



**AGENDA**  
**CANBY CITY COUNCIL**  
**WORK SESSION – CITY COUNCIL & PLANNING COMMISSION – 6:00 PM**  
**REGULAR MEETING – 7:30 PM**

November 3, 2021

**Virtual Meeting/** Council Chambers - 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor

Register here to attend the meetings virtually:

[https://us06web.zoom.us/webinar/register/WN\\_v3YpnIGlTVWNc0mrj5Kxrw](https://us06web.zoom.us/webinar/register/WN_v3YpnIGlTVWNc0mrj5Kxrw)

*The meetings can be viewed on CTV Channel 5 and YouTube:*

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

Mayor Brian Hodson

Councilor Christopher Bangs  
Councilor David Bajorin  
Council President Traci Hensley

Councilor Sarah Spoon  
Councilor Greg Parker  
Councilor Shawn Varwig

---

**JOINT WORK SESSION –**  
**CITY COUNCIL & PLANNING COMMISSION – 6:00 PM**

- 1. CALL TO ORDER**
  - 2. DISCUSSION REGARDING FOOD CARTS.**
  - 3. ADJOURN**
- 

**REGULAR MEETING – 7:30 PM**

- 1. CALL TO ORDER**
- 2. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS:** This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the City Council will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. **\*\*\*If you would like to speak please email or call the City Recorder by 7:30 pm on November 3, 2021 with your name, the topic you'd like to speak on and contact information:** [bissetm@canbyoregon.gov](mailto:bissetm@canbyoregon.gov) or call 503-266-0733. Once your information is received, you will be sent instructions to speak. Please note that Council will be attending this meeting virtually.

### 3. PUBLIC HEARINGS

- a. Noise Variance request from the Oregon Department of Transportation (ODOT) – Noise variance

Expected to be 12 workdays between March 1, 2022 and September 1, 2022.

Addresses of Variance: OR 99 E and 4<sup>th</sup> Pine Street (estimated 3 days)

OR 99 E and S Ivy Street (estimated 3 days)

OR 99 E and S Grant Street (estimated 3 days)

OR 99 E and SW Berg Parkway (estimated 3 days)

- b. Noise Variance request from the Oregon Department of Transportation (ODOT) – Noise Variance

Up to 24 weeks of night work between September 2022 and September 2023.

Address of Variance: 1-mile stretch of highway known as Frist Avenue,  
between S. Pine Street and S.W. Berg Parkway

### 4. UPDATE ON OPEN SPACE IN IVY RIDGE SUBDIVISION.

### 5. ORDINANCES

- a. Consider **Ordinance No. 1563**: An Ordinance Proclaiming annexation into the City of Canby, Oregon 1.31 Acres of real property described as land situated Southwest 1/4 of Section 4, T.4S., R.1E., W.M.. (Tax Map 41E04CA); and approx. 0.06 acres of adjacent South Fir Street Right-Of-Way; and amending the existing County Zoning from Exclusive Farm Use (EFU) to City Medium Density Residential (R-1.5) for the entire area; and setting the boundaries of the property to be included within the Canby City Limits. *(Second Reading)*
- b. Consider **Ordinance No. 1562**: An Ordinance authorizing the City of Canby to enter into a purchase agreement with Western Systems to buy a sewer pipe crawler camera. *(Second Reading)*
- c. Consider **Ordinance No. 1564**: An Ordinance Authorizing The City Administrator To Execute A Contract With Landscape Structures Inc, To Purchase A Picnic Shelter For Locust Street Park. *(First Reading)*
- d. Consider **Ordinance No. 1565**: An Ordinance authorizing the City Administrator to enter into agreements for the purchase of right of way from Par 3 Investments, LLC, Proudest Monkey Development, LLC, and James and Karen Lyons for the future Walnut Street Expansion. *(First Reading)*

- 6. **CONSENT AGENDA:** This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.

- a. Approval of the Minutes of the September 15, 2021 Regular City Council Meeting.
- b. OLCC Request from Wine Warfare for a Wholesale Malt Beverage & Wine License located at 138 SE Hazel Dell Way #105.

### 7. NEW BUSINESS

- a. Council discussion regarding development of a Dog Park.

**8. MAYOR'S BUSINESS**

**9. COUNCILOR COMMENTS & LIAISON REPORTS**

**10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**11. CITIZEN INPUT**

**12. ACTION REVIEW**

**13. ADJOURN**

---

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Melissa Bisset at 503.266.0733. A copy of this Agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). **City Council and Planning Commission Meetings are typically broadcast live and can be viewed on CTV Channel 5.** For a schedule of the playback times, please call 503.263.6287.

**\*\*We are requesting that rather than attending in person you view the meeting on CTV Channel 5 or on YouTube:**

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF4OTP-A>

**If you do not have access virtually, there are a small number of chairs provided inside to allow for distancing.**



# City of Canby

PO Box 930  
NE 2nd Ave  
Canby, OR 97013

Phone: 503.266.4021  
Fax: 503.266.7961  
[www.canbyoregon.gov](http://www.canbyoregon.gov)

## City Council & Planning Commission Work Session Staff Report

DATE: November 3, 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, 2<sup>nd</sup> Work Session

### Summary

At the August 4<sup>th</sup>, 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 3<sup>rd</sup>, 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.

<b>Jurisdiction</b>	<b>Parking Ratio</b>
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.

# ATTACHMENT: FOOD CART JOINT WORK SESSION TWO



## LAND USE APPLICATION

### MOBILE FOOD VENDOR

### Process Type I

City of Canby  
Planning Department  
222 NE 2<sup>nd</sup> Avenue  
P.O. Box 930  
Canby, OR 97013  
Ph: 503-266-7001

#### **APPLICANT INFORMATION:** (Check ONE box below for designated contact person regarding this application)

☐ Applicant Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ Property Manager Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

*NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above.*

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

#### **PROPERTY & PROJECT INFORMATION:**

\_\_\_\_\_  
Street Address or Location of Subject Property      Property Size      Tax Lot Numbers

\_\_\_\_\_  
Existing Use, Structures, Other Improvements on Site      Zoning      Comp Plan Designation

\_\_\_\_\_  
Describe the Proposed Development or Use of Subject Property:

\_\_\_\_\_

\_\_\_\_\_



## **MOBILE FOOD VENDOR APPLICATION – TYPE I**

### **Required Materials Checklist**

All required application materials detailed below must be submitted via email to:  
[PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

1. Application Packet. The City may request further information at any time before deeming the application complete.
2. Payment of appropriate fees. Refer to the city's Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
3. A written narrative detailing the proposed operations of the Mobile Food unit. Please provide as much detail as possible including number of employees, hours of operation, description of mobile unit and any other temporary structures (must also be shown on the plot plan), maintenance plan, etc. Please also provide information regarding the permanent use of the site including type of use, parking count, and land use permitting history.
4. A valid food handler's license from the Oregon Health Authority as required by ORS 624.320.
5. A copy of the lease between the property owner and the mobile food vendor detailing the terms of agreement between the two parties.
6. The proposed plot plan. No smaller than 8.5"x11", and drawn to an engineer's scale no smaller than 1"=40'. The plot plan shall include the following information:
  - A. All legal lot lines, north arrow, lot size and dimensions, and location and names of all adjacent streets.
  - B. Location & description of all existing structures, landscaped areas, pavement, driveways, fire lanes, and parking and loading areas.
  - C. Location & description of the proposed Mobile Food vendor activity. If any vehicle, tent, or other temporary structure will be erected, provide dimensions and height of the structure. Also illustrate the proposed location of all furniture, trash receptacles, fuel tanks, generators, signs, and Mobile Food electrical hookups. Call out the distance between the proposed structures and equipment, and the lot lines in order to demonstrate that all required setbacks are met.
  - D. Indicate how equipment such as trash cans, fuel tanks, or generators will be screened so that they are not visible from any abutting public right-of-way.

## **Application Process**

1. At the time an application is submitted to the City, payment of all required application processing fees is required. City Staff can provide you with information concerning application fees.
2. Type I applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and materials.
3. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. The Planning Director's decision shall address all of the standards and criteria. Based on the criteria and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit. A written record of the decision shall be provided to the applicant and kept on file at the City.
5. The decision shall be final on the date it is mailed or otherwise provided to the applicant.

## **Standards and Criteria**

### **A. Permit process.**

1. A request for a Mobile Food Vendor permit shall be processed as a Type I decision pursuant to the procedures set forth in Chapter 16.89. A Mobile Food Vendor permit applicant shall demonstrate that the proposed activity meets all fire and life safety codes, and is in compliance with this section and with all other applicable sections of the Canby Municipal Code.
2. An application for a Mobile Food Vendor permit shall include a site plan drawn to scale, which includes all existing lot lines, setbacks, structures, landscaped areas, paved areas, and parking and loading spaces; and illustrates the proposed location and layout of all the Mobile Food Vendor's structures, equipment, furnishings, signage, and inventory.
3. The Mobile Food Vendor activity (e.g., retail, restaurant, etc) shall be an outright permitted use in the zoning district in which it is located; Or if the use is conditionally permitted in the zoning district, a Conditional Use Permit approval shall be required prior to issuance of a Mobile Food Vendor permit.
4. The Mobile Food Vending unit shall not require connection to public utilities that do not already exist on site and can be provided by the property owner/manager.
5. A "Site and Design Review" permit is not required for a permitted Mobile Food Vendor.
6. Any signage displayed by the Mobile Food Vendor must be in compliance with Chapter 16.42 sign standards, and all required Sign permits must be obtained.
7. A Mobile Food Vendor must obtain a City of Canby business license.

- B.** Duration. A Mobile Food Vendor permit may be granted for a site for up to 6 months, and then may be renewed upon request for an additional 1 year, provided that the Mobile Food vendor activity has been conducted in compliance with all applicable codes, and no public safety incidents have occurred on the site related to the Mobile Food vendor activity.
- C.** A Mobile Food Vendor shall be located on a paved surface with adequate vehicular and pedestrian ingress and egress, in compliance with Section 16.10.070. Inventory and equipment shall not be displayed or stored in any landscaped areas.
- D.** A Mobile Food Vendor shall comply with all required development standards, such as height limitations, setbacks, vision clearance areas, and applicable conditions of any previous land use decisions for the site as well as the development standards of the zone.
- E.** Equipment such as trash cans, fuel tanks, or generators shall be screened such that it is not visible from any abutting public right-of-way. Portable amenities shall be packed inside the mobile food unit or screened from public view when the business is not in operation. This includes but is not limited to: weather protection elements, seating, tables, trash cans, and signage.
- F.** A Mobile Food Vendor shall not displace any vehicle parking spaces that are required to meet the minimum off-street parking requirements of another use on site or on a nearby site. A Mobile Food Vendor shall not encroach into required loading space areas, driveways, or vehicle maneuvering areas.
- G.** A Mobile Food Vendor that displaces one or more vehicle parking spaces is prohibited for any site that:

  - 1.** Is non-conforming in terms of meeting minimum required vehicle parking or loading space requirements; or
  - 2.** Has been granted a vehicle parking exception, and currently has less than the required minimum number of off-street vehicle parking spaces.
- I.** The property owner and the vendor permit holder shall be jointly and severably responsible for any violation of this section or other applicable sections of the Canby Municipal Code. Any such violation may result in the immediate revocation or non-renewal of a Mobile Food vendor permit, and may result in the denial of any future Mobile Food vendor permit for the site upon which the violation occurred.