

# City of Bandon

<b>CITY COUNCIL AGENDA DOCUMENTATION</b>	<b>DATE:</b> September 12 <sup>th</sup> , 2022
<b>SUBJECT: Public Hearing for Mobile Food Unit Ordinance</b>	<b>ITEM NO:</b> 4.1.1

## **BACKGROUND:**

After multiple work sessions and public hearings, the Planning Commission has passed a draft ordinance for the allowance of Mobile Food Units to the City Council. The attached staff report describes the history, public comment, and proposed ordinance language for your review and discussion. Staff has also included public comments, meeting minutes, and the Oregon Health Authority guide for operating a Mobile Food Unit.

## **FISCAL IMPACT:**

An annual license fee will be set to cover the cost of staff time to ensure ongoing compliance. A planning permit fee will also be assessed to cover the cost of staff time to process an application for a Mobile Food Unit or Mobile Food Unit Pod operation.

## **RECOMMENDATION:**

Potential Motion: *“I move to approve the land use ordinance as proposed (and/or as amended here) for the zone text amendment to chapter 17.104, Supplementary Provisions of the Bandon Municipal Code and direct Staff to prepare an Ordinance and Findings for adoption at the next meeting.”*

## **SUBMITTED BY:**

*Dana Nichols*

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Dana Nichols, *Planning Manager*

**STAFF REPORT**  
**OF THE PLANNING DEPARTMENT**  
**FOR THE CITY OF BANDON, OREGON**



**FILE NUMBER:** 22-028, Mobile Food Unit Ordinance

**REQUEST:** Adopt regulations regarding the siting of Mobile Food Units. Adopt definitions in Chapter 17.02, add to permitted uses in 17.44 (General Commercial, C-2) and 17.52 (Light Industrial, LI), and add criteria for approval to Chapter 17.104, Supplementary Provisions.

**LEAD CITY STAFF:** Dana Nichols, Planning Manager

**NOTICING INFORMATION:** PAPA Notice Submitted to DLCD on February 17<sup>th</sup>, 2022  
Notice of Public Hearing mailed to affected parties on March 2<sup>nd</sup>, 2022  
Notice published in The World on March 4<sup>th</sup>, 2022  
First Evidentiary Hearing on March 24<sup>th</sup>, 2022  
Second Evidentiary Hearing on April 28<sup>th</sup>, 2022  
Council Work Session on August 15<sup>th</sup>, 2022  
New Public Hearing notice published in World on August 26, 2022

**APPLICABLE CRITERIA:** BMC (Bandon Municipal Code) Chapter 16.32, Zone Changes and Amendments

**Purpose of Staff Report:**

Staff reports provide the reviewing body and community members with information regarding current land use requests and staff's analysis of the application. The staff report provides preliminary information and recommendations. The reviewing body will consider the staff report as well as public testimony and other materials submitted to the City in writing, when making decisions on the application.

## **I. Background**

The Planning Commission held an initial hearing on Mobile Food Units at the March 24<sup>th</sup>, 2022 regular meeting. At that meeting, they allowed time for public comment and voted to continue the hearing for deliberation only to the April 28<sup>th</sup>, 2022 at 7:00 pm. The Commission requested that staff modify the language to use “mobile food unit” instead of “mobile food cart” to align with the state’s definition, and to clarify that the use is only allowed on private property. The modified language has been underlined below.

At the April 28<sup>th</sup> public hearing, the Commission discussed these changes, as well as the zone locations in which this use may be appropriate. The Commission heard testimony from local business owners, primarily in the C-1 Old Town Commercial and C-3 Marine Commercial zones that did not want to see MFUs located near their existing brick and mortar businesses. During the Commission’s deliberation, they could not come to consensus on whether or not MFUs should be allowed in the C-1 and C-3 zones, in addition to the C-2 and LI zones, so they passed the Ordinance to the Council without a recommendation. The proposed ordinance language below reflects an allowance for MFUs only in the C-2 and LI zones. If, at a later date, there is demand or desire to locate MFUs in Old Town, or along the waterfront, the Commission and Council can revisit the Ordinance for amendment.

The City Council held a work session on August 15<sup>th</sup>, 2022 to review the draft code language and discuss the changes made by the Planning Commission.

## **II Proposed Ordinance Language**

Add “Mobile Food Units” into allowable uses in the General Commercial (C-2) and Light Industrial (LI) zones.

Add the following definitions to Chapter 17.02:

*Mobile Food Unit:* A vehicle that is self-propelled or that can be pushed down a sidewalk, street, or highway, on which food is prepared or processed and is used in selling and dispensing food to the consumer.

*Mobile Food Unit Pod:* A designated site on which more than one Mobile Food Unit is located, with shared facilities for restrooms, seating, trash, and other accessory features.

### **Chapter 17.104 Supplementary Provisions**

#### **Sections:**

- 17.104.010**     **Zone boundaries.**
- 17.104.020**     **General provisions regarding accessory uses.**
- 17.104.030**     **Projections from buildings.**
- 17.104.040**     **Maintenance of minimum requirements.**
- 17.104.050**     **General exception to lot size requirements.**
- 17.104.060**     **General exception to yard requirements.**

- 17.104.080 Access.**
- 17.104.090 Vision clearance area.**
- 17.104.100 Mobile Food Units**

**17.104.100 Mobile Food Units**

- A. No Mobile Food Unit (MFU) shall operate in the City of Bandon unless proper permitting has been obtained from all local and state agencies.
- B. MFUs shall only be permitted on private property in the C-2 and LI zones, subject to property owner approval.
- C. Applicants for MFU(s) shall be required to obtain Zoning Compliance approval from the Planning Department, which will be processed as a Type I (single MFU) or Type II (MFU Pod) application. The application shall include a to-scale site plan showing property dimensions, setbacks, existing structures, size and placement of MFU(S), accessory structures including trash receptacles and seating areas, surfacing materials, parking, and all permanent and non-permanent utility connections. The application shall also include signed permission from the property owner, elevation drawings or photos of the MFU, and the required review fee.
- D. MFUs shall comply with the following approval criteria:
  - a. No part of the MFU shall impede vehicular or pedestrian traffic.
  - b. MFUs shall not occupy more than 15 percent of a required off-street parking area.
  - c. MFUs shall be fully moveable. Wheels must remain inflated, the Unit must be attached to an engine or a trailer tongue that attaches to a vehicle that moves, and no permanent connections to any utilities are allowed.
  - d. At least one trash receptacle shall be provided. The MFU owner shall be responsible for disposal of trash and general site-clean-up daily.
  - e. Single MFUs must be self-contained. Water and sewer service are not available. Food Unit Pods may install water and sewer with the proper payment of System Development Charges and approval from the Public Works Department.
  - f. Accessory and/or temporary structures shall meet all requirements of the underlying zone, vision clearance requirements, and Chapter 15.28 Floodplain Development.
  - g. Signage must be permanently affixed to MFU. No sandwich boards or portable signs are permitted.
  - h. Outdoor lighting shall be provided if not already adequately provided by an existing use. Lighting shall be subject to the Commercial Design Standards listed in 17.94.070.
  - i. Permitted hours of operation of an MFU shall be consistent with the host business or shall be set by the property owner as part of the application.
  - j. MFU pods may include restrooms, storage buildings, outdoor seating areas, and trash enclosures, provided they meet the requirements of the underlying zone. These structures shall be subject to the Commercial Design Standards listed in 17.94.060(B) Screening.
  - k. MFU pods shall meet the parking requirements for a commercial eating or drinking establishment and standards for parking lot construction, as described in 17.96.

- E. Once approved, MFUs must submit for an operating permit, which is required to be renewed annually, starting on January 1<sup>st</sup> of each year. This permit shall include the appropriate fee (set by Council), Certificate of Insurance, copy of Health Inspection, and Fire Inspection documentation.
- F. The permit issued shall be personal to the permittee only and is nontransferable. The permittee is responsible for compliance with all conditions of approval and will be subject to revocation if violations occur.
- G. Exemptions: Mobile Food Units that are operated as part of an approved farmers market or allowed under a special event permit are exempt from the provisions of this section.
- H. Failure to comply with any of the criteria above will result in revocation of the permit and compliance with Chapter 1.16 of the Bandon Municipal Code.
- I. The City Council has the right to repeal or amend this Chapter and thereby terminate or modify all MFU operations on private property.

# Public Comment

## Dana Nichols

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**From:** Doug Pell <dougpell64@gmail.com> on behalf of Doug Pell  
**Sent:** Saturday, April 2, 2022 5:51 AM  
**To:** planning@cityofbandon.org  
**Subject:** MFU Ordinance Public Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing in support of the Mobile Food Ordinance. In reading the public comments provided I would echo those comments provided by Mary Giddens. We have lived elsewhere that provided food truck locations and/or establishments without kitchens utilized food trucks to serve their customers. It appeared to strike a good balance between growing businesses and supporting customers. As I think about my personal utilization of food trucks I expect it would be when local brick and mortar establishments are closed, when reservations or wait times are extreme, or when patronizing a local establishment that does have a kitchen. I don't envision less patronage of the brick and mortar establishments.

Being a small town with brick and mortar establishments there does need be a balance struck with licensing, fees, schedules, locations, etc.

I understand we need to manage growth wisely and believe this is a good opportunity to do so.

Doug Pell  
Bandon resident

## Dana Nichols

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**From:** Joseph Bain <joseph@baininsurance.com> on behalf of Joseph Bain  
**Sent:** Sunday, March 13, 2022 2:54 PM  
**To:** City - Dana Nichols  
**Subject:** Comments of Food Carts

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Dana,

I do like food carts in general; but feel that unless there is a criteria that includes a noticeable financial permit fee, they are unfair competition to local businesses. Locals that invest in property (own or rent) pay property taxes that support the county, city, schools, airports and the list goes on. In essence, the food trucks are net takers not contributors and are actually taking advantage of the hard work that established store fronts have done to make Bandon what it is. Think system development charges and why they exist. No I'm not suggesting that, just a way to relate to it

I also, think the number of units allowed should be limited.

Joseph Bain  
Bain Insurance Agency  
PO Box 659  
Bandon, OR 97411

(Ph) 541-347-3211  
(Fx) 541-347-9232



## Dana Nichols

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**From:** Fred Gernandt <fred@bandonhomes.com> on behalf of Fred Gernandt  
**Sent:** Tuesday, March 8, 2022 9:30 AM  
**To:** planning@cityofbandon.org  
**Subject:** Mobile Food Units

Good morning

As the owner of the 1.2 acres across from Port of Bandon parking lot, I am most interested in Food Carts. I have suggested that Food Carts be allowed at the former Moore Mill Truck shop location. It offers water views and uniqueness.

I am in favor of mobile food units in Bandon. Everywhere. With the stipulation if they get troublesome that the approval be re-visited.

Thank you.

**Fred Gernandt**  
David L. Davis Real Estate  
541-290-9444 | [www.bandonhomes.com](http://www.bandonhomes.com)

[Live Ocean Camera](#)

[Bandon Homes App for iPhone/Android](#)

INITIAL AGENCY DISCLOSURE FOR BUYERS AND SELLERS-PLEASE READ

## Dana Nichols

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**From:** hnsause@aol.com  
**Sent:** Friday, March 11, 2022 8:44 AM  
**To:** dnichols@ci.bandon.or.us  
**Cc:** info@bandonrain.com; twulff69@gmail.com; gdrobot@facerockcreamery.com; alloro@allorowinebar.com; fred@bandonhomes.com; archiegarrett@hotmail.com  
**Subject:** Testimony concerning Mobile Food Units

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Planning Dept. City of Bandon,

I am writing in support of the City's consideration to allow use of Mobile Food Units on properties zoned Commercial or Industrial. A property that we restored, 640 2nd Street, home of Bandon Rain and Eat 101 food truck, has seen the beneficial use of private property to offer additional opportunities for the property owner, the Commercial Tenant and the Food Truck Operator.

In this situation, allowed during COVID hardships, we have an example of how this combination actually worked out for all parties including the general Community and Tourists. We requested and received the agreement from Face Rock Creamery before we entered into this arrangement. They too offer excellent food choices, Eat 101 complements the offering to the public, with a different menu than FRC's establishment. The occasional siting of the Food Truck on this block offers choices for folks; a cluster of activity with food and drink offerings seems to benefit all by attracting more options for people to come here as a destination for entertainment and eating.

I do feel strongly that Food Trucks should share in the costs of contributing to our City of Bandon for supporting infrastructure. It is not fair for Brick and Mortar property owners to pay property taxes, insurance, mortgages/rent while Mobile Food Units slide in and park for free. There should be appropriate Fees paid for the benefit they receive. They need to pay their fair share to the City and to the property owner providing the electricity, water, clean up, ambiance - 'fair share neighbors'. It is also a reasonable expectation that nearby food establishments should have the right to request a certain distance requirement from their front doors. Investment decisions were made based on existing rules, this is a new paradigm. I can envision a situation where an unsightly food truck wants to park immediately in front of an established restaurant. Perhaps your Planning Dept. can draft an Ordinance that accomplishes a level of protection for existing Restaurant owners, proper notice and permission within certain distances may be a requirement?

There are opportunities for our City to include this popular Food Truck Trend. I support the City's consideration to study this issue and make wise decisions. It's possible to protect the unique quality of Bandon's authentic experience AND provide controlled opportunities for added dining choices with the allowance of Mobile Food Units.

Sincerely,

Heidi Sause

## Dana Nichols

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**From:** Cody Barkdull <crbarkdull@gmail.com> on behalf of Cody Barkdull  
**Sent:** Wednesday, March 23, 2022 4:38 PM  
**To:** planning@cityofbandon.org  
**Subject:** Mobile Food Units

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

I am in huge favor of allowing 'mobile food units' within the City of Bandon limits. As a resident of Bandon, I would like convenient, quick, and quality food options in town. These options are currently lacking in Bandon. If food trucks are available, I for one will be more likely to dine out and support our local businesses. As it stands, the lines, wait-times and prices of dining out in Bandon deter me from eating out regularly.

When I travel, food trucks and food truck pods are often the places I choose to dine. They offer a variety of choices that can satisfy everyone in a group.

Food trucks are great ways for small-business owners to gain a relatively safe and cost-effective startup opportunity which is great for owners and customers alike.

Thank you,

Cody Barkdull  
Bandon, Oregon

To: City of Bandon  
From: Mary Giddens  
3/20/2022

I am very much in favor of allowing food carts or a food cart pod in Bandon. My reasons:

**For tourists:** Bandon is supported by tourism and we simply need more restaurants and more choices for the number of tourists we are getting. On any given day, some of our restaurants are closed for any number of reasons. In summer there are often long lines in Old Town for the restaurants clustered there. Wait times of 1 1/2 hours when one has a hungry child are simply not acceptable. Tourists and tourist dollars are lost when they have to drive to Coos Bay to find something to eat. They will think about not staying here or not coming back.

**Food carts can be seasonal** - here when the tourist trade is heavy and gone when things are less busy. It would appear that having a successful year-round restaurant in Bandon is not easy. Instead of thinking about it as competition for our restaurants, think of it as taking up the slack during busy times so that tourists are happy and keep coming back. Again, keeping the tourist and tourist dollars in Bandon. In a way, it isn't really 'fair' or good business practice to try to 'protect' our handful of local restaurants in this way. Food carts address a need that local restaurants are not meeting.

**Food cart eating is informal and flexible.** Eating outside with kids, especially overly hungry kids, is often a better choice than trying to eat in a restaurant. A food cart pod with picnic tables and restrooms can be an attractive alternative for parents.

**For local residents:** Bandon is growing, as you have made very clear. More building permits issued, more new construction. Again, we simply need more restaurants and more restaurant choices in Bandon. Many local residents cannot afford to eat out in Bandon where dinners run \$25 to \$40+ and a burger might be \$20. And the local residents are not going to wait 1 1/2 hours to get dinner. As Bandon is anti "fast food" and since there is nevertheless a need for same, a cart might be an alternative to get a quick and hopefully reasonably priced meal.

**Food carts are a great business model** that allows aspiring restauranteurs a way to start without huge start-up costs. A food cart might be a stepping stone to a new bricks and mortar restaurant. (Those empty holes on 2nd Street do need to be filled.)

**Ethnic and cultural diversity:** Wouldn't we love to be able to have Thai, or Japanese, or Vietnamese food without driving to Coos Bay or further. Food cart pods allow choice in a fun and easy way. A pod with picnic tables allows everyone in a group to choose something different and yet eat together. It allows eating in courses - maybe starting at one cart with one and moving on to another.

**Expanding the "business district"**. Carts are colorful and fun and attract people. A food cart pod, located within easy walking distance of 1st Street but not on 1st Street would spread out the parking, encourage people to walk and see more of the little shops and hidden delights that Bandon offers.

Having said that, however, wouldn't the Port's big blue building be a perfect place for a semi-permanent pod? A few food choices, a few picnic tables, out of the wind and with restrooms available. This has been a successful model in places with 'weather'.

Yes, there will be things that need to be addressed. Obviously, carts will have to be licensed and pay fees. Trash and sanitation will need to be dealt with, but as your own survey showed food carts are popular and they are popular for a reason. They have been successful in countless places because they fulfill a need. Having visited Bandon for many, many years and having lived here on and off since 2001, I have always referred to Bandon as the "city that says 'no'". I hope you will say 'yes' to this.

## Dana Nichols

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**From:** Christine Hall <seethelight979@gmail.com> on behalf of Christine Hall  
**Sent:** Monday, March 21, 2022 11:40 AM  
**To:** Dana Nichols  
**Subject:** Food Booths Letter

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear City of Bandon:

We are in favor of food booths. And the reasons are various: on any given day NO restaurant is open in Bandon. Staffing is so scarce, that restaurants simply lock their doors. Restaurants and cafes try to talk employed help away from each other. Some restaurants no longer provide takeout. Families with kids like the informality of sitting outside or going to a picnic table.

I visit other small and large towns and food booths offer an alternative to the same food over and over again. One food restaurant has offered the same two soups everyday for three years. Food booths offer variety and maybe different ethnic foods. In terms of competing with local businesses, the numbers of visitors we get, can't be accommodated. Long lines at the few places to eat, attest to that.

We support food carts!  
Thank you for asking.

Christine and Ken Hall

## Dana Nichols

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**From:** Alloro Wine Bar & Restaurant <alloro@allorowinebar.com> on behalf of Alloro Wine Bar & Restaurant  
**Sent:** Wednesday, March 23, 2022 1:53 PM  
**To:** Dana Nichols; Bandon1@ci.bandon.or.us  
**Cc:** mcp@bandon.com; larry@edgewaters.net; Bandon Coffee; Heidi Sause (hnsause@aol.com)  
**Subject:** RE: Alloro/Susan Hayes-Mobile Food Units Testimony

**Importance:** High

Dear Planning Dept. City of Bandon,

I am writing in support of the City's consideration to allow use of Mobile Food Units on properties zoned Commercial or Industrial.

Like my Landlord, Heidi Sause, I feel very strongly that Food Trucks and ALL businesses should share in the costs of contributing to our City of Bandon for supporting infrastructure. It is not fair for Some Brick and Mortar property owners to pay property taxes, insurance, mortgages/rent, rodent maintenance, sewer maintenance, utilities, and more, while Others and Mobile Food Units slide in and establish businesses while 'park' for free. There should be appropriate Fees paid for the multiple benefits they receive, including the traffic these other paying businesses bring their way; traffic flow they might otherwise never have to build their businesses. They must pay their fair share to the City and to the property/business owners providing the electricity, water, clean up, ambiance - 'fair share neighbors'.

It is also a reasonable expectation that nearby food establishments have the right to request a certain distance requirement from their ingress/egress doors ensuring the brick and mortar facades are absolutely visible and clear for both sidewalk pedestrians and driving in to Bandon by vehicle ensuring established store fronts/signage remain unobstructed. Investment decisions were made based on existing rules, this is a new paradigm. I can envision a situation where an unsightly food truck wants to park immediately in front of an established restaurant.

Please, City of Bandon and Planning Dept., draft an Ordinance that accomplishes a clear level of protection for existing Restaurant owners like myself, so that all expectations are made clear from the beginning. Utilize me and my colleagues to ensure that we can protect our businesses while enhancing the interest in Bandon to more people, both locally and from afar with this wonderful addition of Food Trucks.

Additionally, I am a firm believer of safety for our community and those visiting. This requires so many areas of safety which most never truly understand. The food business looks easy and fun! Much of it is fun, but this isn't nearly as easy as we make it look! Maintaining and achieving ALL that a safe, clean, licensed, insured, food business must include in their day in and day out responsible food and beverage establishment means safe food handling AND safe alcohol practices. The clean up and maintenance of a food establishment is a full-time effort including in and outside the establishment such as the grounds, maintenance, debris, sewage, grease traps, used oil disposal, fire safety, fire suppression systems, smoking parameters, and so much more. Please allow ONLY those willing to fully care for their property and fully respectful of their new neighbors and the ownership year round which will enhance this wonderful opportunity for Bandon to grow and flourish! We don't want to, nor can we spare the time or the staff to clean up after the food truck has departed. This must be a proactive plan from the beginning, not a reactive situation where the brick and mortars are left with the cleanup.

There are opportunities for our City to include this popular Food Truck Trend. I support the City's consideration to study this issue and make wise decisions. It's possible to protect the unique quality of Bandon's authentic experience AND provide controlled opportunities for added dining choices with the allowance of Mobile Food Units.

Sincerely,

Susan Hayes  
Chef, Owner



Alloro Wine Bar & Restaurant

[allorowinebar.com](http://allorowinebar.com)

375 2<sup>nd</sup> St. SE

Bandon, OR 97411

541.347.1850

17<sup>th</sup> Year in Old Town Bandon

"Best Restaurant in Bandon" forbes.com

"Top 10 Wine Bars in Oregon!" bestthingsor.com

"Best Restaurant in Coos County" boisesbest.com

## Dana Nichols

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**From:** Dianne Williams <bandonbait@yahoo.com> on behalf of Dianne Williams  
**Sent:** Thursday, March 24, 2022 7:06 AM  
**To:** planning@cityofbandon.org  
**Subject:** Food Trucks

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As a business owner I am against food trucks in old town. In old town between 1st and 2nd street there is 14 restaurant. If you increase the range to a 1 mile radius of old town there is 21 restaurants. What could these trucks offer that is not already being served?

Sincerely  
Dianne Williams



## Dana Nichols

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**From:** Stephen R Wilson <swilson1952@protonmail.com> on behalf of Stephen R Wilson  
**Sent:** Saturday, March 19, 2022 6:30 PM  
**To:** planning@cityofbandon.org  
**Subject:** Mobile Food Units use on commercial/industrial zoned properties

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To members of the Bandon planning commission,

I would like to voice my concern over an ordinance to allow use of Mobile Food Units on properties zoned for commercial/industrial use.

It seems to me to be an injustice to the owners and operators of the Brick and Mortar buildings that have been built on like zoned properties. These buildings were built on these properties at much expense and are taxed substantially high. They were built with the existing zoning ordinances that did not allow them to roll up a Mobile Food Unit and open up for business.

It would be quite unfair to now degrade the zoning regulation to allow this to take place.

Thank you for your service,

*Stephen R Wilson*

Sent with [ProtonMail](#) secure email.

# Planning Commission Hearing Minutes

**Regular Meeting of the Planning Commission  
at Bandon City Hall and via Zoom Meetings  
with Live Streaming on Facebook  
April 28, 2022**

**COMMISSION:**

- Paul Fisher, Chair
- Sally Jurkowski, Commissioner
- Ed Landucci, Vice Chair
- Gordon Norman, Commissioner
- Catherine Scobby, Commissioner
- Gerald Slothower, Commissioner
- Donald Starbuck Commissioner

**STAFF:**

- Dan Chandler, City Manager
- Shala Kudlac, City Attorney
- Dana Nichols, Planning Manager
- June Hinojosa, City Recorder

**1.0 CALL TO ORDER**

Fisher called the meeting to order at 7:03 p.m. after a short delay due to technical problems.

**2.0 ROLL CALL**

Roll Call was taken as indicated above. All Commissioners and Staff who attended were present in the Council Chambers, with the exception of the City Manager, who participated via Zoom. A handful of members of the public attended in person, and there were a number of others joining by Zoom or Facebook.

**3.0 CONSENT AGENDA**

**3.1 Minutes: Planning Commission Regular Meeting – March 24, 2022**

Landucci moved to approve the Minutes and Norman seconded the motion, which passed by unanimous voice vote (7:0).

**4.0 PUBLIC COMMENT – Opportunity for citizens to speak on items NOT on the Agenda**

**Claudine Hundhausen, 3795 Beach Loop Drive, Bandon, OR 97411**

Hundhausen recalled that in the past, Bandon had a body called the Development Review Board (DRB) that would examine planning applications when they reached a certain stage in the process. She said the DRB was composed of various department heads in the City, including those from the Electric Department, the Planning Department, and Public Works, along with the City Manager. The applicant, a neighbor, or other interested citizens could attend. Hundhausen advocated reviving the DRB and hoped the Commission would consider recommending that action to the City Council.

During the time when Hundhausen’s husband served on the Planning Commission, she remembered the City having a Hearings Officer who reviewed applications of a more perfunctory type. She observed that this function was no longer performed locally, and she felt that “whoever does it may not know about a marine environment or the particulars of a coastal community. They don’t care what happens in our neighborhoods,” she stated. She objected to having an outside Hearings Officer and asked the Commission to recommend to the City Council that the local position be restored.

Hundhausen noted that it did not appear to her that the material being changed in the Bandon Municipal Code (BMC) was included with the changes stated in the “Code Cleanup” documents that accompanied the meeting’s agenda. She was particularly concerned with anything involving the CD-1 zone.

Hundhausen thanked the Commissioners for their hard work.

Fisher responded that the Commission had not made the decision to eliminate the Hearings Officer and that the action had been recommended by the City Manager and inserted into the Code Cleanup with other code changes in May of 2021 without a Public Hearing. He claimed no notice had been mailed out, forcing interested citizens to go to the City’s website to find out about the Planning Commission’s actions, “if you could negotiate their website.”

Fisher agreed that Bandon should have a local Hearings Officer and he thanked Hundhausen for her comments.

Hundhausen returned to the podium. She shared that someone had told her that one of the Commissioners had suggested at a recent meeting that a Public Hearing was not necessary for a particular project because the Commissioners “could figure it out by themselves.” Hundhausen maintained, “If you read the materials that address the position and the projects and the intent of the Commission, it is to study the issues and to recommend only.” She continued, “And part of figuring things out is hearing from the public. And there shouldn’t be any recommendations going to the Council without hearings.”

## **5.0 HEARINGS**

### **5.1 Mobile Food Unit Ordinance – #22-028, Continued hearing from March 24, 2022, for deliberation only**

Fisher opened the continuation of the Public Hearing at 7:12 p.m.

Jurkowski commented that the Commission did not have to make a decision about where mobile food units (MFUs) could be located. It was only necessary to make a recommendation to the City Council, who would come to a decision after additional community input.

Fisher agreed and noted that the Commission had received a good deal of input. Most of the business owners in Old Town who offered comments did not favor MFUs in their district except for special events. Fisher recalled that two food trucks were stationed near the Chamber of Commerce office when the City conducted a “Town-wide Yard Sale.”

Landucci observed that the Commission had studied the MFU issue since the previous April and had gathered a lot of data to pass on to the Council. He said, “I think it was very clear at the last Hearing—the merchants, the principal property owners do not want food carts in Old Town or the Marine Commercial Zone. And I’ve thought about it for over a year now, and I’m in total agreement with that.”

Landucci thought MFUs would be appropriate in the Light Industrial Zone by Face Rock Creamery—accommodating the food truck by the Bandon Rain Taproom—and in the General Commercial Zone. He recommended a limit of three permits per year.

Landucci noted that there had been a positive response to an online survey about mobile food vendors because it was conducted during the pandemic when many restaurants were closed. However, he believed the principal business operators in Old Town had made their case clear. He

remarked, “Let’s keep encouraging wonderful restaurant/entertainment business” in Old Town. Landucci felt it was time to pass the issue on to the Council.

Despite the sentiment on the Commission in opposition to permitting MFUs on City property, Fisher thought the big empty area in the City’s Woolen Mill property would be a desirable location for RV parking and/or food trucks, with tight controls on their operations.

Norman commented that those who testified at the previous Hearing session were mainly opposed to food carts in the Old Town area, but a sentiment had also been expressed that the MFUs should not be located near existing restaurants. He suggested that made things more complicated, since not all restaurants in Bandon were located in Old Town. Norman did believe MFUs could be a beneficial resource for Bandon, although the challenge would be to find the best location. He was not opposed to Fisher’s proposal.

Slothower also liked Fisher’s idea.

Norman thought a mobile food “pod” could be limited to that Woolen Mill location, whereas individual MFUs could be scattered around an approved zone.

Fisher noted that pods might not necessarily be populated by “mobile” units.

Landucci suggested that the Commission could recommend allowing MFUs in Light Industrial and General Commercial Zones, and that would cover the Woolen Mill District.

Nichols interjected that the proposed code language would have limited MFUs to private property, but she told the Commissioners they could rewrite the proposal to allow them on City property, but not in City rights-of-way. She did not, however, believe the City was interested in operating a food cart plaza or anything similar itself.

Fisher wanted the Woolen Mill City property included as an allowed location in the Commission’s recommendation to the Council.

Landucci voiced his opposition to using City property for MFUs. He was particularly uncomfortable with stating a specific City property in the Commission’s recommendation.

Slothower offered a solution of simply striking the word “private,” so the Commission would be focusing its recommendation on which zones were acceptable for MFUs.

Nichols pointed out that the Commission could pass the proposed ordinance along to the Council without a formal recommendation.

Norman did not sense there was much support for a pod or cluster of food trucks, and he felt the preference was for individual food carts at separate locations in certain zones. He said his own viewpoint had changed from initially favoring clusters of MFUs.

There was a brief discussion of what language should be modified before the Commissioners voted to pass the proposed ordinance on to the Council.

Nichols suggested striking 17.104.100 (B) from the draft code, which would have limited MFUs to private property in the C-1, C-2, C-3, and LI zones, thereby allowing the Council to determine which locations would be appropriate. Slothower made a motion to that effect and Jurkowski seconded the motion. The motion was approved by roll call vote (4:3; in favor: Slothower, Scobby, Jurkowski, Starbuck; opposed: Fisher, Landucci, Norman).

Slothower offered another motion to recommend the City Council adoption of the land use ordinance as proposed and amended for the addition of the Mobile Food Unit Ordinance into Title 17 of the Bandon Municipal Code. The motion was seconded by Jurkowski, and it passed by roll call vote (4:3; in favor: Slothower, Scobby, Jurkowski, Starbuck; opposed: Fisher, Landucci, Norman).

## **5.2 Annexation of 1-Acre Parcel located north of Ocean Trails (18S-15W-36/TL 901)**

– #22-022 – Request to annex property into the City of Bandon, initiated by the City of Bandon

Fisher opened the Public Hearing at 7:29 p.m. by reading aloud the standard rules and procedures for conducting a hearing.

Nichols explained that the project on the property involved in the hearing had begun in 2018 when the one-acre parcel north of Carter Avenue was purchased. The property was just outside the Bandon City Limits. An agreement was made with the property owner for use of City water. Planning Staff at that time approved a Zoning Compliance application for construction of a new home on the parcel, with the condition that the property had to be annexed into the City Limits. Nichols commented that this was the opposite of the usual procedure for annexation.

At the time of the meeting, the house had been under construction for some time and was nearly completed. Nichols said the annexation had to take place before a Certificate of Occupancy could be issued. In order to annex, an applicant would submit a Consent to Annexation, an agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts, a boundary description and map prepared in accordance with ORS (Oregon Revised Statutes) 308.225 by a registered land surveyor, written findings addressing the criteria for approval of the annexation, an application for a zone change and a comprehensive plan (Comp Plan) amendment if needed, and the required fee. Nichols stated that the Applicant had hired a surveyor who was able to supply the required information, all of which had been furnished to the Commissioners in their meeting packets.

The Staff Report covered the Approval Standards for Annexation:

- The land had to be within the City’s Urban Growth Boundary (UGB).
- The proposed zoning for the annexed area had to be consistent with the City’s Comprehensive Plan. The property in question was located in the “Donut Hole” section of Bandon’s UGB and was zoned UR-2, or Urban Residential. After annexation, the parcel would be zoned R-1, the same as neighboring properties in the City.
- The land had to be contiguous with existing City Limits, which it was.
- Adequate facilities had to be available. The Applicant had already connected with City water, sewer, and storm drain systems during the Zoning Compliance process, as provided by the Ocean Trails subdivision.
- The Applicant had to furnish findings in response to the following Comprehensive Plan annexation policies:
  - Annexation Configurations. Being directly contiguous with Bandon City Limits, the property met the criterion for annexation configurations.
  - Leveraging the Annexation of Adjacent Properties. No adjacent properties were to be annexed along with this parcel.

**Regular Meeting of the Planning Commission  
at Bandon City Hall and via Zoom Meetings  
with Live Streaming on Facebook  
March 24, 2022**

**COMMISSION:**

- Paul Fisher, Chair
- Sally Jurkowski, Commissioner
- Ed Landucci, Vice Chair
- Gordon Norman, Commissioner
- Catherine Scobby, Commissioner
- Gerald Slothower, Commissioner
- Donald Starbuck Commissioner

**STAFF:**

- Dan Chandler, City Manager
- Shala Kudlac, City Attorney
- Dana Nichols, Planning Manager
- Eric Montes, Planning Assistant

**1.0 CALL TO ORDER**

Fisher called the meeting to order at 7:02 p.m. after a short delay due to technical problems.

**2.0 ROLL CALL**

Roll Call was taken as indicated above. All Commissioners and Staff who attended were present in the Council Chambers. Approximately twenty members of the public also attended in person.

**3.0 CONSENT AGENDA**

**3.1 Minutes: Planning Commission Special Meeting – February 17, 2022**

**3.2 Minutes: Planning Commission Regular Meeting – February 24, 2022**

Fisher felt he may have been misquoted in the February 17, 2022 Minutes but was unable to review a video of the meeting to verify what had been said. Slothower moved to approve the Consent Agenda. Jurkowski seconded the motion and it passed (6:0:1; absent: Scobby).

**4.0 PUBLIC COMMENT – Opportunity for citizens to speak on items NOT on the Agenda**

A comment submitted by email by Bandon resident Judy Smilan (761 12<sup>th</sup> St. SW) regarding drainage on the neighboring lot at 740 12<sup>th</sup> Ct. SW was included in the Commission’s meeting packet. Starbuck asked Chandler to respond to Smilan’s email.

Chandler pointed out that the drainage solution installed by the owner of the 740 12<sup>th</sup> Ct. SW property functioned “almost exactly like” the diagram Smilan had submitted with her email as a solution. He explained that there was a check valve in the sump pump which prevented water from the downspouts on the home from running back into the French drain. That caused water from the roof of the home and any hard surfaces on the property to run directly out onto 12<sup>th</sup> Ct. SW and not into the pump. “She’s posing a hypothetical problem,” he contended. “There hasn’t been any flooding,” Chandler said. “Our civil engineers believe the solution will work. Our Public Works Director believes the solution will work. We made this property owner actually do more than we normally make folks do because of the high water table there,” and because of the issue raised by Smilan.

## 5.2 Mobile Food Unit Ordinance – #22-028

Fisher opened the Public Hearing at 7:59 p.m. by reading aloud the standard rules and procedures for conducting a hearing.

Nichols prefaced her presentation on behalf of City Staff by telling members of the public that there had already been two Planning Commission Work Sessions on the subject of mobile food units. She outlined the process for adoption of a proposed mobile food unit ordinance. The City had submitted a PAPA (Post-Acknowledgement Plan Amendment) notice to the DLCDD (Department of Land Conservation and Development) on February 17. A notice of the Public Hearing had been mailed on March 2 and a notice had been published in *The World* on March 4. It also appeared in the *Coffee Break* and in Mayor Mary Schamehorn's column. After the Public Hearing on March 24, the proposed ordinance would go before the City Council for a first reading, unless the Commissioners chose to continue the hearing.

To increase public involvement, Nichols said the City had conducted a survey on the City's Facebook page, which received over 650 responses and indicated food carts were a hot topic in Bandon.

Nichols defined a Mobile Food Unit (MFU) as "a vehicle that is self-propelled or that can be pushed down a sidewalk, street, or highway, on which food is prepared or processed and is used in selling and dispensing food to the consumer." A Mobile Food Pod (MFP) referred to "a designated site on which more than one Mobile Food Cart is located, with shared facilities for restrooms, seating, trash, and other accessory features." These descriptions aligned with the State's definitions.

Framing the direction of the Public Hearing, Nichols listed some issues the Commission had discussed:

- What type of permitting process would be used to review MFU applications? Single food carts would go through a Type I permit application, and they would either meet the requirements or would not. A Type II process would be required for pods, because they would need to meet commercial design standards and parking regulations, involving some discretion on the part of Planning Staff and an opportunity to appeal.
- An annual operating permit had been suggested, including verification of a MFU's State licensing and proof of insurance.
- Which zones should allow MFUs? The initial thought was that MFUs could be permitted in all commercial zones (Old Town Commercial, General Commercial, and Marine Commercial), as well as the Light Industrial Zones. Montes gave the Commissioners a map showing those zones and another map that highlighted a 100-foot buffer along Highway 101 where the Commissioners might choose to include or exclude properties to create an overlay.
- Design and safety elements were addressed, including concerns about food carts impeding pedestrian access, the availability of sanitary stations, restrooms and trash receptacles, a requirement for State licensing, and design aspects such as lighting and signage that would also be required of any brick-and-mortar business. Nichols said the idea was for MFUs to look good and fit in with the surrounding character of the community.
- Some language in the proposed ordinance would govern the use of City services. A standalone MFU would need to be more-or-less self-contained, but pods could connect to City services and might have to pay SDCs for access to water, sewer, and electric hookups. Hours of operation would be dictated by the availability of restrooms within 500 feet, so an MFU could be tied to the hours of a nearby business unless it had its own portable toilet(s). A pod might set its overall hours of operation during the Type II application process.



The Staff Report detailed how the MFU ordinance could be crafted to be consistent with the City's Comp Plan and satisfy the criteria for an appropriate Zone Code Text Amendment. The proposal had to demonstrate that it would not have an adverse effect on land use, transportation, or utility service needs and capacities in Bandon. The City's Comp Plan had established policies favoring tourism and a diverse economy, balancing competing interests, and attracting youth. Nichols pointed out how young people often found food carts desirable because they offered varied, less expensive options for eating out in an informal setting where they might be able to stay and eat or grab their food and go.

Nichols shared some of the results of the City's survey of citizen priorities, and she observed that the comments were generally favorable toward MFUs.

Landucci thought it was important for the public to realize that the Commission had engaged in a lot of discourse and debate for the past year regarding whether MFUs were desirable, and it was not a topic that had suddenly come up.

Nichols agreed with a point Landucci had made at the previous Commission meeting—that the time had come to hear from the public.

Norman noticed that the terms "Mobile Food Units" and "Mobile Food Carts" were both used in her presentation. He recalled that Mobile Food Units matched State nomenclature.

Nichols responded that the Commission had decided to call them units to align with the State's language, but she had inadvertently used a version of her presentation that had not been updated.

Landucci commented that his understanding was that the Commission specified that MFUs could only set up on private property.

Nichols reiterated that the Commission had recommended restricting MFUs to specific zones, and she thought it went without saying that MFUs could not be parked in any City ROW, because no other similar use would have been allowed in a ROW. She offered to include language prohibiting MFUs from occupying ROWs.

Fisher read aloud the guidelines for public comment.

**Bob Webb, 175 2<sup>nd</sup> Street SE, Bandon, OR 97411**

Webb said he had come to the meeting "sort of in favor of the idea" of mobile food vending, "but what I've seen scares me." He especially did not like the "pod" concept, and he disagreed that MFUs would be subject to the same restrictions as brick-and-mortar businesses. "There's no taxes," he pointed out, "so they can't experience what we go through." Webb was concerned about the restroom requirement and the burden it would put on existing businesses, depending on how it was set up. He felt individual carts might be okay, but he was wary of putting them in pods and was generally opposed to MFUs in Bandon.

**Lori Osborne, 56068 Wheeler Road, Bandon, OR 97411**

Osborne read the following statement:

"As a lifelong resident of Bandon and a longtime business owner, I feel today as I did in 2019 when I came in front of City Council in September, when the City requested public comment about this issue—that the City must put some sort of regulations or ordinances in regards to allowing food trucks or units to operate within the City Limits.

“Because of our experiences—both positive and negative—with the food truck units that the Port of Bandon allows in the parking lot that our business, Farm and Sea, and the Farmers Market share, we feel strongly that food truck units in Old Town waterfront zones should not be allowed. The negative impact on the restaurants in the Old Town waterfront area and the impact on parking far outweigh any of the positive effects, like bringing more options for meals, competitive pricing, and shorter wait times for the consumer that frequents the Old Town waterfront. We do, however, believe that there are areas within the City Limits where food truck units could benefit the community.

“Long lines and wait times are needed by the Old Town waterfront restaurants to help get through those days that aren’t busy and the tourists aren’t walking up and down the boardwalk. Food truck units hand-pick days that tend to be the busiest. A food truck that rents space from the Port of Bandon typically pays less than \$50 a day. Within this, they get a prime location, a prime visibility, without any of the overhead, restrictions, or ordinances and regulations that a restaurant that leases from the Port has.

“From our experience, the biggest negative impact is with parking. Parking has always been an issue in Old Town and along the waterfront, and even more so now with the loss of the gravel lot to the south of our business. Our parking area can get quite congested during the week, but on Fridays and Saturdays with the Farmers Market going and weekend traffic bustling through the town, it’s a nightmare. Add to this a food truck taking up two spaces plus another couple spaces for their temporary outside seating, and some of our local customers avoid the area altogether.

“We believe that food truck units should be allowed in certain areas of town, but with restrictions. They should only be allowed where zoning allows restaurants, to abide by all conditional use and zoning restrictions. They should have to have a minimum number of designated parking spaces, just like restaurants have, in addition to the spaces they physically occupy. They should not be allowed to occupy curbside streetside parking. They should have the same sign rules and paint schemes that we have. Allowing food truck units with these restrictions in certain areas and not allowing them in the Old Town waterfront area would benefit the community and keep what makes Bandon special intact.”

Norman asked Osborne where she would put food trucks.

Osborne answered that she did not think it was her decision to make.

Some members of the public called out, “City Park.”

Landucci asserted that the gravel lot across from the Old Town Marketplace was the only place in Old Town that could accommodate a food truck.

Osborne declared that she was not opposed to food trucks and liked to visit them sometimes, “but they don’t pay anything,” she said, noting that her rent in one location was \$3,500 a month. She had six employees there with worker’s compensation costs. “I have great friends that own food trucks,” Osborne stated, “but they are cherry-pickers. They come during the high time and they leave.”

Landucci commented that he could see allowing food trucks on the highway, in the C-2 Zone, but not on the Jetty or on Beach Loop Drive. “That was one of the things we really went over in our workshops,” he added.

**Mary Gant 55495 Bates Road, Bandon, OR 97411**

Gant, with Bandon Rain Cider, mentioned that a food truck sometimes operated next to Bandon Rain's taproom. As a supporter of growth in Bandon, she favored having appropriately regulated food trucks in town. Gant stated that her customers regularly told her they wished there were food trucks and more diversity of food options in Bandon.

Gant noted that the 101 Eats truck that set up near Bandon Rain did not compete with the nearby Face Rock Creamery because it was mostly there after Face Rock closed and it offered a completely different style of food. She suggested an MFU ordinance could restrict mobile vendors from selling the same type of food within a specific distance of a brick-and-mortar restaurant.

**Jamie Gallagher, 88756 Rhododendron Lane, Bandon, OR 97411**

Gallagher, owner of The Station Restaurant, across the street from Bandon Rain, told the Commission she had been working for the past four months to be able to open at nights and have food available at night. She stated that staffing was a huge problem. Although she had front-end staff and "a stack of applications," Gallagher was unable to find cooks.

Coming out of the pandemic, when restaurants were shut down, made it an especially difficult time, Gallagher said. "I happened to buy at the very beginning of the pandemic and have made it through the entire thing without grants or loans, thanks to my kids working for me, but we have got to have time to recover." She continued, "Because staff has been able to get \$20 an hour jobs with no education, restaurants with the rising food prices and everything else have had a really hard time getting staff to come in."

Gallagher asked for a little more time for Bandon's restaurants to recover before bringing in more competition. She pointed out that the Minute Café had closed and was not reopening due to staffing issues, and many restaurants were shutting down because of the pandemic. Gallagher said her lease was \$45,000 a year, which did not include insurance or other expenses. She emphasized that she loved her family-owned business, but it was a difficult time and she no longer had the help of her kids, who had to go back to school.

Gallagher said her restaurant served "a lot of the older locals," and she needed quantity to keep her food prices low enough to maintain that clientele. "If I don't have that line out the door during the summer," she added, "I am not going to make it through the winter, and we will have to close."

Norman wondered how much time Gallagher thought was needed to stabilize the existing restaurant businesses.

Gallagher responded that it was not possible to state a definite timetable. People were beginning to come off unemployment and were filling some positions, but a restaurant could not go much higher than \$15 an hour and keep operating. She indicated that a number of other factors affected her restaurant, such as travel. "We saw a steady incline in business," Gallagher observed, but "the second that gas price hit above \$4, it nosedived until spring break."

**Mike Collins, 89358 Cranberry Lane, Bandon, OR 97411**

Collins, owner of Lloyd's Smokehouse and Tavern in Old Town, agreed with Gallagher. He told the Commission his annual cost for utilities was \$11,000 and his property tax was \$8,000. He questioned how much the operators of MFUs would pay. Collins stated that he lost money during the winter while still employing 11 people "that live here in this community, that rely on that job. And spend money here. And raise their families the best they can."

Referring to the food truck owners, Collins remarked, “It’s great to have that business. It’s great for them to come in here on Friday, Saturday, Sunday. Cash business. Take their bag, go home, and make five, eight thousand dollars for the weekend. Good gig! What about those that are here all year long with the lights on, employing the people? I mean, does that seem fair?”

Collins suggested locating MFUs “away from the downtown corridor,” possibly in City Park. He maintained that if people like him wanted “to go up to these food carts and eat—which I will, I like it—I’m willing to leave, and go to where they’re located, not in my backyard.” Collins added, “All year long, we take revenue, employ local employees...and they come in here for a weekend...and take away from the revenue that we sat here all year, struggling through the winters.” Then he said, “Go down to Lloyd’s at 8:00 in the morning. I open at 7. What’ve I got—three people in there? And I got \$45 an hour on payroll and I’m making about twelve...so I’m taking a loss. But the employees at least are working.”

Norman recalled that the Commissioners had discussed whether the customers for MFUs were different for those who went to restaurants for a sit-down meal. He thought the consensus was that there was a difference.

Collins countered by asking, “What would be the difference of a human who’s hungry and wants to eat. In Bandon, we’re very limited in our food.” He wondered, “What’s going to make someone different than the people that live here every day with the same food—why are they a different person?”

Norman responded that he did not necessarily refer to a different person, saying, “Some people at certain times, they would prefer to go into an establishment and sit down, have people deliver food to them, and socialize a little bit. And with food carts...people are usually grabbing food and taking off.”

Fisher wanted to clarify if Collins was only opposed to MFUs in the Old Town area.

Collins answered that he was fine with people making money and was not opposed to MFUs in an area away from Bandon’s center of tourism, such as at the Bandon Shopping Center.

“This is why we’re looking for public input,” Fisher commented, “for exactly this reason—to put it forward to the City Council to be considered. And if the overwhelming opinion is to keep it out of the Old Town area, then maybe that’s the guidance we should send on.”

**Jennifer Salcido, 1110 5<sup>th</sup> Street NE, Bandon, OR 97411**

Salcido, proprietor of an eating establishment in Old Town, suggested the large empty parking lot south of Brian Vick’s antique shop on Highway 101 would make a good location for food carts.

**Chris Webb, 175 2<sup>nd</sup> Street SE, Bandon, OR 97411**

Webb urged the City to keep MFUs out of Old Town, agreeing with Osborne that the parking was “already crazy down there.” He thought that food trucks in City Park or other areas in town that did not have restaurants would be a good idea. Webb felt he was hearing more support for food trucks coming to Bandon than for the businesses that were already there.

Landucci interjected that one of the Commission’s first considerations when it began discussing MFUs was their impact on small local restaurants that had worked hard to establish themselves. He stressed that the Commission was not necessarily advocating for MFUs in Old Town.

Webb stated that he had to work in Los Angeles where there were food trucks “all over.” He said they had become “an absolute nightmare,” and he advised keeping them tightly regulated if they were allowed in Bandon.

Landucci pointed out that it was tough for an MFU to get a permit from the Coos County Health Department, so he did not anticipate seeing that many of them in Bandon. He thought that food trucks that had a permit were already allowed to park and operate anywhere along Highway 101.

Nichols clarified that the Bandon Municipal Code was technically silent on whether MFUs were allowed. She said, “Historically, the City has considered it a use that is required to pay System Development Charges or something like that. So, the only time that we’ve been permitting them is through some sort of Special Event Permit or like the Farmers Market.” Nichols added, “They are not permitted anywhere right now. We’ve...said ‘no’ until we get some regulations on the books.”

Osborne added to her previous remarks by stating her strong feelings that operators of MFUs should be required to pay fees that were comparable to what she, Collins, and other business owners had to pay.

**Margaret Pounder, 54177 Morrison Road, Bandon, OR 97411**

Over the past few years, at the request of the City Council, Pounder had conducted surveys of Chamber of Commerce members and others in the community. She said the results had typically been negative, and she noted that a number of those who had responded to her surveys were not able to attend the meeting because they were working at that time. Pounder read aloud some of the comments she had received:

“Definitely not in the Old Town area, including the Port. I’m concerned about parking...I’m not a big advocate of food carts coming in. They don’t support our local economy, school, charity, nonprofit donations. They take their earnings back to their community.”

“I can’t think of a single more damaging threat to small daytime restaurants like mine. The reasons are as plain as the nose on my face. Please stand up for us and be opposed.”

“I agree with letting local businesses have food carts generally, but not outsiders. When you are paying brick-and-mortar rent, having a food cart come in for nearly no money and reap the benefits of Bandon and the tourists—no thanks. However, special events and festivals—I would have no problem with food carts.”

“I support food carts in Bandon.”

“Maybe would support if logistics were fair to brick-and-mortar. Potentially allow them on specific days of the week and maybe the City could change [the dates] as needed due to all the issues facing brick-and-mortar currently.”

Pounder noted that Old Town restaurant owners were predominantly opposed to food carts there. She pointed out that there were several opportunities available for someone who wanted to open a restaurant in Bandon, especially on the west end of 2<sup>nd</sup> Street SE.

Norman observed that although the input from Old Town merchants was generally negative toward MFUs, the survey the City conducted was overwhelmingly favorable.

Bob Webb returned to the podium and stated that there were four empty buildings on his block: the former Radio Hut storefront, the gray building that housed Grotto Gifts—which had been purchased but was empty, the Flying Pig’s storefront, and the Minute Café. As a result, customers had told him they thought the town was dying. “We know it isn’t,” he said, “but it’s the perception. That’s the way it looks when you see ‘for sale’ signs and empty storefronts.” He did not feel it was a good time or a good approach to bring in food carts.

Landucci asked how Webb felt about MFUs operating along Highway 101.

Webb was amenable to food carts on the highway, in the lot that Salcido mentioned earlier, or in the park, but he was wary of the issues created by “porta-potties,” trash, etc. He thought people would prefer not to use the porta-potties and would instead use bathrooms in the brick-and-mortar businesses. About food carts, Webb commented, “I’ve seen them elsewhere, I’m not fond of them, but it does add color. But is that what we want in Old Town?”

Fisher thanked the public for their comments and guidance.

Nichols also thanked everyone for their input and she wanted to make sure it was understood that the proposed ordinance called for food cart pods to be subject to the same commercial design requirements and parking standards as brick-and-mortar businesses. She pointed out that the City Council would determine what fees the City might impose on MFUs, and that was the reason fees were not addressed at the Planning Commission level. However, the draft ordinance did have a recommendation for an annual fee, which other cities had termed an “infrastructure impact fee,” also to be determined by the Council. Additionally, if the Council passed the proposed ordinance, pods would be required to connect to City utilities and would have to pay appropriate SDCs.

Nichols stressed that everything governed by the ordinance had to be mobile. Static businesses such as the Human Bean and Tin Cup Coffee were considered eating and drinking establishments that had to apply for Zoning Compliance. Mobile units were generally self-contained and might use electricity but would probably carry the water they needed and dispose of wastewater elsewhere.

Regarding parking in Old Town, Nichols noted that the City had acquired a lot that would become available for public parking and the City would be trying to create additional public parking areas.

Nichols said she appreciated a comment that someone had made on the City’s recent survey about food carts. The author of the comment offered the idea of writing the ordinance in a way that would take into account all of the community’s concerns, and then, if the ordinance was adopted, revisiting it at a later date. In Nichols’ words, “With pretty much every ordinance we’ve written, we’ve come back around and said, ‘Well, we could’ve done a better job.’”

Montes thought it would help for Nichols to explain what the Type II approval process involved and how it would be used for an application for a pod.

Nichols said a Type II decision involved some discretion, so property owners within a 100-foot radius of the subject property would be notified 14 days in advance. Staff would issue a decision based on applicable criteria in the code. Findings would be prepared, making sure the proposal matched the code’s requirements. Public comments could be submitted during the process, and the decision could be appealed to the Hearings Officer.

From what Landucci had heard at this hearing, he felt that the Old Town Commercial and Marine Commercial Zones should be protected and food trucks should not be allowed in either. “We can certainly fit these things someplace else,” he asserted.

As Fisher was about to close the Public Hearing, Collins asked to make an additional comment. He disagreed with Landucci's statement that there would not be that many MFUs coming to Bandon to set up. Collins said he knew food truck operators in Coos Bay who would love to come to Bandon because it was a destination tourist spot and "it's guaranteed money." He anticipated MFUs from Roseburg and Eugene, and he pointed out that ten food trucks showed up on a typical Wednesday at the Coos Bay Farmers Market.

Collins feared those who wanted to see food trucks in Bandon didn't realize how "it could get out of hand." He gave the example of Junction City, a community that did not have established restaurants, where it was a different story. There were ten or twelve food carts set up at the train station with a beer garden in the middle. There was music and a festive atmosphere in the summer. Collins wanted people to know things could develop in a different way from what they envisioned. He suggested looking around at some of the other towns that had welcomed food trucks.

Gant also requested an additional comment. She noted that Bandon Rain had tried to get other MFUs to take the Eat 101 van's spot when it was not able to be there, and she could not get anyone from Coos Bay or Roseburg to come to Bandon. That made her think there would not be a rush of trucks coming to Bandon, because she had already tried.

Fisher closed the Public Hearing at 8:53 p.m. and the Commissioners began to deliberate.

Norman thought the Commission should consider recommending a more restricted area where MFUs could be located, beyond what they had initially believed. He also felt a need for more time to look over the maps the Commissioners were given at the meeting.

Landucci agreed with taking more time, and Starbuck said, "I feel we need to give this another look before we pass it along to the City Council."

Jurkowski remarked, "I was a little more comfortable after our Work Session than I am today. Looking at the map is something new, and some of the areas—I would have issue with myself." She added, "I work in Old Town myself, and people do look for places to eat. I guess there are two sides to that. Sometimes there are days when there are very few restaurants open and people are asking for suggestions, and then they're complaining because nothing's open."

Slothower recalled having friends come to town on a Monday. They ended up eating at Subway because nothing else was open.

"It's a complicated issue and I don't want to hurt anyone in Old Town," Jurkowski stated. She did think Bandon needed more options, however.

Landucci proposed limiting the number of MFU permits given out each year. He thought the positive community response on the food cart survey was partially due to so many restaurants being closed during the pandemic, and that had contributed to the Commission taking up the matter.

Nichols interjected that the Planning Department received frequent requests to site food trucks in Old Town, so the subject was brought up in a Joint Work Session that the Commission held with the City Council. The Council then directed the Commission to work on an ordinance.

Norman observed that it was hard to gauge the demand for MFUs in Bandon since there were none.

Jurkowski commented that she had walked by the MFU at Bandon Rain and she did not have an issue with it. She said the way it was set up was great and she felt there were places where MFUs would work.

Fisher pointed out that the owner of that MFU was a local resident.

Jurkowski and Slothower wanted more time to discuss the MFU ordinance.

Nichols suggested that the Commission could continue the Hearing for deliberation only at its next meeting and direct Staff to provide any additional information that might be needed to help make a decision.

Starbuck asserted that the Commission needed to take a hard look at the issue.

Slothower felt the Commission was closer to a decision than Starbuck had suggested and mainly needed to work out some details regarding acceptable locations. He did not think the Commission had anything to say about fees.

Chandler advised the Commissioners that although it was not the purview of the Commission to set fees, they could formulate a recommendation to the Council that it consider food carts and consider equalizing fees and allow them in certain zones. He thought that might help them frame their discussion at the next meeting.

Nichols explained that continuing the Hearing for deliberation only meant not having to re-notice another entire Public Hearing.

Chandler added that continuing the Hearing for deliberation and decision only would eliminate the need to reopen the Hearing for additional testimony. If the Commissioners were to hold another Work Session, that would not be a meeting at which they could come to a decision.

Slothower made a motion to continue deliberation to the next Planning Commission meeting. Starbuck seconded the motion, which passed by unanimous roll call vote (6:0:1; absent: Scobby)

## **6.0 ADJOURN**

Due to the length of the meeting, the Commission chose to skip the Staff Update and Discussion items on the agenda.

Fisher adjourned the meeting at 9:04 p.m.

Planning Commission Regular Meeting Minutes  
Submitted by Richard Taylor, Minutes Clerk



# OHA Guide for Mobile Food Units



**Oregon Health Authority**  
**Food, Pool & Lodging, Health and Safety Program**

## **MOBILE FOOD UNIT OPERATION GUIDE**

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Guidelines for Food Service

OREGON HEALTH AUTHORITY

# Mobile Food Unit Operation Guide

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## QUESTIONS?

**Contact your county health department for information on licensing your mobile unit:**

<https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/LOCALHEALTHDEPARTMENTRESOURCES/Pages/lhd.aspx>

Oregon Health Authority  
Foodborne Illness Prevention Program  
800 NE Oregon Street, Suite 640  
Portland, OR 97232

[www.healthoregon.org/foodsafety](http://www.healthoregon.org/foodsafety)

Rev 2/2020

# Table of Contents

LICENSING YOUR MOBILE FOOD UNIT .....	4
COUNTY HEALTH DEPARTMENTS.....	5
WHAT IS A MOBILE FOOD UNIT?.....	5
HOW IS A MOBILE FOOD UNIT CLASSIFIED? .....	6
BASE OF OPERATION .....	7
ACTIVITIES ALLOWED OUTSIDE OF THE UNIT .....	8
MOBILE FOOD UNITS OPERATING AT TEMPORARY EVENTS.....	9
FOOD HANDLER CERTIFICATES .....	9
PERSON IN CHARGE (PIC).....	10
SICK EMPLOYEES MUST NOT WORK .....	10
HANDWASHING FACILITIES.....	10
FOOD SOURCE.....	11
WATER SOURCE.....	11
POTENTIALLY HAZARDOUS FOODS (PHF) .....	12
FOOD TEMPERATURES.....	12
THERMOMETERS .....	13
DISHWASHING.....	13
CLEANING AND SANITIZING.....	14
GENERAL FOOD PROTECTION.....	14

# Mobile Food Unit Operation Guide

## A summary of the Food Sanitation Rules relating to mobile food units

**T**he Mobile Food Unit Operational Guide is intended to help you set up and operate your mobile food unit in a sanitary and safe manner. By focusing on critical food safety practices, you will reduce the possibility of foodborne illness. While this document contains some detailed information about the rules for the construction and operation of mobile food units, it does not contain all the requirements for your unit. Unless otherwise noted, sections of the Food Sanitation Rules, Oregon Administrative Rules (OAR) 333-150-0000 are provided for you to obtain specific rule requirements. The Oregon Food Sanitation Rules [www.healthoregon.org/foodsafety](http://www.healthoregon.org/foodsafety).

### Licensing Your Mobile Food Unit

**A license is required.** Before a Mobile Food Unit is licensed, it must go through a plan review with the local Environmental Health Department. Prior to licensing, there may be other agencies from which you will be required to obtain approvals. These include, but are not limited to planning (zoning), Fire Marshall, and other city or county authorities. Oregon law requires that all food service activities open to the public be licensed PRIOR to operation.

**Maintain the unit as approved.** Mobile food units must be maintained and operated as originally designed and approved. Units that have been modified without approval must revert to the approved design and operation. If a mobile unit operates in a county other than where it is licensed, the operator is required to notify the health department in the county where it has moved prior to operating.

## County Health Departments

**Contact your county health department** early in your planning process. Determine what county you will be operating your mobile unit. The county's environmental health program contact information can also be found at this website or in the table below:

<https://www.oregon.gov/oha/PH/PROVIDERPARTNERRESOURCES/LOCALHEALTHDEPARTMENTRESOURCES/Pages/lhd.aspx>

Baker	541-473-5186	Lake	541-947-6045
Benton	541-766-6841	Lane	541-682-4480
Clackamas	503-655-8384	Lincoln	541-265-4127
Clatsop	503-325-8500	Linn	541-967-3821
Columbia	503-397-7210	Malheur	541-473-5186
Coos	541-266-6720	Marion	503-588-5346
Crook	541-447-8155	Morrow	541-278-6394
Curry	541-425-7545	Multnomah	503-988-3400
Deschutes	541-322-7400	Polk	503-623-9237
Douglas	541-440-3574	Sherman-NCPH	541-506-2753
Gilliam-NCPH	541-506-2753	Tillamook	503-842-3943
Grant	541-620-0965	Umatilla	541-278-6394
Harney	541-620-0965	Union	541-962-8818
Hood River	541-387-6885	Wallowa	971-673-0442
Jackson	541-774-8206	Wasco-NCPH	541-506-2753
Jefferson	541-475-4456	Washington	503-846-8722
Josephine	541-474-5325	Wheeler	541-620-0965
Klamath	541-883-1122	Yamhill	503-434-7525

## What is a Mobile Food Unit?

A mobile food unit is any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway. Food may be prepared or processed on this vehicle, and the vehicle is used to sell and dispense food to the ultimate consumer. Mobile food units must be secured and protected from contamination when not in operation. Mobile food units have no size limit, but they must meet the following 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. Mobile units may not be designed to be assembled at the operating location.  
333-162-0020

**Integral:** The unit and all operations and equipment must be integral to the unit. This does not preclude the use of one outdoor cooking unit such as a BBQ with a Class IV unit.

**Water and Sewer Capacity:** Potable water tanks must be designed to be accessible and translucent to determine cleanliness and cleaned at least every 6 months. The tanks must

accommodate the amount of water needed for the operation of the unit 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% greater than the freshwater tank. A mobile food unit may connect to water and sewer if it is 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. The water and sewer tanks may not be removed from the unit even if water and sewer are available. 5-305.11

**Water Pressure:** All sinks must provide water under pressure of a least 20 PSI or provide for a continuous flow of water. Gravity fed is not allowed.

## How is a Mobile Food Unit Classified?

There are four types of mobile food units. The mobile food unit classifications are based on the menu. A mobile food unit can serve menu items within its classification number or below (see Table 1). For example, a Class III unit may also sell items allowed under Class II and I.

- Class I** These units can serve only intact, packaged foods and non-potentially hazardous beverages. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages may be provided from covered urns or dispenser heads only. No dispensed ice is allowed.
- Class II** These units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged food is not allowed. Preparation, assembly or cooking of foods is not allowed on this unit.
- Class III** These units may serve any food item allowed under Class II, and may cook, prepare and assemble food items on the unit. However, cooking of raw animal food on the unit is not allowed.
- Class IV** These mobile food units may serve a full menu.

**Table 1: Mobile Food Unit General Requirements and Limitations**

Requirements	Class I	Class II	Class III	Class IV
Water Supply Required	No	Yes	Yes	Yes
Handwashing System Required	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>
Dishwashing Sinks Required	No	Yes – Or Licensed Commissary <sup>2</sup>	Yes – Or Licensed Commissary <sup>2</sup>	Yes <sup>2</sup>
Assembly or Preparation Allowed	No	No	Yes	Yes
Cooking Allowed	No	No	Yes <sup>3</sup>	Yes
Off-Unit Cooking Operation Allowed	No	No	No	Yes
Restroom Required	Yes	Yes	Yes	Yes
Examples	Prepackaged Sandwiches/ Dispensed Soda	Service of Unpackaged Food Items	Espresso/ Hot Dogs	No Menu Limitation

<sup>1</sup>The handwashing system must be plumbed to provide hot and cold or tempered running water and a minimum of 5 gallons of water must be dedicated for handwashing.

<sup>2</sup>If provided, must have a minimum of 30 gallons of water for dishwashing or twice the capacity of the three compartment sinks, whichever is greater.

<sup>3</sup>May only cook foods that are not potentially hazardous when raw (rice, pasta, etc.). Animal foods must be pre-cooked.

## Base of Operation

**Base of Operation** Mobile food units must operate from a base of operation or be fully self-contained. The regulatory authority will determine whether self-contained mobile food units have the ability to operate without a base of operation. To do so, the units must contain all the equipment and utensils that a commissary would provide. A mobile food unit may not serve as a commissary for another mobile food unit.



## Activities Allowed Outside of the Unit

All operations and equipment must be an integral part of the mobile food unit, unless your proposed activity meets one of the three exceptions and specific conditions are met. The three exceptions are the use of a cooking unit, customer seating, and auxiliary storage.

### **Cooking Unit**      **Cooking Unit:**

Class IV mobile food units may use **one** cooking unit, such as a BBQ or pizza oven that is not integral to the unit. The cooking unit **may not** be a flat top grill, griddle, wok, steamtable, stovetop, oven or similar cooking device. The cooking unit must be able to move with the unit.

A Class IV mobile food unit may use a cooking unit when:

- It is in close proximity to the mobile food unit
- It is used only for cooking. Processing, portioning, preparation, or assembly of food must be conducted from inside the mobile food unit
- A handwashing system must be provided adjacent to the cooking unit.

### **Seating for Customers**

Operators may provide seating for customers if restrooms are readily accessible within 500 feet of the mobile food unit 6-402.11 The restroom must have a handwashing facility that provides hot and cold running water, soap, and paper towels or air dryer.

When seating is provided, mobile food units must provide a garbage container for customers.

### **Shelves, Tables and Off-Unit Display**

Shelves or tables that are integral to the unit may be used to display non-potentially hazardous condiments and customer single-use articles such as napkins and plastic utensils. Mobile food units may display commercially packaged, non-potentially hazardous food items, such as cans of soda or bags of chips, off the unit if they are limited to what might be sold during a typical meal period.

### **Auxiliary storage**

**Auxiliary storage shall be limited to an amount that can be used in the course of a day's operation** and stored in such a manner as to prevent contamination or infestation (water-tight covered containers). At the end of the day, items **must be placed in the unit or a licensed warehouse**. No self-service, assembly or preparation activities may occur from the auxiliary storage container.

Refrigerators and freezers may **not** be placed outside the unit and must be in the unit or in a licensed warehouse. Handling of unpackaged foods, dishwashing and ice making are **prohibited** in a warehouse.

## **Mobile Food Units Operating at Temporary Events**

Events include fairs, carnivals, circuses, festivals, concerts or any other temporary public gathering. As a licensed mobile food unit, you may operate as a single-event temporary restaurant as specified under ORS 624.650. If you are operating at a temporary event that you may utilize off-unit tables and display areas for non-potentially hazardous foods and dispensed beverages, condiments, and single-service articles such as napkins and utensils. However, the off-unit tables and display areas allowed under this rule may not be used to conduct activities such as food preparation, assembly or cooking. In addition, the display or dispensing of potentially hazardous foods is not allowed. Mobile food units that place equipment or conduct operations outside the unit that are beyond those allowed in this rule must obtain a single-event temporary restaurant license from the county where the event will be held.

## **Food Handler Certificates**

All food service workers must obtain a food handler certificate. For more information on how to obtain a food handler certificate, contact your County Health Department or go to:

<https://www.orfoodhandlers.com/eMain.aspx>

## Food Sanitation Requirements

### Person In Charge (PIC)

Someone at your mobile unit must be in charge during all hours of operation. This person is responsible for knowing the food sanitation rules and the procedures within your unit. This person needs to be able to provide employees with information they need to perform their job. The Person In Charge (PIC) must inform employees to notify the PIC when the employee is experiencing fever, sore throat, or gastrointestinal symptoms such as vomiting, diarrhea, and nausea. The PIC must have the authority to send an employee home (Sections 2-101.11; 2-201.12). The PIC must also be able to describe the major food allergens and the symptoms that they could cause if a customer had an allergic reaction.

The person in charge is required to demonstrate knowledge of rules applicable to the food service operation. Demonstration of knowledge can be met by obtaining a food manager training certificate, having no critical violations, or by correctly answering the inspector's food safety questions. Critical violations are violations that are known to cause foodborne illness. See [www.healthoregon.org/foodsafety/](http://www.healthoregon.org/foodsafety/) for approved food manager certificates.

### Sick Employees Must Not Work

**Employee Illness** Any person, who is infected with a communicable disease, has vomiting, abdominal cramps or diarrhea must **not** work in food service until the person is completely free from symptoms (Section 2-201.11). Employees with undiagnosed vomiting and diarrhea may not return to work for at least 24 hours after symptoms have gone.

Infected sores or cuts on employee hands must have a watertight cover such as a finger cot that protects the lesion and a single-use-non-latex glove is worn. Infected sores or cuts on other parts of the body, such as the arms, need to be covered by a dry clean tight-fitting bandage. Latex gloves are prohibited (Section 3-304.15).

### Handwashing Facilities

Handwashing facilities must have warm running water, dispensed soap, paper towels, and a wastebasket. (Sections 6-301.11; 6-301.12; 6-301.20; 6-302.11).

Class II, III and IV mobile units must be plumbed to provide hot and cold running water.

**When and How to Wash Hands** Handwashing is very important when working with food and drinks. Handwashing removes microorganisms that are known to cause illness. Food workers need to wash hands between changing tasks, after handling raw meats, and anytime hands may have been contaminated. The best way to wash hands is to scrub for about 20 seconds with warm running water and soap. Rinse and dry hands with paper towels (Sections 2-301.12; 2-301.14; 2-301.15).

A double handwash is required whenever you enter the unit, after using the restroom, after smoking, and anytime hands become contaminated with body fluids. A double handwash requires you to lather hands with soap and warm water for approximately 20 seconds, rinse, and repeat a second time. Dry hands with paper towel. A double handwash is to prevent the spread of diseases that workers might have even though they are not yet showing the symptoms (Section 2-301.13).

## **Food Source**

All food products must be wholesome and free of spoilage, microorganisms, toxic chemicals, and other harmful substances that can make people sick. All food products must be prepared, stored, handled, or displayed so that it is safe for people to eat (Sections 3-201.11 thru 3-201.17).

Home canned or home processed foods are not allowed. All food must either be prepared in the unit or obtained from an approved source. Home-prepared foods must not be stored on the unit or served to the public. The only alternative to preparing the food in the unit is to prepare the food in an approved licensed facility such as a commissary. If you plan to prepare food off the unit, a separate commissary license is required.

## **Water Source**

All water used in the mobile food unit must be from an approved public water system. A mobile food unit may also use commercially bottled water (Sections 5-1; 5-2; 5-3).

## Potentially Hazardous Foods (PHF)

Potentially hazardous foods are:

- Food of an animal origin (raw or cooked)
- Cooked plant products
- Raw seed sprouts, cut melons, garlic and oil mixtures, cut leafy greens and tomatoes

Examples: hamburgers, tacos, hot dogs, spaghetti, chili, cooked rice, cooked potatoes, and cooked beans (Section 1-201.10).

## Food Temperatures

**Hot and Cold Holding** Potentially hazardous foods must be kept cold at 41°F or colder or kept hot at 135°F or hotter. Temperatures between 41°F and 135°F allow for rapid growth of bacteria that can make people sick. Use equipment capable of holding food hot (135°F or hotter). Open flames often fail and blow out. Be sure equipment will work and can hold food hot at all times (Sections 3-501.11 thru 3-501.19).

Use refrigerators or ice to store food cold (41°F). The ice must be from an approved source. All containers used must allow for water to drain away as ice melts (like an insulated cooler with drain plug). Keep enough ice available to keep the food surrounded by ice for the duration of the operation.

**Date Marking** Date-mark ready-to-eat potentially hazardous foods that will be kept longer than 24 hours at 41°F with a date to discard at 7 days from the day of preparation.

**Thawing Foods** Foods may be thawed under refrigeration, under cool running water, or in a microwave if it will be cooked immediately.

**Cooling** The best way to keep food safe is to make it fresh each day, just before you serve it. If you have food that is leftover or made in advance, you must cool it from 135°F to 70°F within two hours. Then the food must cool from 70°F to 41°F within four hours. If the food does not reach 70°F within two hours, you must reheat the food to 165°F, and start the cooling process again or you may serve it immediately or hot hold the food until service. If the food takes longer than four hours to drop from 70°F to 41°F, it must be discarded. Refer to the food handler manual for more information or look online at: [www.healthoregon.org/foodsafety](http://www.healthoregon.org/foodsafety).

**Cooking** Cook raw animal products to the following internal temperatures (Sections 3-401.11 thru 3-401.13):

- Ground beef and other ground meats to 155°F
- Pork, eggs, fish and other potentially hazardous foods 145°F

A consumer advisory will be required for facilities that serve raw or under cooked animal

products, such as “burgers cooked to order”.

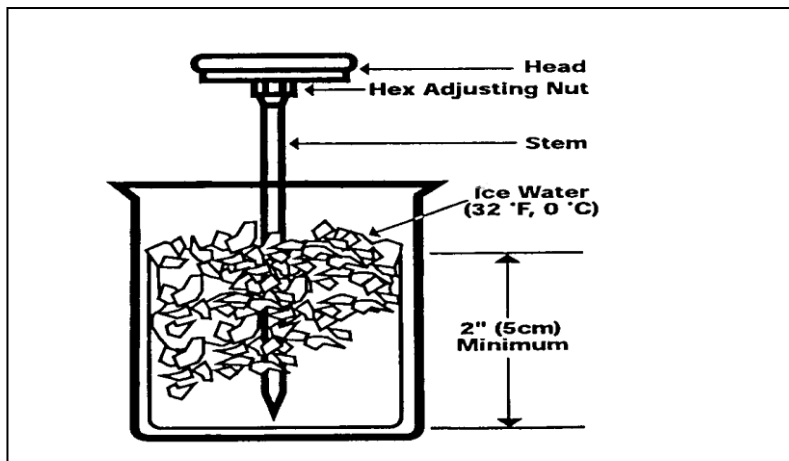
### Reheating

All potentially hazardous foods that have been cooked and cooled must be reheated to at least 165°F within two hours before being placed in hot holding (Section 3-403.11).

## Thermometers

Metal-stem probe food thermometers with a temperature range of 0°F to 220°F are required to test food temperatures when holding foods hot, cold or when cooking raw animal products. Clean and sanitize your thermometer after each use (Sections 4-203.11; 4-502.11). A small diameter probe is required to measure the temperature of thin foods, such as burgers and fish fillets.

It is important to ensure that the thermometer is working properly. An easy way to check your thermometer is to pack a container with crushed ice and add enough water to make it slushy. Put the thermometer into the slush and wait for 30 seconds until the dial stops moving. The dial should read 32°F. If it has a different reading, adjust the hex nut keeping the probe in the slush until it reads 32°F. For digital thermometers, follow manufacturer instructions on how to adjust the thermometer.



Refrigerator thermometers are required to confirm that the refrigerator or cooler is staying cold at 41°F (Section 4-204.112).

## Dishwashing

A commercial dishwasher or a three-compartment sink are used to wash, rinse, and sanitize all equipment and utensils. Using a three-compartment sink, wash equipment and utensils with soapy hot water, rinse with hot water, immerse in sanitizer and air dry. Sanitizer can be made up of 50-100 ppm of chlorine bleach or 200 ppm of quaternary ammonium. Use test strips that are made for the sanitizer that you are using. The test strips will ensure that the sanitizer has been mixed according to manufacturer's directions (Chapter 4).

For units that do not have a dishwashing, you must bring multiple clean utensils to replace any that have been in use for four hours or utensils that have been dropped or contaminated.

## **Cleaning and Sanitizing**

Clean and sanitize food-contact surfaces between preparing raw and ready-to-eat foods. Food contact surfaces must be washed, rinsed, and sanitized as with dishwashing. Wiping cloths must be stored in a sanitizing solution between uses. Wipe cloths used for wiping areas that contacted raw animal products must be stored in a container of sanitizer separate from all other sanitizers (Section 3-304.14).

## **General Food Protection**

- Store food and utensils up off the floor. Store food only in food grade containers. Protect food and utensils from dust and other contaminants (Sections 3-305.11; 4-1)
- Store chemicals such as liquid bleach and detergents below and separate from the food and utensils. Properly label all chemical containers (Section 7-2)
- Keep all garbage in a watertight container with lid (Section 5-5)
- Dispose of wastewater properly into a plumbed sewer (Section 5-4)
- Protect food from insects and rodents (Sections 6-202.15; 6-501.111)