



City of Canby

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City Council & Planning Commission Work Session Staff Report

DATE: October 26, 2021

TO: Honorable Mayor Hodson and City Councilors, Chair Savory and Planning Commissioners

THRU: Scott Archer, City Administrator

FROM: Brianna Addotta, Associate Planner

ITEM: Food Carts in the City of Canby, 2nd Work Session

Summary

At the August 4th, 2021 work session Councilors and Commissioners voiced their support of allowing and regulating food carts and pods as local business incubators that will bring vibrancy to the community and offer more diverse food options for people who live, work, and play in the City. The purpose of the November 3rd, 2021 joint work session is for staff to introduce specific regulation options for Mobile Food Vendors and Food Cart Pods in response to feedback received at the first work session.

Background

Single food carts are opportunities for small businesses to provide the community with fresh, inexpensive dining options. Areas where there are several employers and limited dining options, such as industrial parks, can benefit from a mobile vendor using excess parking to provide an experience right on site.

Food Cart Pods have become popular over the past decade; a pod is a privately owned site with rental spaces for individual cart owners, often with shared facilities such as restrooms and handwashing stations, seating and weather protection, and trash and recycling disposal.

Balancing regulations and permitting procedures can help ensure mobile food vending opportunities are present without posing a threat to traditional restaurants, interfering with the right-of-way, or creating a nuisance.

Discussion

Zoning and Processes

The fundamental regulation which must be defined is which zoning districts (1) single food carts and (2) food cart pods will be allowed, conditional, or prohibited. The table below details how

restaurants are regulated according to the zones.

Land Use	Current Zoning Code	Restaurant use
Residential	R-1, R-1.5, R-2	Prohibited
Commercial	C-R	Conditional Use, no drive thru
	C-1	Allowed, no drive thru
	C-2	Allowed, drive thru
Industrial	C-M	Allowed, drive thru
	M-1, M-2	Allowed related/incidental to primary industrial use

Based on feedback from the first work session, staff believe single carts would be appropriate in all commercial and industrial zones, subject to minimum design standards. In response, a Mobile Food Vendor application has been created by tailoring the current Temporary Vendor application to remove undue hardships and unrealistic regulations specific to mobile food preparation and direct vending. The draft application is attached to this memo. The Mobile Food Vendor permit would go through a Type 1 application process, which means applications can be processed administratively.

Food Cart Pods are larger and more permanent than a mobile food vendor and are likely to have different impacts. Staff posit it would be most appropriate to allow the C-1 and C-2, and C-M zones outright, following a Type 2 process which requires all design standards be met and public notice to be provided. In order to recognize the low intensity of the C-R zone and the industrial intensity in the M-1 and M-2 zones, staff suggests additional regulations specific to these zones to mitigate impacts. Examples include limiting the size of the pod, number of carts allowed, and lighting and screening considerations.

An additional process could be included for sites that cannot meet the standards, a Type 3 Conditional use permit. The Conditional Use permit would allow staff and the Planning Commission to consider the specific project to determine whether it meets the intent of the Code. The Type 3 process requires a neighborhood meeting and public comment opportunities that will provide the developer and City important feedback during the design process.

Pod Parking

Staff has analyzed Development Code regulations for Food Cart Pods from 7 jurisdictions and has found parking requirements are regulated in one of two ways: (1) per cart or (2) per 1,000 square feet of floor area. The first way, functionally, aims to provide parking specifically for employees

and patrons of the food carts. The second way assumes the Pod itself is the attraction and must provide parking according to the overall size of the site. The table below provides parking standards for Pods in other jurisdictions.

Jurisdiction	Parking Ratio
Beaverton	1 per cart
Happy Valley	2.2 per cart
Woodburn	4 per cart
Oregon City	4/1,000 sq ft of floor area
Milwaukie	4/1,000 sq ft of floor area
Tigard	7/1,000 sq ft of floor area
Lake Oswego	3.5 spaces per cart

Food carts can come in several shapes and sizes, but generally they can be ‘small’ (14’x6’), ‘medium’ (17’x6’), or ‘large’ (20’x6’). These trucks are 94, 112, and 120 square feet, respectively. Rental spaces in Pods are typically 200-250 square feet, which accounts for the cart itself as well as any storage, landings, awning, etc. accessory to the cart.

Restaurants in the City of Canby must provide 8 spaces per 1,000 square feet, which equates to 1 per 125 square feet. Using this ratio as a guide and the parking ratios of other jurisdictions as case studies, staff believe a ratio of 1 to 2 spaces per cart is appropriate for Pods in Canby.

Of note, support for a zero parking requirement within the downtown core was voiced at the first work session, in line with the Downtown Canby Overlay regulations. Staff agree this is appropriate.

Pod Design Standards

The first work session provided staff with plenty of information regarding how Pods should look and feel in Canby. Three major themes emerged: Flexibility, a sense of permanence, and an element of enclosure or delineation of the site.

Food Cart Pods have become so popular in the last decade because they provide both property owners and small business owners with increased flexibility; flexibility in developing their property, flexibility in meeting customer demands, and flexibility to respond to unexpected

changes in the economy. The best way the City can support this flexibility is by limiting regulations, keeping permitting cost competitive, and providing a quick review process.

It is the interim nature of Pods which allow for this type of flexibility, but it should not come at the expense of the integrity of the development. A sense of permanence can be accomplished without undue hardship on the property owners using design strategies such as immovable and varied seating options, providing amenities like a fire pit, setting material standards for screening and accessory structures, intentional site planning, and an element of enclosure or distinction around the site's perimeter.

An element of enclosure or distinction can provide a more permanent sense of place, increased safety and security, and is an opportunity for good design that will add visual interest to streetscapes. The enclosure element could include fencing, landscaping, creative placement of carts, utilization of the existing topography, artistic elements, and more. The goal is to create a set of minimum standards that ensure the design meets expectations while still providing flexibility and opportunities to be creative.

Recommendation

Following the first work session, staff provided Commissioners and Councilors with language from several jurisdictions that have incorporated Pods into their development codes. We respectfully request any feedback to these codes be provided during this second work session. Staff will use this feedback, and well as feedback on the information provided in this memo, to begin crafting language to be incorporated into Chapter 16 of the Municipal Code.