



CITY OF West Linn

Memorandum

Date: September 9, 2021

To: Community Development Department Staff

From: Darren Wyss, Planning Manager

Subject: Guidelines for Mobile Food Units in West Linn

Authority

The City of West Linn (COWL) Community Development Code (CDC) vests the Planning Director with the initial authority and responsibility to interpret all terms, provisions, and requirements of this code and to develop guidelines to aid in their implementation (CDC 01.060).

Issue

Food carts and trucks, legally defined as “mobile food units” by the State of Oregon, have become an established part of the regional food economy and national food culture. Initially limited to mobile vendors such as ice cream trucks, their presence has significantly expanded across the metro area and now includes a broad range of mobile food units (MFU) operating as stand-alone businesses or as part of a larger assembly of carts known locally as “pods.”

As is the case in most cities and counties, the COWL CDC does not specifically address mobile food units, neither allowing nor prohibiting them. The exclusion of specific land use code regulations does not appear to be deliberate, but rather an unanticipated land use activity when the code was written. In addition, these types of businesses have typically been regulated by state and county agencies as vehicles rather than land uses. The topic is now pressing as several property owners, and MFU operators have approached the City about how and where they may operate in the City.

Definition of Mobile Food Unit

The state defines an MFU as any self-propelled vehicle that can be pulled or pushed down a sidewalk, street, highway, or waterway. Food may be prepared or processed on this vehicle, and



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the vehicle is used to sell and dispense food to the ultimate consumer. An MFU must be secured and protected from contamination when not in operation. An MFU has no size limit, but they must meet the following requirements to comply with Oregon Health Authority requirements:

- **Wheels:** Mobile units must be mobile at all times during operation. The unit must be on wheels that are functional and appropriate for the type of unit at all times.
- **Designed in One Piece:** Mobile food units must be designed and constructed to move as a single piece.
- **Integral:** The unit and all operations and equipment must be integral to the unit. This does not preclude using one outdoor cooking unit such as a BBQ.
- **Seating:** Operators may provide seating for customers if a readily accessible restroom and sufficient refuse containers with lids or covers are provided. The restroom must have a handwashing facility that provides hot and cold running water.
- **Water and Sewer Capacity:** Potable water tanks must be accessible and translucent to determine their cleanliness and cleaned at least every 6 months. The tanks must accommodate the amount of water needed for the unit's operation, including at least 30 gallons for dishwashing, 5 gallons for handwashing, and additional gallonage needed for food preparation and cleaning.
- **The waste tank must be a minimum of 15 percent greater than the freshwater tank.** A mobile food unit may connect to water and sewer if available at the operating location. If the unit cannot connect directly to the sewer, then the unit may not connect to the public water system. For carts not connected to the wastewater system, disposal occurs through regular trips to a dump station (similar to RVs) or regular pumping and disposal by a DEQ licensed service.

State and Local Regulations

All MFUs are subject to Oregon Food Sanitation Rules and must be licensed by the local Environmental Health Department before operation. These rules are similar to those required of restaurants and cover food handling issues, water supply sourcing, wastewater disposal, toilet availability, and the conditions under which seating may be provided. All operators must be licensed through **Clackamas County Public Health** or other applicable County health departments, depending upon where the MFU overnights.

In addition to licensing through the county, MFUs must comply with COWL CDC and Municipal Code (MC) requirements. The CDC places MFUs within the broad category of "eating and drinking establishments" as defined below, given the similarity of activities and impacts. Therefore, MFUs may be allowed in the same zoning districts and subject to the same standards as restaurants, bars, and coffee shops.



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Eating and drinking establishments. Establishments or places of business that are not drive-through restaurants and primarily engage in the sale of prepared or produced food and beverages for on-premises consumption, on-premises sale, or take out service. On-premises sales do not include sales to secondary retailers or wholesalers. Typical uses include, but are not limited to: fast food establishments, restaurants, delicatessens, brew-pubs, coffee shops, taverns, bars and lounges.

Other than general standards applicable to the parking or servicing of vehicles, the operation of eating and drinking establishments, and general development standards (e.g., business license, parking and circulation standards, signage, etc.), the CDC and MC have no other specific regulations regarding the time, place, and manner of MFU operation.

Interpretation

In recognition of their status as licensed vehicles, MFUs meeting the following criteria are exempted from Design Review and development standards applicable to buildings and permitted to operate within the city. MFUs providing drive-through service or not meeting the following criteria are subject to development standards and design review.

Design:

- Must be licensed by Clackamas County Public Health as a mobile food unit.
- Must meet the State definition for a trailer or vehicle (ORS 801.560 and 590).
- Must remain mobile and the wheels attached at all times.
- Any canopies, awnings, or other attachments must be entirely supported by the cart and not touch the ground.
- One pop-up, fabric-covered canopy is allowed per food cart. The canopy must:
 - Adjoin the food cart;
 - Be under 200 square feet in size;
 - Have a fabric cover free of text/advertisement;
 - Be safely anchored and secured; and
 - Be fully collapsed outside of business hours.

Location:

- Must be located on private property in one of the following Zoning Districts:
 - General Commercial (GC)
 - Office Business Center (OBC)
 - Campus Industrial (CI)
- Must be parked on a hard surface such as concrete, asphalt, or pavers.



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- Must not occupy or obstruct a required parking space for another existing use as required in CDC 46 (Off-Street Parking).
- Must not obstruct or otherwise make unsafe any areas designed for pedestrian or vehicular movement to, from, or through the property on which the cart is located.
- Sites hosting one or more MFU for more than 5 hours in a calendar day (midnight to midnight) must provide an RV style sewer, water, and electrical hookup in compliance with COWL MC 4.005 (Use of Public Sewers Required).

Operation:

- MFU operators must obtain a West Linn Business License.
- Due to the potential for traffic impacts, MFU providing drive-through restaurant service as defined in CDC 02.030 are subject to design review.