



Mobile Food Facilities Policy Review

Spring 2021
Troutdale

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COLLEGE OF DESIGN

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This report represents original student work and recommendations prepared by students in the University of Oregon's Sustainable City Year Program for the City of Troutdale. Text and images contained in this report may not be used without permission from the University of Oregon.

Contents

4	About SCI
4	About SCYP
5	About City of Troutdale
6	Course Participants
7	Executive Summary
8	Introduction
9	Background
12	Methodology
16	Definitions of Mobile Food Facilities
19	Policy Review
24	Policy Evaluations
26	Recommendations
29	Conclusion
30	References
32	Appendices

About SCI

The Sustainable Cities Institute (SCI) is an applied think tank focusing on sustainability and cities through applied research, teaching, and community partnerships. We work across disciplines that match the complexity of cities to address sustainability challenges, from regional planning to building design and from enhancing engagement of diverse communities to understanding the impacts on municipal budgets from disruptive technologies and many issues in between.

SCI focuses on sustainability-based research and teaching opportunities through two primary efforts:

1. Our Sustainable City Year Program (SCYP), a massively scaled university-community partnership program that matches the resources of the University with one Oregon community each year to help advance that community's sustainability goals; and

2. Our Urbanism Next Center, which focuses on how autonomous vehicles, e-commerce, and the sharing economy will impact the form and function of cities.

In all cases, we share our expertise and experiences with scholars, policymakers, community leaders, and project partners. We further extend our impact via an annual Expert-in-Residence Program, SCI China visiting scholars program, study abroad course on redesigning cities for people on bicycle, and through our co-leadership of the Educational Partnerships for Innovation in Communities Network (EPIC-N), which is transferring SCYP to universities and communities across the globe. Our work connects student passion, faculty experience, and community needs to produce innovative, tangible solutions for the creation of a sustainable society.

About SCYP

The Sustainable City Year Program (SCYP) is a year-long partnership between SCI and a partner in Oregon, in which students and faculty in courses from across the university collaborate with a public entity on sustainability and livability projects. SCYP faculty and students work in collaboration with staff from the partner agency through a variety of studio projects and service-

learning courses to provide students with real-world projects to investigate. Students bring energy, enthusiasm, and innovative approaches to difficult, persistent problems. SCYP's primary value derives from collaborations that result in on-the-ground impact and expanded conversations for a community ready to transition to a more sustainable and livable future.

About City of Troutdale

Troutdale is a dynamic suburban community in Multnomah County, situated on the eastern edge of the Portland metropolitan region and the western edge of the Columbia River Gorge. Settled in the late 1800s and incorporated in 1907, this “Gateway to the Gorge” is approximately six square miles in size with a population of nearly 17,000 residents. Almost 75% of that population is aged 18-64.

Troutdale’s median household income of \$72,188 exceeds the State of Oregon’s \$59,393. Troutdale’s neighbors include Wood Village and Fairview to the west, Gresham to the south, and unincorporated areas of Multnomah County to the east.

For the first part of the 20th century, the city remained a small village serving area farmers and company workers at nearby industrial facilities. Starting around 1970, Troutdale became a bedroom community in the region, with subdivisions and spurts of multi-family residential housing occurring. In the 1990s, efforts were made to improve the aesthetics of the community’s original core, contributing to an award-winning “Main Street” infill project that helped with placemaking. In the 2010s, the City positioned itself as a jobs center as it worked with stakeholders to transform a large superfund area to one of the region’s most attractive industrial centers – the Troutdale-Reynolds Industrial Park.

The principal transportation link between Troutdale and Portland is Interstate 84. The Union Pacific Railroad main line runs just north of Troutdale’s city center. The Troutdale area is the gateway to the famous Columbia River Gorge Scenic Area and Sandy River recreational areas, and its outdoor pursuits. Troutdale’s appealing and

beautiful natural setting, miles of trails, and parkland and conservation areas draw residents and visitors alike. The City’s pride in place is manifested through its monthly gatherings and annual events, ranging from “First Friday” art walks to the city’s long-standing Summerfest celebration each July. A dedicated art scene and an exciting culinary mix have made Troutdale an enviable destination and underscore the community’s quality of life. Troutdale is home to McMenamins Edgefield, one of Portland’s beloved venues for entertainment and hospitality.

In recent years, Troutdale has developed a robust economic development program. The City’s largest employers are Amazon and FedEx Ground, although the City also has numerous local and regional businesses that highlight unique assets within the area. Troutdale’s recent business-related efforts have focused on the City’s Town Center, where 12 “opportunity sites” have been identified for infill development that respects the small-town feel while offering support to the existing retail environment. The next 20 years promise to be an exciting time for a mature community to protect what’s loved and expand opportunities that contribute to Troutdale’s pride in place.

Course Participants

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Executive Summary

Students reviewed and analyzed mobile food facility (MFF) policies from seven case study cities in order to help the city of Troutdale as it evaluates how best to update its MFF ordinances and policies.

Students collected materials from municipal codes, websites, reports, and news for their MFF policy analysis. Five Oregon cities and two out-of-state cities were selected as case studies due to their similar socio-demographic context to Troutdale or in the case of the two out-of-state cities, being identified as having noteworthy example zoning ordinances per the American Planning Association's (APA) publication "Regulating Food Trucks."

The primary policy analysis includes three sections. First, students summarized how case study cities define MFFs. Second, students examined MFF policies, regulations, and practices by dividing them into three categories based on their spatial attributes, including general location restrictions, place-based regulations, and other non-spatial regulations. Lastly, students created a framework for reviewing the best policies and regulations regarding MFFs using four policy areas. These areas include:

economic activities, public health, public space, and public safety.

Based on policy evaluation results, students provided recommendations for improving definitions of MFFs, regulating system, three types of MFF policies, and management of MFFs in Troutdale. This report has three main conclusions: 1) General location restrictions may pose barriers for MFFs operators entering the market and sustaining profits, but would improve public safety and public space. 2) Most place-based regulations aim to mitigate the negative externalities of MFFs and reduce the conflicts with neighborhood zoning designations, which also addresses public safety concerns and enhances the quality of public space. In addition, specific place-based regulations, such as trash/waste disposal, take public health into consideration. 3) The county-level health license and city-level business license aim to protect public health.

Introduction

Mobile Food Facilities (MFFs), often known as Food Trucks or Food Carts, have become an increasingly popular dining option across the country (Food Truck Nation). MFFs can add vitality to small local businesses; bring activity, interest, and vibrancy to streets or open spaces; and expand dining options in areas underserved by traditional restaurants. The goal of this report is: 1) to offer the city of Troutdale insights on making MFFs an asset to the community and 2) to provide policy recommendations that can assist the City in its efforts to address a shortage of policy instruments and the lack of clarity in current codes/regulations. This report reviews policies and regulations comparable communities have implemented to manage and control MFFs.

Students collaborated with Troutdale staff to investigate options to diversify local dining options, creating a sense of place through intentional investments using a limited amount of developable land, and mitigating impacts to the City's public infrastructure system. Challenges including local brick-and-mortar restaurant owners' concerns about competition and fairness specific to payment of service development charges were discussed. The current development code also poses a challenge for regulating MFFs because the regulations can be perceived to be prescriptive, contradictory, and confusing.

This report analyzes five Oregon communities and two out-of-state communities' and their approaches to regulate MFFs. Ideally, this report will provide Troutdale with information about MFF operations, ordinances,

policies, and best practices within comparable cities. Following this introduction, the first half of this report examines Troutdale's current MFFs regulation system and introduces the case study cities and policy review process. The second half of the report synthesizes comparable cities' definitions for MFFs, summarizes MFFs policies and regulations in three categories, and evaluates the potential influence of each category of policies. This report summarizes the definition system that Troutdale could adopt and provides specific policy recommendations on revising its development code based on the proposed definition system. Students also synthesize best practices regarding streaming, management, and multi-sector cooperation, which can facilitate the development code implementation.

Background

The city of Troutdale is a suburban community in the Portland Metro area, with a small-town feel and a desire to increase tourism. Given the potential limited availability of commercial spaces and the potential financial barriers to opening a restaurant, Troutdale’s goal is to encourage additional dining options while honoring their residents’ needs. Additionally, the City recognizes that new restaurants place stress on the public sewer system, thus mobile food is one way to diversify food establishments while limiting the impact on the municipal system. Officials want to ensure that fair regulations and/or system development charges are implemented that both

reassure current restaurant owners and do not inhibit new entrepreneurs from entering the market.

Consequently, Troutdale is exploring the idea of “Food Cart Pods”, which are tied to a single piece of property, with the developer responsible for paying SDCs. Therefore, Food Cart Pods may be a more feasible tactic for the existing restaurateur community. One suggestion is that the improvement of food cart regulations should be based on the improvement on regulations for stand-alone food carts. Although these two MFFs operate differently, they have many similar characteristics and should be regulated together (Figure 2-1).

FIG. 2-1

Stand-alone Food Carts and Food Carts Pods





FIG. 2-2

Stand-alone Food Carts
and Food Carts Pods

The current MFF codes in Troutdale are not necessarily clear, and there are no policy tools at its disposal to address food carts appropriately. Section 1.020 (.57) of Troutdale's Development Code defines "Food Vendors" in a circuitous and conflicting way (Table 2-1). Within the Food Vendor definition, there are four additional definitions of Food Carts, Food Kiosks, Food Stands, and Food Trucks/Trailers (Table 2-1), all of which are subject to different regulations. These definitions are not explicit due to the use of "may," "generally," and "limited duration." The general definition for food vendors is moot, as only four specific types of mobile food vendors

are regulated in the following section. Additionally, the definitions may be partially undifferentiated. For example, it is questionable to define an MFF whose size is under 48 square feet in a location and operating for a limited duration, as it can fall into "Food Carts" or "Food Stands."

Section 5.200 attempts to clarify where the different mobile food vendors can be located. However, mobile food vendors whose operations do not fit exclusively within one of the four specified mobile food vending categories may experience confusion when attempting to comply with regulations due to their design and specificity.

TABLE 2-1

Definitions of Food Vendors

	Definition
Food Vendor	Any trailer, vehicle, wagon, cart, stand, or other similar mobile or temporary device or structure which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curb, or walk-up service. A valid City business license is required. Food vendors (mobile) also means the site occupied by a mobile food vendor if a mobile food vendor occupies the site daily for more than three (3) consecutive days even if the mobile device or structure does not occupy the site twenty four (24) hours per day.
Food Carts	Includes both mobile cars, and also temporary stands with a maximum size of one hundred (100) square feet. It at a location and operating for a limited duration. Examples include a food stand erected for an event, such as a food stand put up and operated for the duration of an authorized community event. Customer access is walk up only.
Food Kiosks	Located on a site in a long-term or permanent manner such as a driveup coffee stand. These may be structures on trailers. There is no kitchen or indoor seating. Customer access can be walk-up or drive-up window.
Food Stands	At a location and operating for a limited duration. Examples include a hot dog stand that operates on a street corner during the lunch hour or a lemonade stand in a neighborhood. Maximum size is forty eight (48) square feet. Customer access is walk up only.
Food Trucks/ Trailers	In which food is prepared and from which food is served. Food Trucks and Trailers park generally in parking lots and may move from the business site daily, or may locate in the same site for several weeks at a time. Maximum size is two hundred (200) square feet. There is no indoor seating. Customer access can be walk-up or drive-up window.

Based on this code, the city of Troutdale has three potential issues with Mobile Food Vendors: the definitions for mobile food vendors are not explicit, the City could clarify where mobile food vendors are allowed to operate, and the City could add regulations on Food Cart Pods.

Methodology

LITERATURE REVIEW

Students reviewed relevant literature on best practices for MFFs from resources available through search engines, the American Planning Association, and the University of Oregon's database collection.

Students conducted further research on comparable cities through the information available on respective webpages. These included cities' special websites for MFFs, current development/zoning codes, staff reports, city ordinances, and council meeting minutes. Students gathered additional context surrounding MFFs through news articles available via search engines.

POLICY REVIEW FRAMEWORK

The student teams created a framework for reviewing best practices, policies, and regulations around MFFs by providing a summary of three types of policies differentiated by their spatial consideration – general location restriction, place-based, general licensing/municipal codes (i.e., no clear spatially specific requirements).

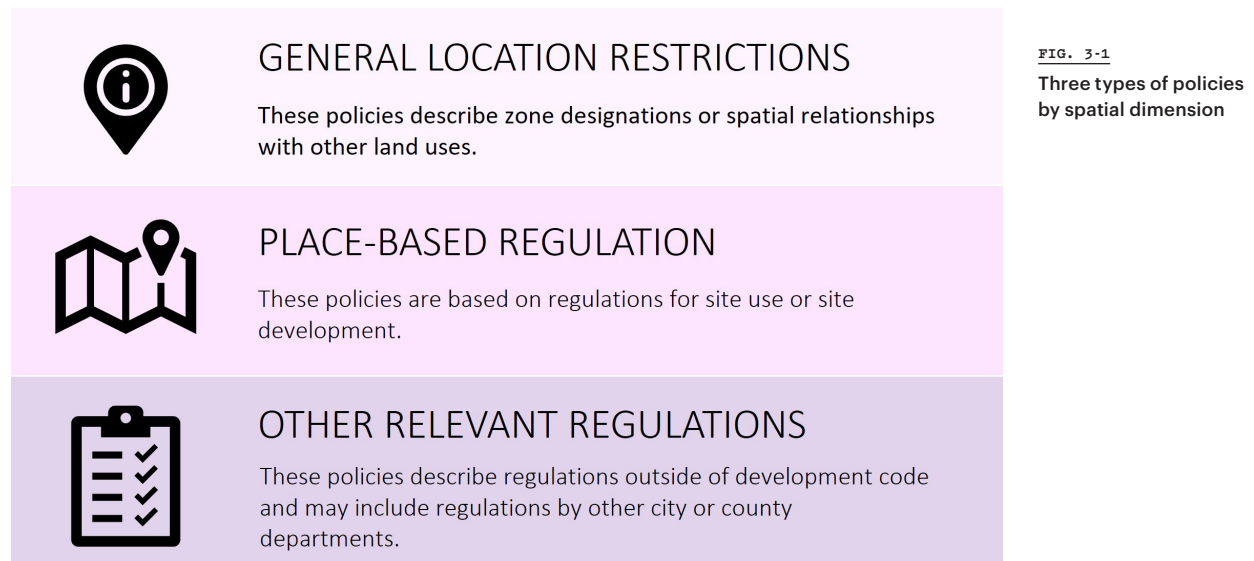
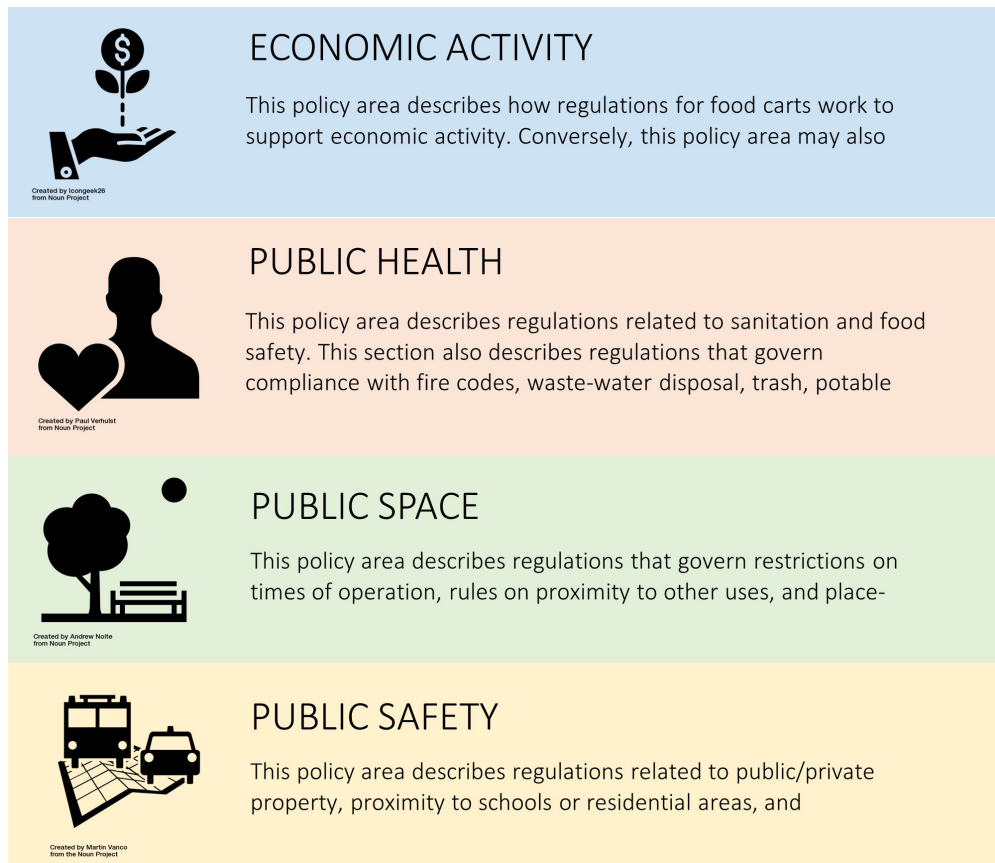


FIG. 3-1

Three types of policies by spatial dimension

Students also adopted the four policy areas identified in the National League of Cities report titled *Food on Wheels: Mobile Vending Goes Mainstream*. These areas include economic activities, public health, public space, and public safety (Figure 3-2). Finally, students examined the potential influence of three types of policies on four policy areas.

FIG. 3-2
Four policy areas



CASE STUDY CITIES

Each student selected one case study city with a similar socio-demographic context to Troutdale:

- Happy Valley, OR
- Lake Oswego, OR
- Milwaukie, OR
- Oregon City, OR
- Redmond, OR
- Louisville, CO
- Fairburn, GA

Happy Valley, OR

Happy Valley is approximately six miles southeast of Portland. The current population of Happy Valley is 22,400. According to the World Population Review website, it experienced a very large population increase in the last ten years (69%). It is primarily a suburban community comprised of commuters working in Portland with household

and average median incomes well over \$100,000 (U.S. Census). Happy Valley is slightly larger than Troutdale, with a population growth trend continuing to increase, whereas Troutdale's growth has plateaued since the 2010 census. One example of a food cart pod that has been successful is the Happy Valley Station.

Lake Oswego, OR

Lake Oswego is located 10 miles south of the Portland metropolitan area on Interstate 5 and is within Clackamas County. Lake Oswego has a population of 39,000, and its population increased 6.9% from 2010 to 2018. Their top three industries are health care and social assistance (11%), retail trade (10%), and manufacturing (8%). Currently, the only allowable use for food carts in Lake Oswego is for seasonal pushcarts in the East End Commercial and General

Commercial Zones. Some examples include ice cream and crepe pushcarts across from Lake View Village in the summer. Lake Oswego underwent a process for allowing food cart pods as a permitted use in Industrial Park zones as recommended in the City's 2016 Southwest Employment Area Plan (SWEA), but the City Council ultimately declined to adopt food cart pods as a permitted use due to the concerns over the potential for increased traffic, parking shortage, and noise.

Milwaukie, OR

Milwaukie is similarly situated as Troutdale as a suburb of Portland with a similar population size. Milwaukie is served by the MAX Orange Line, while Troutdale is only serviced by bus; the closest light rail is in Gresham. This light rail connection is an important cultural difference as once a place is serviced by the MAX, it feels incorporated into the Portland metro area. Residents of Troutdale feel largely independent of Portland, and appear to want to keep it that way. In contrast, Milwaukie is often seen as "the most Portland of the suburbs" since it adopts similar policies as Portland. Milwaukie's liberal approach to MFFs may be influenced by Portland's approach. As Portland is known for having many food carts and food cart pods, Milwaukie has embraced this strategy as well. They use a policy-light touch with regulating food carts, relying on external documents as opposed to incorporating MFFs regulation into the municipal or development code.

Oregon City, OR

Oregon City is located 13 miles south of Portland, holds the County Seat for Clackamas County, and has around 35,000 people. Oregon City offers plenty to do and see with shopping areas, recreational activities, and historical and cultural attractions. Additionally, residents and visitors can try one of the ten different food carts at Corner 14, the new food cart pod and tap house located in the City's heart.

Redmond, OR

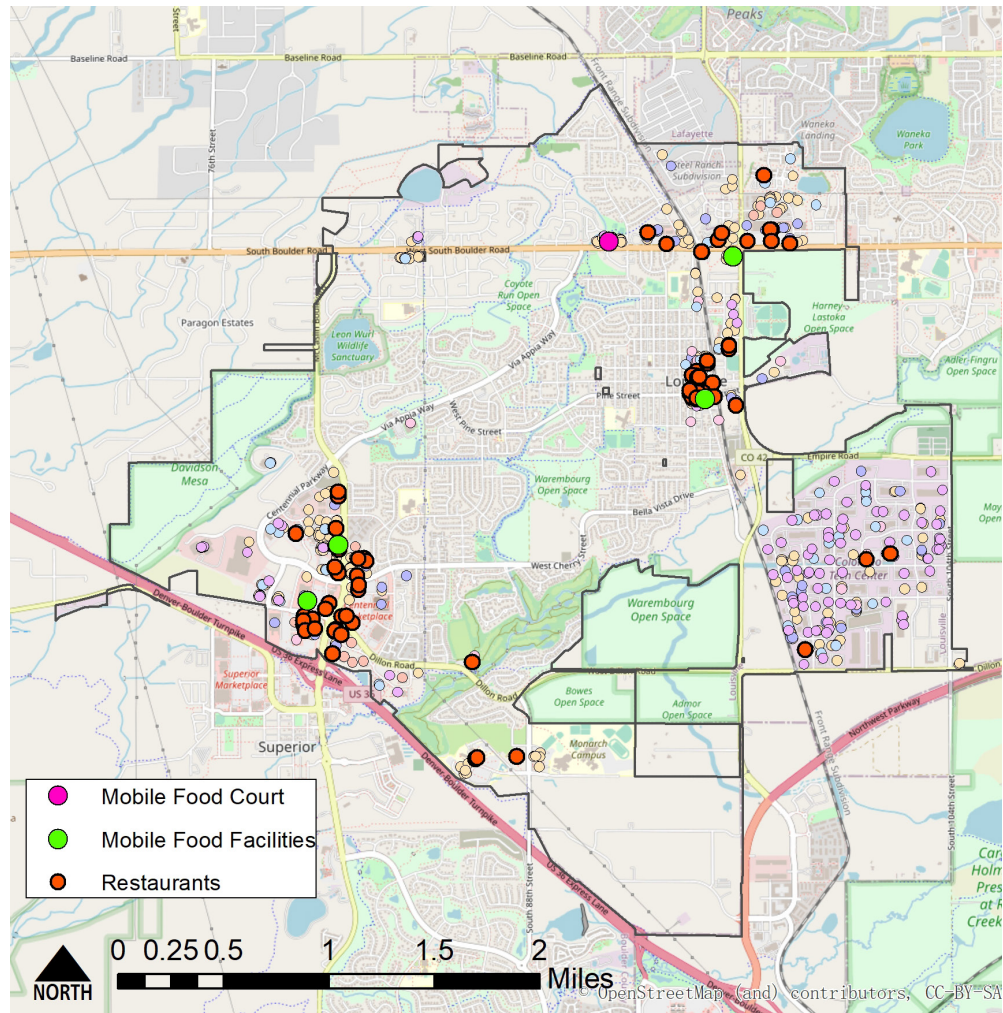
The city of Redmond is located in Deschutes County. Incorporated on July 6, 1910, the City is situated on the east side of Oregon's Cascade Range, in Central Oregon's high desert. From Redmond, there is access to many recreational opportunities. Redmond is a full-service municipality and one of the fastest-growing industrial and residential communities in Oregon. Redmond has an estimated population of 32,421 from 2019, and the population continues to grow at a rate of about 6.7% each year. In 2003, Redmond started incorporating mobile food facility codes and regulations for street vendors into city codes. The last year these codes were updated was in 2013. Currently, there is one food cart pod with four food carts in Redmond.

Louisville, CO

Louisville is 10 miles southeast of Boulder and 25 miles northwest of Denver. The 2019 estimated population was 20,816. Similar to Troutdale, Louisville serves as a bedroom community for both Boulder and Denver. There is also historical land

adjacent to main commercial districts and a river with a landscape belt across the City. Figure 3-3 shows mobile food facilities and restaurants (orange points). Also, the first mobile food court was approved in 2020 via a measure that allowed food truck courts.

FIG. 3-3
The location of mobile food facilities and restaurants in Louisville, CO



Fairburn, GA

Fairburn is a suburban community located 21 miles southwest of Atlanta with a population of 17,000 people. The locality’s website boasts of its community-oriented small-town character and is self-described as

“a place situated to succeed and a town open for business.” Additionally, it has established mobile food truck regulations and permitting requirements. However, it does not have regulations specific to mobile food truck pods.

Definitions of Mobile Food Facilities

Case study cities adopt three different strategies to define their MFFs, including a general definition (i.e., a single and concise definition for all MFFs) and a detailed definition (i.e., various definitions for different MFFs).

GENERAL DEFINITION

Happy Valley, OR

The Happy Valley development code defines a “mobile food unit” (MFU) as “any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or waterway, on which food is prepared, processed, or converted or which is used in selling and dispensing food to the ultimate consumer.”

Milwaukie, OR

Milwaukie has a straightforward definition of MFFs: “a) the cart has wheels, and the wheels will not be removed. b) any canopies, awnings, or any other attachments will be attached to, and supported entirely by, the cart and will not touch the ground. c) the unit is self-contained and will not require any plumbing connections.”

Fairburn, GA

Fairburn’s Zoning Ordinance defines a Mobile Food Truck as “A retail food establishment that reports to and operates from a commissary and is readily moveable. Said mobile food truck shall be a motorized wheeled vehicle which includes a self-contained kitchen where food is prepared or stored and from which food product are sold and dispensed.”

Redmond, OR

Redmond uses the term “Street Vendor” instead of “mobile food facility” or other terms. The City defines “Street Vendor” as: “any person, on property outside the public right-of-way and with the permission of the affected landowner in commercial or industrial zones, carrying, conveying or transporting food, beverages, flowers or balloons and offering and exposing them for sale from a mobile type of device such as a pushcart or like conveyance. Carts must be totally self-contained, must remain mobile and have wheels attached at all times, and must not occupy more than twenty square feet. No outside seating is allowed.”

Oregon City, OR

Oregon City defines mobile food unit as “A vendor or seller of food and/ or beverages from a motorized, non-motorized or towed vehicle including a wheeled trailer or cart capable of being towed or pushed by a vehicle or by hand not within a building. Mobile food units may require licensing from state and county health departments. Food units may be transitory or non-transitory.”

DETAILED DEFINITION

Laske Oswego, OR

Laske Oswego defines food carts and food cart pods in their proposed amendment (50.10.003 Definitions) as the following:

- “Food cart – A mobile unit, such as a trailer, truck, or cart, designed for the concession of food and/or beverages to walk-up customers.
- Food cart pod – A site containing more than one food cart and associated with amenities on private property. A food cart pod may include no more than two vendors selling beer, cider or wine, which must be licensed by the Oregon Liquor Control Commission (OLCC).”

The only allowable use for food carts in Lake Oswego is pushcarts, but a definition for pushcarts is absent from Lake Oswego’s municipal and development code.

Louisville, CO

Table 4-1 shows the definitions of all mobile food facilities from Louisville’s zoning code. The City adopts a hierarchical definition system for a single mobile food facility. The general definition for mobile food establishments does not include mobile food vehicles (motorized or towed), and the definition for mobile food vehicles does not include mobile food carts (non-motorized and size limitation). There is an additional definition for ice cream vendors and mobile food courts.

TABLE 4-1

Summary of Mobile Food Facility Definitions

Type	Definition
Mobile retail food establishment	Mobile retail food establishment means a retail food establishment that reports to and operates from a commissary and is readily moveable and equipped to serve food but which does not include mobile vending food vehicles as defined in section 17.08.323 and mobile vending carts as defined by section 17.08.333.
Mobile food vehicle	Mobile food vehicle means a readily movable, motorized-wheeled vehicle or a towed vehicle designed and equipped to store, prepare, or serve, and sell food, but which does not include mobile vending carts as defined in section 17.08.333.
Mobile vending cart	Mobile vending cart means a readily movable cart equipped to prepare, store or serve, and sell food and not exceeding a size of four feet in width by ten feet in length, excluding roof overhangs and wheels, by eight feet in height.
Ice cream vendor	Ice cream vendor means a person or business selling or offering for sale ice cream or frozen dairy products on the streets, alleys or other public places.
Mobile food court	Mobile food court means a commercial development where two or more mobile retail food establishments, mobile food vehicles, mobile vending carts, or ice cream vendors congregate to offer food or beverages for sale to the public and includes customary outdoor areas for eating and drinking. Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.

Regulations for single mobile food facilities also apply to the mobile food carts, except for the location requirements from restaurants. Additionally, a special review use, special location requirements, and additional operating requirements apply to the application for a mobile food court.

Policy Review

Students examined MFFs policies, regulations, and practices by dividing them into three categories based on their spatial characteristics. The first category is general location restrictions for different MFFs based on zone designation or spatial relationship with other land uses. The second category is place-based regulations tied to site use and site development, such as cart separation, setbacks from parking lots and pedestrian pathways/walkways, surfacing, waste and recycling, lighting, covered seating area, restrooms, landscaping, and parking. The last category includes any regulations with no spatial characteristics, including general licensing requirements, municipal codes, and other relevant regulations.

GENERAL LOCATION RESTRICTIONS

Table 5-1 summarizes case study cities' general location restrictions, illustrating the spatial relationship with zoning and other land uses. All seven cities

have location restrictions in terms of zoning designation. MFFs are permitted in commercial, industrial, mixed-use zones and prohibited in residential zones in most cities. Milwaukie has the most detailed restrictions on operating in certain zoning districts. In Oregon City, locational restrictions exist depending on the transitory nature of the mobile food unit. Generally, out-of-state case study cities have location requirements related to specific land use, such as distance from restaurants or eating establishments, while Oregon cities do not have these location requirements.

Additionally, cities with regulations on food cart pods have alternative or additional restrictions for food cart pods. For instance, food cart pods are permitted in industrial park zones but not in commercial zones in Lake Oswego. In Louisville, mobile food courts are exempt from the location restrictions from restaurants and can only be established on private property.

TABLE 5-1

General Location Restrictions

	Zoning	Other Land Uses
Happy Valley	<ul style="list-style-type: none"> Permitted in Commercial and Industrial districts Prohibited in Residential zones 	
Lake Oswego	<ul style="list-style-type: none"> Pushcarts are seasonally permitted in the East End Commercial and General Commercial zones. Food cart pods are permitted in Industrial Park zone 	

<p>Milwaukie</p>	<ul style="list-style-type: none"> • Permitted outright in Downtown Storefront, Downtown Commercial, Downtown Office, Residential-Office-Commercial, General Commercial • Permitted as accessory uses in Business Industrial and Manufacturing • Permitted as conditional uses in Neighborhood Commercial • Prohibited in Downtown Residential, Downtown Open Space, All Residential zones, Residential-Office-Commercial, Limited Commercial and Community Shopping Commercial 	
<p>Oregon City</p>	<ul style="list-style-type: none"> • Transitory mobile food units are allowed to operate in most zone • Non-transitory mobile food units are only permitted in Mixed-Use Downtown and Institutional Zones 	
<p>Redmond</p>	<ul style="list-style-type: none"> • Permitted in Commercial and Industrial zones. 	
<p>Louisville</p>	<ul style="list-style-type: none"> • Permitted in Non-residential, mixed-use and agricultural zone districts 	<ul style="list-style-type: none"> • 150 feet from any existing restaurant (not applicable to mobile food courts)
<p>Fairburn</p>	<ul style="list-style-type: none"> • Permitted in Office Institutional, Downtown Mixed-Use, Neighborhood Commercial, General Commercial, Light Industrial, Heavy Industrial, Planned Development, Parks and Open Space 	<ul style="list-style-type: none"> • Prohibited in private property, 200 ft of an eating establishment or 100 ft of a retail store that sells food w/o written permission from the owner, 250 ft of a residential structure

PLACE-BASED REGULATIONS

Table 5-2 summarizes the presence of different types of place-based regulations for each city, and Appendix A specifies each city’s ordinance. All cities have specific requirements for parking, which indicates that parking is an important factor in regulating MFFs. Apart from Redmond, all other cities have requirements on sewage/ waste/ trash disposal. Requirements on landscaping, lighting, pedestrian traffic/sidewalk, right-of-way, seating, setbacks, signage, surfacing, time, and vehicle attendance are frequently shown in most cities’ Code. Only a few cities have regulations regarding fencing, height, restroom, sanitation, separation, size, and stormwater.

Louisville has the most place-based regulations for both individual MFF and Mobile Food Court, while Milwaukie

and Redmond have minor regulations. However, Milwaukie has the most explicit general location regulations, which complements place-based regulations. Louisville has many requirements that other cities do not have, such as ADA accessibility, music restrictions, and prohibition in the sight triangle/vehicle clear-zone.

Some cities require that the establishment of MFFs (especially for food cart pods) should comply with other design guidance, regulations, or site review process. For instance, the establishment of food cart pods should adhere to the same standards that other types of restaurants or businesses are subject to in Lake Oswego. Additionally, Louisville requires a special review use for mobile food courts, so a site plan is required and would be mainly reviewed at the city’s discretion.

TABLE 5-2

Place-Based Regulations

	Happy Valley	Lake Oswego	Milwaukie	Oregon City	Redmond	Louisville	Fairburn
ADA						X	
Fencing				X		X	
Height				X			
Landscaping		X		X		X	
Lighting	X	X		X			
Music						X	
Parking	X	X	X	X	X	X	X
Pedestrian		X	X			X	
Restroom	X					X	
Rights-of-way					X	X	X

	Happy Valley	Lake Oswego	Milwaukie	Oregon City	Redmond	Louisville	Fairburn
Sanitation	x						x
Screening	x	x		x			
Seating	x		x		x	x	
Setbacks	x	x		x		x	x
Separation		x					
Sewage	x	x	x	x			
Sight triangle						x	
Signage	x		x			x	
Size		x			x		
Stormwater				x			
Surfacing	x					x	x
Time						x	x
Waste/ Trash	x			x		x	x
Utility	x	x		x		x	
Vehicle attendance					x	x	x

Note: "x" means this regulation item is required, and the specific content is shown in the Appendix

OTHER RELEVANT REGULATIONS

Table 5-3 summarizes cities' non-spatial regulations, including general licensing requirements, municipal codes, and other relevant regulations. All case study cities require that MFFs operators have a business/tax license. A county-level health permit/certificate

is required in most cities. On-site inspection through Health Department and/or Fire Protection District is required in some cities. Oregon cities do not require license/permit/inspection related to fire protection that Louisville and Fairburn require.

TABLE 5-3

Other Relevant Regulations

	License/ Certificate	Other Relevant Restrictions
Happy Valley	<ul style="list-style-type: none"> • Clackamas County Environmental Health permit requirements • Business license 	
Lake Oswego	<ul style="list-style-type: none"> • City business license • Licenses and certificates from the Clackamas County Health Department 	
Milwaukie	<ul style="list-style-type: none"> • Business license • Health license • Any permits necessary depending on the zone 	<ul style="list-style-type: none"> • Health inspection through the county
Oregon City	<ul style="list-style-type: none"> • Building permits and public works permits may be required (Transitory) • Business license (Non-transitory) 	<ul style="list-style-type: none"> • Worksheet for Carts in Pods and Permanent Carts will be submitted
Redmond	<ul style="list-style-type: none"> • Business license 	<ul style="list-style-type: none"> • Standards prescribed by state and county law and regulations • The building official and the fire marshal shall inspect each mobile device to be used
Louisville	<ul style="list-style-type: none"> • Sales/use tax license • Boulder County Public Health Certificate • A permit from the Louisville Fire Protection District 	
Fairburn	<ul style="list-style-type: none"> • Mobile Food Truck Use Permit • Fulton County Health Department regulations • State of Georgia business license and federal licenses 	<ul style="list-style-type: none"> • Must be inspected by the fire marshal if cooking food occurs on-site

Policy Evaluations

Students evaluated cities' policies based on four key policy areas: Economic Activities, Public Space, Public Health, and Public Safety. Appendix B shows the feasibility of each city's MFFs policies using these four evaluation criteria, and Appendix C provides detailed information pertaining to the connections between the three types' policies and four evaluation criteria.

ECONOMIC ACTIVITY

The location requirement that the use of MFFs shall be located a certain distance from any existing restaurant can create a barrier to entering the local catering market. Although this regulation is flexible, operators can acquire a written/notarized permission from brick-and-mortar businesses. However, it puts mobile food truck operators at a distinct disadvantage if nearby businesses refuse to grant written/notarized permission.

Minimum proposed parking requirements for MFFs pose another barrier to market entry. All cities have parking requirements for individual MFF, and a site plan showing the number and location of parking space applies to the application of food cart pods/mobile food courts.

A website synthesizing all the aforementioned information can reduce the transactional cost of operating a mobile food unit. Many cities provide a website to summarize the information regarding MFFs and facilitate the application process, including a map showing current zoning districts and the location of restaurants. For

example, Denver, Colorado, aims to coordinate different departments' review processes by providing a one-stop service on their website. Cities also utilize financial policy instruments to facilitate the entrance of MFFs into the catering market.

PUBLIC SPACE

General location restrictions aim to guarantee compatibility with the surrounding area, which is a key aspect of public space in this framework. Zoning designations and district overlays have a tendency to restrict where MFFs can be developed.

The proposed development codes would regulate proximity concerns and reduce conflict with neighboring zoning designations. MFFs are generally permitted in commercial, industrial, mixed-use zones and prohibited in residential zones. This designation may mitigate any concerns in proximity to residents. Alternatively, development codes for parking, walkways and pathways, lighting, screening, and signage would all fall under public space considerations. These proposed amendments include minimum setbacks, widths of pedestrian ways, and appropriate square footage for service access. These codes also include landscaping and screening with specifications for height and type of planting to reduce noise, light, and sight concerns from abutting residential properties. Minimum parking requirements would also mitigate issues with overflow into neighborhoods or along busy thruways.

PUBLIC SAFETY

General location requirements consider the tangential impacts of operation locations on community residents and visitors. In Milwaukie, food carts may operate in any zone where eating establishments are allowed as a permitted, limited, or accessory use. Therefore, food carts are prohibited in zones that have already been deemed unfit for eating establishment uses. This strategy may be effective because it focuses on the similarities of food carts with other eating establishment businesses, including the primary function of serving food, self-sufficiency, and potential impacts on neighborhoods. It also provides justification for the approval of food carts, since similar businesses have been approved in these zones before. In terms of food cart pods, Lake Oswego has a location requirement of operating on private property within the IP zone, which may mitigate concerns regarding proximity to schools and maintaining school safety.

Many place-based regulations are designed with safety in mind. For instance, most city codes include requirements related to setbacks, lighting, circulation, and waste. These regulations address pedestrian safety concerns and improve accessibility. Other standards regulate the tidiness and safety for customers, operators, and passersby. These standards specify the size and height of carts, accessories such as awnings, and prohibit seating or vending inside of carts. For mobile food courts or food cart pods, a site review is required to ensure the permanent structure would not increase public safety concerns.

Other relevant non-spatial regulations also ensure public safety. Redmond code states that the building official and the fire marshal shall inspect each mobile device to be used. The building official shall certify that the device is structurally and mechanically sound, and that the design will not create a nuisance or hazard to the public. The fire marshal shall certify that any cooking or heating apparatus is in conformance with the provisions of the city fire code. Louisville and Fairburn require permits and inspections from the fire protection department.

PUBLIC HEALTH

County health and city business licenses largely address public health concerns. City business licenses and county health licenses/permits regulate compliance with fire code, plumbing, potable water, and wastewater disposal. The county health department would oversee relevant environmental health permitting.

General location restrictions and place-based regulations would mitigate health concerns to some extent. For instance, Lake Oswego's code specifies that food cart pods are required to provide permanent handwashing and bathroom facilities within development plans. Some MFFs must maintain a supply of fresh water and dispose of all waste/trash associated with operations. These requirements promote a sanitary dining environment and are commonplace in any business that serves food. However, regulations aiming to improve public health are limited to each city's ordinance.

Recommendations

DEFINITIONS

We recommend simplifying the definitions for MFFs. Troutdale's current definitions for MFFs could be revised into two simple definitions that would be subject to different levels of regulation within the development and municipal code. These simplified definitions can streamline the process for MFFs and trigger tiered regulations and policy tools depending on their locations in public spaces or on private property. These definitions can also help clarify contradictions in Troutdale's existing regulations for food carts and pod developments, and support the limited capacity of planning staff. Removal of drive-in or drive-through language from the definitions of food carts may also limit potential public safety issues by limiting the interaction with motorized traffic with food carts, pedestrians, or non-motorized traffic. A concise definition could also facilitate innovation, such as three-wheeled MFF, man-powered MFF, and various theme MFFs.

REGULATION SYSTEM

A single, concise, and consistent section can help regulate all types of individual mobile food units. For example, although Louisville has many definitions for single MFF (similar to Troutdale), the requirements for most types of single MFF are consistent, except for ice cream vendors. Thus, Troutdale could adopt consistent

requirements for all MFFs to make the regulation system clearer, if condensing the definitions is not available. Troutdale could also establish a hierarchical regulation system for individual mobile food unit and mobile food courts, plus additional operating and location requirements, which can mitigate the external effects of mobile food courts.

Food cart and food cart pod development could benefit from an equity lens. Troutdale's Town Center Plan addresses issues of equity specifically as it concerns housing affordability and transportation, but also as it relates to equity issues more broadly for Black, Indigenous, and People of Color populations that have been historically marginalized. Food carts and food cart pods may work to increase more equitable outcomes by increasing accessibility to lower cost food options. They may also increase accessibility to food in areas without restaurants or grocery stores, targeting both underserved areas of Troutdale and supporting underrepresented entrepreneurs using food carts as restaurant incubators or as supplemental income. Given that Troutdale's fastest growing demographic is of the Latinx community in statistically lower wage jobs, food carts and food cart pods could offer an innovative means to welcome new residents into the city with increased access to economic opportunity.

GENERAL LOCATION RESTRICTIONS

Food carts and food cart pods can be limited to both general and specific commercial and industrial areas. Zoning designations or district overlay standards can restrict the development or location of food carts and food cart pods within Troutdale. These zoning designations and district overlays can be used to minimize conflict with existing brick-and-mortar restaurants and prevent food cart pods from operating in the core downtown neighborhood of the town center. Additionally, Troutdale can consider removing food carts as a permitted use to a conditional use within residential areas to disincentivize food carts in residential areas to avoid potential issues in public safety or conflicts with residents over traffic, noise, light, parking, or otherwise. Troutdale's current definitions for food carts can be revised into two simple definitions that would be subject to different levels of regulation within development and municipal code.

PLACE-BASED REGULATIONS

Development code can be used to regulate place-based regulations for food carts and food cart pods. These codes may address issues or concerns in public safety, public health, and public space. They should include requirements for cart separation, setbacks, surfacing, waste and recycling, lighting, restrooms, covered seating areas, landscaping and screening, and parking. Development codes for food carts and food cart pods may also utilize existing codes for signage or site plan reviews for permanent structures.

OTHER RELEVANT REGULATIONS

We suggest all MFFs have a city business license and the proper permitting from the county health department for food sanitation, cart safety, and environmental health. The city of Troutdale can simplify and streamline their development codes for MFFs by allowing some regulations to be delegated to other city and county departments to administer and ensure compliance. A city business license should regulate compliance with city codes for fire, utility, and plumbing safety. This may be done in partnership with local fire officials. A city business license may also have the ability to provide limitations on the hours of operation. We recommend the Multnomah County Health Department regulate food sanitation and any relevant environmental health concerns. Multnomah County requires a plan review process for new or remodeled food carts, detailed licensing requirements for changes in ownership, criteria for use of commissaries, and warehouses for cart storage. Multnomah County also requires an additional plan review process for units that are in a location for more than 30 days and must receive approval from the Prefabricated Structures Section of the Building Code Division. Troutdale may consider additional requirements for individual food carts if the County standards are not sufficient. These regulations should ensure that food carts and food cart pods are appropriately paying into the system, maintaining public safety and public health, and minimizing conflict with existing restaurants.

ADDITIONAL SUGGESTIONS

Troutdale can also create a website synthesizing and summarizing MFF-related information, including a map showing current zoning districts and the location of restaurants. This website could also facilitate the MFF application process. Apart from Louisville, some Colorado cities have a website specific to MFFs. Denver aims to coordinate different departments' review processes to provide one-stop service on its website.

Conducting engagement with brick-and-mortar restaurants and other relevant stakeholders in the code amendment process is another method Troutdale could utilize. This may span from awareness to collaboration in the code amendment process, with emphasis on educating stakeholders on how food carts and food cart pod development would be regulated and clarify how MFFs pay into the appropriate systems of

licensing, permitting, and relevant fees. Stakeholder engagement may also support innovations for brick-and-mortar restaurants to consider supplementing their business models with a seasonal food cart that can operate during special events. Stakeholder engagement may also work to preempt residential concerns on parking, noise, or traffic.

Food cart pods as a permitted use, rather than individual food carts, may provide a means to streamline the process of regulation and enforcement for city and county staff. Food cart pods centralize the location of individual carts, which may ease the regulation and enforcement of the development by city or county staff with limited capacity. A centralized location may also work to make food carts a more viable economic contribution by supporting patronage at multiple food carts.

Conclusion

This report reviews seven cities' MFF policies and regulations and their connections to four key policy areas. Results show that general location restrictions may pose barriers for MFF operators entering the catering market and sustaining profits, but would improve public safety and public space. Most place-based regulations aim to mitigate the negative externalities of MFF and reduce the conflicts with neighborhood zoning designations, while also addressing public safety concerns and enhancing the quality of public space. In comparison, specific place-based regulations, such as trash/waste disposal, also account for public health. The license and permit requirements refer to public health to a large extent. To regulate MFF, Troutdale has the opportunity to learn from these cities' policies and practices, and adopt a comprehensive approach. Additionally, many cities establish online streaming process to facilitate the application process, which can save operators money and time cost.

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Appendix A

Case Study Cities Place-based Regulations

City	Placed-based regulations
Happy Valley	<p>Mobile food unit:</p> <ul style="list-style-type: none"> ● Accessory items and structures – established number of restrooms, per square footage of site, trash receptables, seating. ● Signage specified as “A-Frame” style only. ● Setbacks for mobile food unit are specified for distances from other units, lot lines, vehicular and pedestrian use areas, and intersections. ● Screening is required if less than 20 feet from residential zones. ● Surfacing – All units must be on hard surfaces unless permeable surface was authorized in approved site design. ● Lighting is required, if not on site, must be provided by applicant. ● Utilities – the unit must be self-contained unless otherwise agreed upon through permitting process. ● Sanitation, sewage, parking requirements are included in the MFU code section with references to other areas of municipal code.
Lake Oswego	<p>Pushcarts:</p> <ul style="list-style-type: none"> ● There are no specified place-based regulations on pushcarts detailed within the municipal or development code. There are no clear regulations tied to cart separation, setbacks, pathways or walkways, lighting, parking or otherwise detailed in Lake Oswego’s municipal or development code. Given that pushcarts typically operate in public rights-of-way, there may be gaps in Lake Oswego’s policies that would mitigate potential public safety issues or public space conflicts. <p>Food cart pods:</p> <ul style="list-style-type: none"> ● Proposed amendments for development standards (LOC 50.06) would create site use and development regulations for food carts and food cart pods. ● Lake Oswego’s proposed amendments to development code were similar to those adopted by Happy Valley, Beaverton, and Gresham. ● Food cart pods may include a permanent structure that must comply with site design standards.

<p>Milwaukie</p>	<ul style="list-style-type: none"> • Once a food cart has selected a site, there are a few regulations that apply to their allowable use of that site. If the food cart is parked in an existing parking space, and that use affects the parking minimums of that property, then that parking space must be replaced. There are also signage standards that apply depending on which zone the cart is parked. As mentioned in the definition and approval of food carts, they must be entirely self-contained with no need for plumbing and sewer and no seating. Milwaukie doesn't regulate their MFFs by time limit.
<p>Oregon City</p>	<p>Mobile Food Units:</p> <ul style="list-style-type: none"> • Organize all the necessary forms in one place and clearly describe all steps mobile vendors must take to ensure authorization • Fee should be high enough to generate revenue but not so high as to discourage potential businesses • Mobile vendors should be allowed to park for at least four hours to ensure adequate time to set up, break down, and to adhere to food safety precautions • Maximum of 200 ft. or tiered model where distance requirements depend on density of neighborhood • Mobile food should not be banned from certain areas; consider lottery or first-come-first-serve system restricting number of trucks or sections of right-of-way designated for mobile food • Refer to standards that cities with an established food truck industry have implemented • Adherence to regulations brick-and-mortar restaurants follow is recommended • Allow groups commissary arrangements • Adopt lenient regulatory language • Restrictions on operating during school hours recommended and maintain further proximity from schools compared to restaurants • Should be included in food truck regulations

Redmond	<ul style="list-style-type: none"> • Redmond does not allow for street vendors to operate in the public right-of-way. Per the Redmond Development Code, if the street vendor locates in a required parking space for another existing use, that space will be removed from the parking count and may need to be replaced. The code also restricts outside seating. The carts must not occupy more than twenty square feet
Fairburn	<p>Mobile food trucks:</p> <ul style="list-style-type: none"> • Must maintain a 20-ft setback from the right-of way • May not be left unattended overnight – equipment may not be left on-site • Must properly dispose of and remove waste/trash associated with operations. Trash/ waste receptacles cannot be located within 100 ft of a residential property line • Must have an adequate supply of fresh water via an on-truck freshwater tank for safe/ sanitary food operations • Must park on paved surfaces • Must provide six parking spaces • Can only operate from 7:00 a.m. to 8:00 p.m. (Sun – Thurs) and 7:00 a.m. to 10:00 p.m. (Fri – Sat)
Louisville	<p>Single mobile food facility shall not:</p> <ul style="list-style-type: none"> • Park in or on city-owned right-of-way or city-owned property overnight • Set-up within any designated sight triangle/vehicle clear-zone • Set-up within any ADA accessible parking space • Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk • Fail to have the vehicle/cart attended at all times • Provide amplified music • Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made • Fail to have the vehicle/cart attended at all times

Appendix B

Feasibility of Each Case Study City's MFF Policies

Cities	Feasibility of MFF Policies			
Happy Valley	Evaluation Criteria	Low	Moderate	High
	Economic Activity			X
	Public Space			X
	Public Health		X	
	Public Safety		X	
Lake Oswego	Evaluation Criteria	Low	Moderate	High
	Economic Activity			X
	Public Space		X	
	Public Health		X	
	Public Safety			X
Milwaukie	Evaluation Criteria	Low	Moderate	High
	Economic Activity			X
	Public Space		X	
	Public Health			X
	Public Safety		X	
Oregon City	Evaluation Criteria	Low	Moderate	High
	Economic Activity		X	
	Public Space			X
	Public Health			X
	Public Safety		X	
Redmond	Evaluation Criteria	Low	Moderate	High
	Economic Activity			X
	Public Space		X	
	Public Health			X
	Public Safety			X
Fairburn	Evaluation Criteria	Low	Moderate	High
	Economic Activity			X
	Public Space		X	
	Public Health			X
	Public Safety		X	
Louisville	Evaluation Criteria	Low	Moderate	High
	Economic Activity		X	
	Public Space			X
	Public Health			X
	Public Safety			X

Appendix C

The Connections between Three Types of Policies and Four Criteria

Cities	Connections between Three Types of Policies and Four Criteria			
Happy Valley	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity			<ul style="list-style-type: none"> All-online application Rentable on-site kiosk
	Public Space	<ul style="list-style-type: none"> Permitted in Commercial and Industrial zones 	<ul style="list-style-type: none"> Vehicular and pedestrian circulation 	
	Public Health			<ul style="list-style-type: none"> County health code
	Public Safety	<ul style="list-style-type: none"> Permitted in Commercial and Industrial zones 	<ul style="list-style-type: none"> Setback Lighting Circulation Waste requirement 	
Lake Oswego	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity	<ul style="list-style-type: none"> Pushcarts are only seasonally permitted in commercial areas 	<ul style="list-style-type: none"> Minimum proposed parking requirements for food cart pods 	
	Public Space	<ul style="list-style-type: none"> Pushcarts are only seasonally permitted in commercial areas 	<ul style="list-style-type: none"> Minimum Parking Walkways Lighting Screening Signage Minimum Setbacks Width of sidewalks Area of service access Landscaping 	<ul style="list-style-type: none"> Business licensing process
	Public Health			<ul style="list-style-type: none"> City business license County health licenses
	Public Safety	<ul style="list-style-type: none"> Food cart pods are only permitted on private property within the IP zone. 	<ul style="list-style-type: none"> Accessibility Accessories Seating Spacing Surfacing Size and height 	<ul style="list-style-type: none"> Overly district standards for food cart pods

Milwaukie	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity			<ul style="list-style-type: none"> No SDCs
	Public Space	<ul style="list-style-type: none"> Food carts may operate in any zone where eating establishments are allowed No duration restrictions for MFF on private properties 	<ul style="list-style-type: none"> Parking Signage Self-contained 	
	Public Health			<ul style="list-style-type: none"> County health regulations Self-contained
	Public Safety	<ul style="list-style-type: none"> Food carts may operate in any zone where eating establishments are allowed 	<ul style="list-style-type: none"> Self-contained 	
Oregon City	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity		<ul style="list-style-type: none"> Site plan Design review application 	<ul style="list-style-type: none"> Two different permitting processes
	Public Space	<ul style="list-style-type: none"> Time constraints Proximity restrictions Prohibited in rights-of-ways 	<ul style="list-style-type: none"> Setback Maximum height 	
	Public Health		<ul style="list-style-type: none"> Wastewater disposal Permanent water and power sources for non-transitory carts 	<ul style="list-style-type: none"> County health department permit Adhere to city, state, and federal standards
	Public Safety	<ul style="list-style-type: none"> Transitory mobile food units are allowed to operate in most zone Non-transitory mobile food units are only permitted in Mixed-Use Downtown and Institutional Zones 	<ul style="list-style-type: none"> Pedestrian safety 	

Redmond	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity			<ul style="list-style-type: none"> Subsidy
	Public Space	<ul style="list-style-type: none"> Unused parking spaces Prohibited in public right-of-way 	<ul style="list-style-type: none"> Parking Noise Garbage disposal Seating 	
	Public Health			<ul style="list-style-type: none"> State and county regulations.
	Public Safety	<ul style="list-style-type: none"> Permitted in Commercial and Industrial zones 	<ul style="list-style-type: none"> Self-contained Remain mobile at all times 	<ul style="list-style-type: none"> Inspection by building official and the fire marshal A certificate of insurance
Fairburn	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity	<ul style="list-style-type: none"> Permitted in eight land use districts Location requirements from existing restaurants 		<ul style="list-style-type: none"> Centralized application process
	Public Space	<ul style="list-style-type: none"> Time constraints Prohibited in public right-of-way Location requirements from existing restaurants 	<ul style="list-style-type: none"> Parking Setback 	
	Public Health		<ul style="list-style-type: none"> Fresh water Waste/trash disposal 	<ul style="list-style-type: none"> County Health Department regulations
	Public Safety	<ul style="list-style-type: none"> Prohibited in public right-of-way 	<ul style="list-style-type: none"> Paving 	

Louisville	Evaluation Criteria	General location Restrictions	Place-based Regulations	Other Relevant Regulations
	Economic Activity	<ul style="list-style-type: none"> • Location requirements from existing restaurants 	<ul style="list-style-type: none"> • The location requirements from existing restaurants shall not apply to mobile food court • Site plan 	<ul style="list-style-type: none"> • Streaming • High application fees
	Public Space	<ul style="list-style-type: none"> • Time constraints • Prohibited in public right-of-way 	<ul style="list-style-type: none"> • Accessibility to sidewalk • Signage • Setback • Noise 	
	Public Health		<ul style="list-style-type: none"> • Trash recycling • Waste disposal 	<ul style="list-style-type: none"> • Restaurant & Food Vendor Licensing
	Public Safety	<ul style="list-style-type: none"> • Permitted in Non-residential, mixed-use and agricultural zone districts 	<ul style="list-style-type: none"> • Vehicular and pedestrian traffic • Electrical connections 	<ul style="list-style-type: none"> • A mobile food vending permit from the Louisville Fire Protection District

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