and effect.

SECTION 4

All applications received prior to the effective date shall be processed in accordance with ORS 215.427.

1 SECTION 5

2 If any portion of this Ordinance, including the exhibit, shall for any reason be held
3 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
4 affected thereby and shall remain in full force and effect.

5 SECTION 6

6 The Office of County Counsel and Department of Land Use and Transportation are
7 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
8 this Ordinance, including deleting and adding textual material and maps, renumbering pages
9 or sections, and making any technical changes not affecting the substance of these
10 amendments as necessary to conform to the Washington County Comprehensive Plan format.

11 ///

12 ///

1 SECTION 7

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 17 day of July, 2018, being the fifth reading
4 and fifth public hearing before the Board of County Commissioners of Washington
5 County, Oregon.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Bob Terry
CHAIRMAN

10 Barbara Hejtmanek
RECORDING SECRETARY

11 READING

PUBLIC HEARING

12 First May 1, 2018
13 Second May 15, 2018
14 Third June 5, 2018
15 Fourth June 26, 2018
16 Fifth July 17, 2018
17 Sixth _____

12 First May 1, 2018
13 Second May 15, 2018
14 Third June 5, 2018
15 Fourth June 26, 2018
16 Fifth July 17, 2018
17 Sixth _____

18 VOTE: Aye: Terry, Rogers,
Malinowski

Nay: _____

19 Recording Secretary: Barbara Hejtmanek Date: 7-17-18

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 - DEFINITIONS

106-90 Food Cart or Food Truck. See Mobile Food Unit.

106-140 Mobile Food Site. All or part of a development site that contains one or more mobile food units and associated amenities. Also known as a food cart pod.

106-142 Mobile Food Unit. Pursuant to OAR 333-150 and 333-162, any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, or highway, in which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer. Also known as a food cart or food truck.

2. SECTION 201 - DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.34 Mobile food site that complies with all of the following standards:

- A. Sites hosting any number of mobile food units for 12 or fewer hours within a 24-hour period. Mobile food units cannot be stored on-site;
- B. Each mobile food unit is entirely self-contained with no connections to on-site utilities;
- C. Mobile food units(s) are not occupying or obstructing pedestrian walkways, loading areas, driveways, drive aisles, bicycle parking areas, or emergency vehicle access;
- D. The site is located in the NC, OC, CBD, GC, IND, INST, R-COM, TO:RC, TO:EMP, TO:BUS, NCC NB, or NCMU NB Districts, or is in conjunction with an existing permitted institutional use; and
- E. No modifications are made to the development site, including surface modifications and vegetation removal.

3. SECTION 302 - R-5 DISTRICT (RESIDENTIAL 5 UNITS PER ACRE)

302-2 Uses Permitted Through a Type I Procedure

302-2.9 Temporary Use - Section 430-135.1, excluding C. (9) and J.

4. SECTION 303 - R-6 DISTRICT (RESIDENTIAL 6 UNITS PER ACRE)

303-2 Uses Permitted Through a Type I Procedure

303-2.9 Temporary Use - Section 430-135.1, excluding C. (9) and J.

5. SECTION 304 - R-9 DISTRICT (RESIDENTIAL 9 UNITS PER ACRE)

304-2 Uses Permitted Through a Type I Procedure

304-2.11 Temporary Use - Section 430-135.1, excluding C. (9) and J.

6. SECTION 305 - R-15 DISTRICT (RESIDENTIAL 15 UNITS PER ACRE)

305-2 Uses Permitted Through a Type I Procedure

305-2.9 Temporary Use - Section 430-135.1, excluding C. (9) and J.

7. SECTION 306 - R-24 DISTRICT (RESIDENTIAL 24 UNITS PER ACRE)

306-2 Uses Permitted Through a Type I Procedure

306-2.9 Temporary Use - Section 430-135.1, excluding C. (9) and J.

8. SECTION 307 - R-25+ DISTRICT (RESIDENTIAL 25 UNITS OR MORE PER ACRE)

307-2 Uses Permitted Through Type I Procedure

307-2.8 Temporary Use - Section 430-135.1, excluding C. (9) and J.

9. SECTION 308 - FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-2 Uses Permitted Through a Type I Procedure:

308-2.8 Temporary Use - Section 430-135.1, excluding C. (9) and J.

10. SECTION 309 - FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-2 Uses Permitted Through a Type I Procedure

309-2.8 Temporary Use - Section 430-135.1, excluding C. (9) and J.

11. SECTION 311 - NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-3 Uses Permitted Through a Type II Procedure

311-3.27 Mobile Food Site (Large) - Section 430-81.

12. SECTION 312 - OFFICE COMMERCIAL DISTRICT (OC)

312-3 Uses Permitted Through a Type II Procedure

312-3.29 Mobile Food Site (Large) - Section 430-81.

13. SECTION 313 - COMMUNITY BUSINESS DISTRICT (CBD)

313-3 Uses Permitted Through a Type II Procedure

313-3.43 Mobile Food Site (Large) - Section 430-81.

14. SECTION 314 - GENERAL COMMERCIAL DISTRICT (GC)

314-3 Uses Permitted Through a Type II Procedure

314-3.47 Mobile Food Site (Large) - Section 430-81.

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15. SECTION 375 - TRANSIT ORIENTED DISTRICTS

375-4 Permitted Uses and Review Procedures

Table A identifies uses permitted in each of the Transit Oriented Districts, and the land use procedure through which a use may be permitted.

~~Uses that are permitted in each of the Transit Oriented Districts are described in Table A. The procedure through which uses may be permitted is also specified in Table A.~~

375-7 Development Limitations for Permitted Uses in Transit Oriented Districts

The following use or design limitations apply where specified in Table A:

36. Large and Small Mobile Food Sites are permitted in the TO:RC, TO:BUS, and TO:EMP Districts, subject to the provisions of Section 430-81 and 430-135.

375-10 Development Standards for Transit Oriented Districts

Table A. Permitted and Prohibited Uses in Transit Oriented Districts

USE	DISTRICT								
	TO:RC	TO:BUS	TO:EMP	TO: R9-12	TO: R12-18	TO: R18-24	TO: R24-40	TO: R40-80	TO: R80-120
*** Accessory, Secondary and Temporary Uses and Structures:									
Accessory Uses and Structures (23.a. and 23.b.)	I or II	I or II	I or II	I	I	I	I	I	I
Temporary Uses and Structures (24 and 36)	I	I	I	I	I	I	I	I	I
<u>Mobile Food Sites (Large)</u> (36)	<u>II</u>	<u>II</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

- I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.
- II = Permitted through a Type II process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.
- III = Permitted through a Type III process.
- () = Use or design limitation(s) specified in Section 375-7.
- N = Prohibited.

abcdef Proposed additions
~~abedef~~ Proposed deletions

16. SECTION 390 - NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-8 R-6 North Bethany District (R-6 NB)

390-8.2 Uses Permitted Through a Type I Procedure

- K. Temporary Use - Section 430-135.1, except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G.) and, temporary use permit for Farmers Markets (430-135.1 C. (9)), and temporary use permits for Mobile Food Sites (Small) (430-135.1 J.).

390-9 R-9 North Bethany District (R-9 NB)

390-9.2 Uses Permitted Through a Type I Procedure

- L. Temporary Use - Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G.) and, temporary use permit for Farmers Markets (430-135.1 C. (9)), and temporary use permits for Mobile Food Sites (Small) (430-135.1 J.).

390-10 R-15 North Bethany District (R-15 NB)

390-10.2 Uses Permitted Through a Type I Procedure

- I. Temporary Use - Section 430-135.1, except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G.) and, temporary use permit for Farmers Markets (430-135.1 C. (9)), and temporary use permits for Mobile Food Sites (Small) (430-135.1 J.).

390-11 R-24 North Bethany District (R-24 NB)

390-11.2 Uses Permitted Through a Type I Procedure

- I. Temporary Use - Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G.) and, temporary use permit for Farmers Markets (430-135.1 C. (9)), and temporary use permits for Mobile Food Sites (Small) (430-135.1 J.).

390-12 R-25+ North Bethany District (R-25+ NB)

390-12.2 Uses Permitted Through a Type I Procedure

- H. Temporary Use - Section 430-135.1 except for temporary storage of relocated dwelling structures (430-135.1 C. (4)), temporary batch plants (430-135.1 G.) and, temporary use permit for Farmers Markets (430-135.1 C. (9)), and temporary use permits for Mobile Food Sites (Small) (430-135.1 J.).

390-13 Neighborhood Corner Commercial District (NCC NB)

390-13.3 Uses Permitted Through a Type II Procedure

S. Mobile Food Site (Large) - Section 430-81.

390-14 Neighborhood Commercial Mixed Use District (NCMU NB)

390-14.3 Uses Permitted Through a Type II Procedure

W. Mobile Food Site (Large) - Section 430-81.

17. 413 - PARKING AND LOADING

413-6 Minimum and Maximum Off-Street Parking Requirements

The minimum and maximum number of off-street parking spaces by type of use shall be determined in accordance with the following tables. New development shall provide no more than the maximum number of off-street parking spaces listed unless exempted by Sections 413-6.4 or 413-6.7, or adjusted by Sections 413-6.5 or 413-6.6. The minimum and maximum off-street parking requirements for a use not listed shall be the same as the most similar listed use as determined by the Review Authority, or as determined through a parking analysis as described in Section 413-8.6.

413-6.1 Minimum Off-Street Parking Requirements

	USE	MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE

C.	Business and Commercial:	

(10)	<u>Mobile Food Site (Large)</u>	<u>One space for each mobile food unit</u>

abcdef Proposed additions
 abcdef Proposed deletions

18. 430 - SPECIAL USE STANDARDS

430-81 Mobile Food Sites (Large)

The standards of this section apply to mobile food sites meeting one or more of the following:

- A. Contains nine or more mobile food units;
- B. Is not located on a developed site. For purposes of this section, a developed site is a lot or parcel or combination of lots or parcels containing a lawfully established parking area, with or without existing buildings or structures;
- C. Contains mobile food units providing drive-in or drive-up service;
- D. Contains buildings and/or structures (excluding tents, canopies, and similar membrane structures);
- E. Otherwise qualifies as a small site, but is requesting an approval that does not require annual renewal.

430-81.1 Development Standards:

A. Parking and Circulation:

- (1) All mobile food units and associated amenities shall be placed on a paved surface (including pavers). If the mobile food site proposal includes new paving, the paving shall not reduce the required landscaping for the existing development;
- (2) Mobile food units shall not occupy or obstruct pedestrian walkways, loading areas, driveways, drive aisles, or emergency vehicle access;
- (3) Mobile food units shall not be located or oriented in a way that requires customers to queue in a driveway or drive aisle;
- (4) Mobile food units, permitted accessory items and structures, and customer queuing areas may occupy existing off-street automobile parking spaces only if such spaces are in excess of the minimum number required for the mobile food site and existing uses;
- (5) Parking shall be provided for the mobile food site, consistent with Section 413; and
- (6) Mobile food units providing drive-in or drive-up service shall meet the requirements of Section 430-41.

B. Accessory Items and Structures:

- (1) Attachments to the mobile food unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground;
- (2) All accessory items not used by customers shall be enclosed or screened from view from the public right-of-way and abutting residential districts; and
- (3) Accessory buildings and structures are subject to the dimensional standards of the underlying land use district.

C. Minimum Setbacks:

- (1) Mobile food units shall comply with minimum yard requirements of the underlying land use district;
- (2) In addition, mobile food units shall comply with the following setback requirements:
 - (a) At least 20 feet from any property line abutting a residential district; and
 - (b) At least 5 feet between mobile food units.

D. Utility and Sanitation:

- (1) Generators are prohibited; and
- (2) Waste and recycling receptacles shall be provided.

430-81.2 Application Submittal Requirements

In addition to the requirements of Section 203-4.2, the application shall include the following:

- A. Documentation from the Washington County Department of Health & Human Services that requirements for sanitation and wastewater disposal will be met;
- B. Documentation from the appropriate fire protection district that fire code requirements will be met;
- C. If applicable, written approval from the Oregon Liquor Control Commission; and
- D. A site plan containing all of the following:
 - (1) The proposed boundaries of the mobile food site, and the location of all mobile food units, seating areas, accessory items, and any permitted structures;
 - (2) The orientation of service windows and doors on the mobile food units; and
 - (3) The location of required on-site parking.

430-824 Neighborhood Commercial (In Conjunction with Housing for the Elderly)

This neighborhood commercial may include a small grocery, postal substation, beauty shop and barbershop and may be allowed in conjunction with a project for housing for the elderly when:

- 430-824.1 The floor area of the commercial use is limited to 5,000 square feet;
- 430-824.2 The housing project has been approved for no less than 100 dwelling units;
- 430-824.3 The project is at least one-quarter mile from an existing planned Neighborhood Commercial or Community Business District area or use;
- 430-824.4 The commercial use is internal to the project and may be reached only by a local street or pedestrian access;
- 430-824.5 Signing shall be limited to one identification sign of 6 square feet; and
- 430-824.6 The building permits for a neighborhood commercial use shall not be issued until 50 percent of the dwelling units in the project have been constructed.

430-101 Professional Office (in a Residential District)

A professional office is the office of a person engaged in any occupation, vocation or calling, not purely commercial, mechanical or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others. When professional office uses are located in a residential district they shall be allowed only in conjunction with residential development and shall:

- 430-101.3 If both Professional Office (Section 430-101) and Neighborhood Commercial (Section 430-824 or 430-83) uses are proposed, the two uses together shall not exceed 20 percent of the floor area of the residential development.

430-135 Temporary Use

A temporary use is one of an impermanent nature, or one used for a limited time.

- 430-135.1 Type I:

J. Mobile Food Sites (Small)

Mobile food sites containing no more than eight mobile food units on a single development site may be approved as a temporary use when the following standards are met:

- (1) Qualifying Site: Small mobile food sites shall be located on a developed site. For purposes of this section, a developed site is a lot or parcel or

combination of lots or parcels containing a lawfully established parking area, with or without existing buildings or structures.

(2) Standards: Small mobile food sites shall comply with the following:

(a) Parking and Circulation:

- i. Mobile food units, permitted accessory items and structures, and customer queuing areas may occupy existing off-street automobile parking spaces only if such spaces are in excess of the minimum number required for existing development;
- ii. All mobile food units and associated amenities shall be placed on a paved (including pavers) or compacted gravel surface, except that public seating and customer access areas shall only be placed on a paved (including paver) surface. If the mobile food site proposal includes new paved or gravel surfaces, these surfaces shall not reduce the required landscaping for the existing development;
- iii. Mobile food units shall not occupy or obstruct pedestrian walkways, loading areas, driveways, drive aisles, or emergency vehicle access;
- iv. Mobile food units shall not be located or oriented in a way that requires customers to queue in a driveway or drive aisle; and
- vi. Drive-thru service is prohibited.

(b) Accessory Items and Structures:

- i. Portable accessory items such as tables and trash cans are permitted;
- ii. One portable storage facility less than 120 square feet is permitted;
- iii. Structures used to provide shelter to customers shall be limited to tents, canopies, and similar membrane structures. Other structures for customer shelter are not allowed;
- iv. Attachments to the mobile food unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground; and
- v. All accessory items not used by customers shall be stored in, on, or under the unit.

(c) Minimum Setbacks:

- i. Mobile food units shall comply with minimum yard requirements of the underlying land use district;

- ii. In addition, mobile food units shall comply with the following requirements:
 - At least 20 feet from any property line abutting a residential district; and
 - At least 5 feet between mobile food units.
- (d) Utility and Sanitation:
 - i. Generators are prohibited; and
 - ii. Waste and recycling receptacles shall be provided.
- (3) Submission Requirements: In addition to the requirements of Section 203-4.2, the application shall include the following:
 - (a) Documentation from the Washington County Department of Health & Human Services that requirements for sanitation and wastewater disposal will be met;
 - (b) Documentation from the appropriate fire protection district that fire code requirements will be met;
 - (c) Documentation from Clean Water Services that sanitary sewer and stormwater requirements will be met;
 - (d) If connection to a public water system is proposed, documentation from the applicable water district that their requirements will be met;
 - (e) If applicable, written approval from the Oregon Liquor Control Commission; and
 - (f) A site plan containing all of the following:
 - i. The proposed boundaries of the mobile food site, and the location of all mobile food units, seating areas, accessory items, and any permitted structures;
 - ii. The orientation of service windows and doors on the mobile food units; and
 - iii. The location of required on-site parking.
- (4) Renewal: The mobile food site shall comply with the following permit renewal requirements:
 - (a) Temporary permits shall be valid for one calendar year from the date of issuance; and
 - (b) The renewal application shall be submitted prior to expiration of the existing permit.

19. 501 - PUBLIC FACILITY AND SERVICE REQUIREMENTS

501-2 Application of the Public Facility and Service Standards Inside a UGB
Application of the Public Facility and Service Standards (Section 501-1 through 501-13) shall apply to the Urban Unincorporated Area as follows:

501-2.5 Public Facility and Service Standards (Section 501-1 through 501-13) shall not apply to Type I Temporary Uses (Section 430-135.1).

- 501-2.65 Notwithstanding Section 501-2, all new construction and expansion of existing structures shall pay the:
- A. Transportation Development Tax, except as provided in the Transportation Development Tax Ordinance; and
 - B. North Bethany Transportation System Development Charge (NBTSDC), except as provided in the Resolution and Order adopting the NBTSDC; or
 - C. Bonny Slope West Transportation System Development Charge (BSWTSDC), except as provided in the Resolution and Order adopting the BSWTSDC.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Action – Land Use & Transportation (All CPOs)

Agenda Title: ADOPT FINDINGS FOR A-ENGROSSED ORDINANCE NO. 831

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

A-Engrossed Ordinance No. 831 amends the Community Development Code to permit the establishment of mobile food sites (also known as food cart pods) in commercial, institutional, and some transit oriented land use districts in unincorporated Washington County. A-Engrossed Ordinance No. 831 is posted on the County's land use ordinance webpage at the following link:

www.co.washington.or.us/landuseordinances

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for A-Engrossed Ordinance No. 831. Prior to the July 17, 2018 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage, and available at the Clerk's desk.

Attachment: Resolution and Order

Clerk's Desk Item: Ordinance Findings (*click to access electronic copy*)

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for A-Engrossed Ordinance No. 831 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 18-74

Agenda Item No.	<u>8.a.</u>
Date:	07/17/18

IN THE BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
Legislative Findings in Support)
of A-Engrossed Ordinance No. 831) No. **18-74**

This matter having come before the Washington County Board of Commissioners at its meeting of July 17, 2018; and

It appearing to the Board that the findings contained in "Exhibit A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to A-Engrossed Ordinance No. 831; and

It appearing to the Board that the findings attached and herein incorporated as "Exhibit A" constitute appropriate legislative findings with respect to the adopted ordinance; and

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on April 4, 2018, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

It appearing to the Board that, in the course of its deliberations, the Board has considered the record which consists of all notices, testimony, staff reports, and correspondence from interested parties, together with a record of the Planning Commission's proceedings, and other items submitted to the Planning Commission and Board regarding this ordinance; it is therefore,

RESOLVED AND ORDERED that the attached findings in "Exhibit A" in support of A-Engrossed Ordinance No. 831 are hereby adopted.

DATED this 17th day of July, 2018.

	AYE	NAY	ABSENT
DUYCK	_____	_____	✓_____
SCHOUTEN	_____	_____	✓_____
MALINOWSKI	✓_____	_____	_____
ROGERS	✓_____	_____	_____
TERRY	✓_____	_____	_____

APPROVED AS TO FORM:

BOARD OF COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


Chairman


Recording Secretary



County Counsel
For Washington County, Oregon

EXHIBIT A

FINDINGS FOR A-ENGROSSED ORDINANCE NO. 831

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE, AN ELEMENT OF THE COMPREHENSIVE PLAN, RELATING TO MOBILE FOOD UNITS

July 17, 2018

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

Part 1:

GENERAL FINDINGS

A-Engrossed Ordinance No. 831 amends the Community Development Code (CDC) related to mobile food units (“food carts” or “food trucks”), mobile food sites (“food cart pods”) and the locations where such developments may be allowed.

Key Ordinance Provisions

A-Engrossed Ordinance No. 831 proposes amendments that:

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

Because the ordinance would make changes that do not affect compliance with Oregon’s Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches

and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The Board also finds that Goals 3 (Agricultural Lands) and 4 (Forest Lands) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

Part 2:
STATEWIDE PLANNING GOAL FINDINGS

The purpose of the findings in this document is to demonstrate that A-Engrossed Ordinance No. 831 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's Urban Growth Management Functional Plan (UGMFP), and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. In addition, none of the proposed changes to the map and text of the Plan implicate a goal compliance issue. The following precautionary findings are provided to demonstrate ongoing compliance.

Goal 1 - Citizen Involvement

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of A-Engrossed Ordinance No. 831.

Goal 2 - Land Use Planning

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC), and Transportation System Plan (TSP). Washington County utilized this process to adopt A-Engrossed Ordinance No. 831.

Notice was coordinated with all affected governmental entities and several comments were received from the public and Clean Water Services regarding Ordinance No. 831. All comments were addressed as part of the proceedings, with subsequent staff coordination, and with amendments incorporated into A-Engrossed Ordinance No. 831.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 addresses the protection of natural resources and the conservation of scenic, cultural, and historic areas and open spaces by requiring local programs to protect these resources in order to promote a healthy environment and natural landscape that contributes to Oregon’s livability for present and future generations.

In addition, OAR 660-023-0250 requires application of current Goal 5 provisions to post-acknowledgment plan amendments (PAPAs) when the PAPA 1) creates or amends a resource list or a portion of an acknowledged plan or land use regulation that protects a significant Goal 5 resource, or 2) allows new uses that could be conflicting uses with a particular Goal 5 site.

Policies 10, 11 and 12 of the CFP, Policies 7, 9, 10, 11, 12 and 13 of the Rural/Natural Resource Plan, and various sections of the Community Plans and the CDC include provisions for the protection of Goal 5 resources.

A-Engrossed Ordinance No. 831 does not amend the applicable Plan policies, Community Plans or CDC standards related to Goal 5 resources. Plan compliance with Goal 5 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 5 resources.

Goal 6 - Air, Water and Land Resources Quality

Goal 6 requires the maintenance and improvement of the quality of the air, water and land resources of the state through the implementation of local plans that address waste and process discharge. Policies 4, 5, 6 and 7 of the CFP and Policies 4, 5, 6, and 7 of the Rural/Natural Resource Plan provide for the maintenance and improvement of the quality of air, water and land resources.

A-Engrossed Ordinance No. 831 requires review of mobile food site applications by Clean Water Services and an applicable water district if water service is required. These reviews will address waste and process discharge. Plan compliance with Goal 6 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County’s acknowledged policies and standards for protection of Goal 6 resources.

Goal 7 - Areas Subject to Natural Hazards

Goal 7 requires the implementation of local land use programs that reduce the risk to people and property from natural hazards such as floods, landslides and earthquakes. Policy 8 of the CFP and Policy 8 of the Rural/Natural Resource Plan set out the County’s policy to protect life and property from natural disasters and hazards.

A-Engrossed Ordinance No. 831 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 7 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 7.

Goal 8 - Recreational Needs

Goal 8 requires local jurisdictions to satisfy the recreational needs of citizens and visitors by planning and providing for the siting of necessary recreational facilities. Policies 33, 34 and 35 of the CFP, Policy 24 of the Rural/Natural Resource Plan and the individual Community Plans address the recreational needs of Washington County's residents and visitors.

A-Engrossed Ordinance No. 831 does not amend the applicable Plan policies and strategies for natural disasters and hazards or CDC standards related to flood plain areas. Plan compliance with Goal 8 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County's acknowledged policies and standards for regulating development exposed to potential natural disasters and hazards addressed by Goal 8.

Goal 9 – Economic Development

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No.831 allows for the development of new mobile food sites in Washington County – a land use that was not previously allowed. It therefore provides a new economic opportunity for small businesses within the county. Plan compliance with Goal 9 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are therefore consistent with the County's acknowledged policies and standards for the provision of economic development as required by Goal 9.

Goal 10 - Housing

Goal 10 requires the provision of housing, including adequate numbers of units within a range of prices, types and densities that provide realistic options to meet citizen needs. Policies 21, 22, 23 and 24 of the CFP, and Policies 19 and 25 of the Rural/Natural Resource Plan address the provision of housing in the urban and rural areas of the county. The CDC contributes to the provision of adequate housing by establishing standards that facilitate development in an orderly and efficient fashion.

A-Engrossed Ordinance No. 831 does not amend the applicable Plan policies and strategies for housing. Plan compliance with Goal 10 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County's acknowledged policies and standards for the provision of housing as required by Goal 10.

Goal 11 - Public Facilities and Services

Goal 11 requires a plan for the orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Policies 15, 25, 26, 27, 28, 29, 30 and 31 of the CFP, and Policy 22 of the Rural/Natural Resource Plan address the provision of public facilities and services in the urban and rural areas of unincorporated Washington County. The CDC requires that adequate public facilities and services be available for new development.

A-Engrossed Ordinance No. 831 requires review of mobile food site applications by Clean Water Services and an applicable water district if water service is required. These reviews will address waste and process discharge. Plan compliance with Goal 11 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County's acknowledged policies and strategies for provision of public facilities and services as required by Goal 11.

Goal 12 - Transportation

Goal 12 requires the provision and encouragement of a safe, convenient, multi-modal, and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans, and the CDC.

A-Engrossed Ordinance No. 831 amends the CDC related to permitting mobile food sites in certain land use districts. The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12 (the Transportation Planning Rule (TPR), implemented by OAR Chapter 660, Division 12).

Plan compliance with Goal 12 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County's acknowledged policies and strategies for the provision of transportation facilities and services as required by Goal 12, the TPR and the Regional Transportation Plan (RTP). Brief summaries of the applicable TPR provisions followed by findings of compliance are contained in Part 3 of this document.

Goal 13 - Energy Conservation

Goal 13 requires developed land uses to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. Policies 36, 37, 38, 39 and 40 of the CFP, and Policy 25 of the Rural/Natural Resource Plan address energy conservation in the urban and rural areas of unincorporated Washington County. The CDC implements the energy conservation policies by establishing standards that promote energy efficient development, especially in Article IV.

A-Engrossed Ordinance No. 831 does not amend the applicable Plan policies or CDC standards relating to energy conservation. Plan compliance with Goal 13 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the

County's acknowledged policies and strategies for promoting energy conservation as required by Goal 13.

Goal 14 - Urbanization

Goal 14 requires provisions for the orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. Policies 13, 14, 16, 17, 18, 19, 41 and 42 of the CFP address urbanization within the Regional Urban Growth Boundary. The CDC implements the urbanization policies by establishing standards to promote appropriate urban development. The Community Plans implement the urbanization policies by designating sufficient land for appropriate development.

A-Engrossed Ordinance No. 831 does not amend the applicable Plan policies or CDC standards relating to urbanization. Plan compliance with Goal 14 is maintained with the amendments made by A-Engrossed Ordinance No. 831. The amendments are consistent with the County's acknowledged policies and strategies for the transition of land between rural to urban land uses as required by Goal 14.

Part 3:

TRANSPORTATION PLANNING RULE (OAR 660-012) FINDINGS

This section addresses the consistency of A-Engrossed Ordinance No. 831 with the applicable policies of the Transportation Planning Rule (TPR). The Board finds that the TPR applies to the amendments covered by these findings only to the extent noted in specific responses to the applicable elements of this plan, as provided below, and that the amendments comply with the applicable goals and policies of the TPR.

660-012-0060 This section sets forth requirements for plan and land use regulation amendments.

- FINDING:** A-Engrossed Ordinance No. 831, together with previously adopted and acknowledged ordinances, fully implements all of the applicable provisions of OAR 660-012-0060 as detailed in the following finding of fact:
- A-Engrossed Ordinance No. 831 does not change the functional classification of any existing or planned transportation facilities.
 - A-Engrossed Ordinance No. 831 does not change the existing or anticipated level-of-service or the level-of-service standards for any transportation facility.
 - A-Engrossed Ordinance No. 831 does not further degrade the level-of-service for any facility that is projected to not meet the performance standards identified in the Washington County Transportation System Plan.
 - Therefore, A-Engrossed Ordinance No. 831 would not significantly affect an existing or planned transportation facility as defined in OAR 660-012-0060(1).

Therefore, the amendments in A-Engrossed Ordinance No. 831 are consistent with the TPR.

Part 4:
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS

Section 3.07.810 of Title 8 of Metro’s Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following A-Engrossed Ordinance No. 831 findings have been prepared to address Title(s) 8 of the UGMFP.

Title 8 - Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

RESPONSE

Consistent with Title 8, a copy of proposed Ordinance No. 831 was sent March 1, 2018 to Metro, 60 days prior to the first evidentiary hearing. A copy of A-Engrossed Ordinance No. 831 was sent June 15, 2018 to Metro. Metro provided no comments on A-Engrossed Ordinance No. 831.