

February 24, 2021
City Council Discussion

Proposed Amendment of Mobile Food Unit Ordinance 2020-10

Evolution of Molalla MFU Reg's

- October 2020
 - *Temporary Ordinance Adopted*
- January 2021
 - *Permanent Ordinance Version 1 Adopted*
- February - March 2021
 - *Permanent Ordinance Version 2 Proposed (Adopted?)*

Zoning

- Central Commercial (C-1)
- General Commercial (C-2)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Rural Industrial (RI)
- Low Density Residential (R-1)
- Medium Density Residential (R-2)
- Medium-High Density Residential (R-3)



Summary of Major Proposed Changes

- Limit TMFU operations to 5 hours/24-hour period, except by special event permit. *The existing rule allowing for 14 hours of operation per day provide a disincentive to MFU owners to set up a PMFU or Pod because operating hours and locations are permissive enough to run substantially the same operation as a permanent unit without the process, oversight, and community engagement typically part of operating a permanent business.*
- Process and Fee Changes.
 - TMFU's & Single/Double PMFU's as an Accessory to a Primary use – Type I Review
 - MFU Pod & Single/Double PMFU's as a Primary Use – Type II or Type III Review as dictated by the Development Code

These changes provide a planning process for TMFU operations, reduced fees and a streamlined planning process for TMFU's and Accessory PMFU's (up to 2 on a property) and ensure commercial or industrial space being primarily used for MFU operations is appropriately developed. In essence, this scheme removes a substantial quantity of development code requirements from TMFU's and Accessory PMFU's.

- Surfacing Requirement Changes.

TMFU's and Single/Double PMFU's are allowed to operate on non-conforming parking lots (but may not increase the degree of non-conformity), but all pedestrian and vehicle circulation areas must be hard packed gravel, or a hard surface.

Pods must comply with existing surfacing requirements.

- Simplified Design and Operation Standards

General Proposed Change 1

- **Definitions:**

- TMFU – Changed to mean a MFU that operates on a given property for 5 hours or less in a 24-hour period.
- PMFU – Changed to mean a MFU that operates on a given property for 5 hours or more in a 24-hour period.

- **Reason for Proposed Change**

- TMFU's operating on a given site for 14 hours or more per day, without any real process, was causing a few issues:
 - Prior rule incentivized TMFU's over PMFU's due to the lax regulations, no real difference in operating restraints, and lax start-up costs;
 - New rule allows TMFU's like Chic-Fil-A to operate in town while not disincentivizing PMFU's due to significant differences in operating restraints and similar processes.
 - PMFU's become part of the business and community landscape, while TMFU's only operate in the community on a transient basis.

General Proposed Change 2

- **General Requirements**

- Reconciled with County MFU Permit

Reason for Proposed Change

- County MFU Permitting is an in-depth and comprehensive process that was duplicated in many parts by our ordinance.
- Staff has removed most of the overlap to simplify the ordinance and make the relationship between processes look more like that between the City and the County Building Official for other development/use.



TMFU'S PROPOSED CHANGE 3

- **Design and Operation Standards for TMFU's**
 - *Limited to 5 hours on a property in a 24-hour period*
 - *Operating hours from 6am – 10pm (may be changed through Conditional Use approval)*
 - *Limited to 3 at a time*
 - *Must be accessory to a primary use*
 - *Maintain Minimum Number of Parking Stalls, Drive Aisle Widths, and Parking Lot Requirements*
 - *May not result in a reduction of landscaping to less than the minimum site requirement*
- **Process for TMFU's**
 - *Type I site and design review for each operating site (\$150 base + \$100 for each additional property)*
 - *Copy of Clackamas County MFU Permit and Application*
 - *Division III Design Standards not applicable unless: Indicated in the ordinance, required by a previous condition of approval, or the design element or lack of creates a safety or reasonability issue.*

PMFU'S PROPOSED CHANGE 4

- **Design and Operation Standards**

- *Applies to Single or Double PMFU's that are accessory to a primary use*
- *Operating hours from 6am – 10pm (may be changed through conditional use approval)*
- *Limited to 2 MFU's operating on the property at a time*
- *Must be accessory to a primary use*
- *Maintain Minimum Number of Parking Stalls, Drive Aisle Widths, and Parking Lot Requirements*
- *May not result in a reduction of landscaping to less than the minimum site requirement*
- *Must supply at least one on-site restroom facility (may be portable, part of an on-site building, or constructed)*
- *Where frontage improvements would be triggered by development, a non-remonstrance agreement may be recorded in lieu*
- *Where insufficient right-of-way exists to comport with the TSP, it must be dedicated*

- **Process for Single or Double PMFU's that are accessory to a primary use**

- *Type I site and design review for each operating site (\$250 per proposed unit)*
- *Copy of Clackamas County MFU Permit and Application*
- *Division III Design Standards not applicable unless: Indicated in the ordinance, required by a previous condition of approval, or the design element or lack of creates a safety or reasonability issue.*

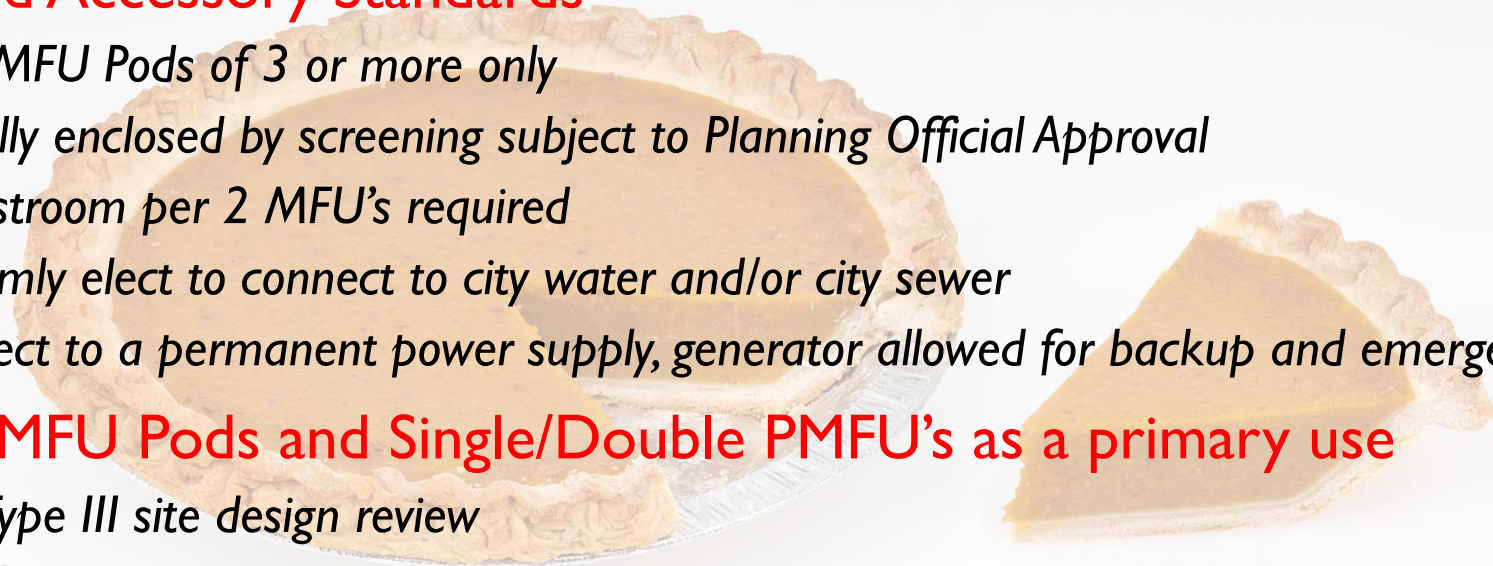
MFU Pods and Single or Double PMFU's that are a Primary Use Proposed Change 5

- **Site, Unit, and Accessory Standards**

- *Applies to MFU Pods of 3 or more only*
- *Must be fully enclosed by screening subject to Planning Official Approval*
- *1 Public restroom per 2 MFU's required*
- *May uniformly elect to connect to city water and/or city sewer*
- *Must connect to a permanent power supply, generator allowed for backup and emergency use only*

- **Process for MFU Pods and Single/Double PMFU's as a primary use**

- *Type II or Type III site design review*
- *All of Title 17 applicable*
- *Copy of Clackamas County MFU Permit and Application*



Surfacing Requirements Proposed Change 6

- **TMFU's and Single/Double PMFU's**

- i. Maintain the minimum number of parking stalls, and minimum drive aisle widths and parking lot requirements; and
 - 1. Non-conforming parking lots may be utilized, but the MFU may not cause an increase in non-conformity; and
- ii. Vehicle and Pedestrian circulation and parking areas must be gravel, asphalt, concrete, or other hard material as approved by the Planning Official; and

- **MFU Pods**

- i. Subject to the Division III Parking and Surfacing Requirements

