



## STAFF REPORT

**To:** Summit County Council  
**From:** Ray Milliner, County Planner  
**Date of Meeting:** August 29, 2018  
**Type of Item:** Code Amendment – Public Hearing  
**Process:** Legislative

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**RECOMMENDATION:** Staff recommends that the Summit County Council review the proposed language to regulate Mobile Food Trucks and Mobile Food Courts in the Snyderville Basin, conduct a public hearing and consider approving the attached ordinance per the findings of fact and conclusions of law written in this staff report.

### Proposal

The purpose of the amendments is to create regulations to allow for the operation of Mobile Food Trucks and Mobile Food Courts in certain areas of the Snyderville Basin.

### Background

On November 14, 2017 and March 13, 2018 the Planning Commission reviewed draft amendments to the Code to allow Mobile Food Businesses and Mobile Food Courts in commercial zones. On July 10, 2018 the Planning Commission conducted a public hearing and forwarded a positive recommendation to the County Council.

There are two components proposed:

1. **Mobile Food Business.** This language is designed to regulate individual mobile food businesses.
2. **Mobile Food Court.** This language is designed to regulate a gathering of 2 or more food trucks in the same location.

### Analysis

Section 10-7-3 of the Snyderville Basin Development Code states that whenever there is initiated an amendment to the Code, it must be reviewed by the Planning Commission who will

deliver a recommendation to the County Council. The County Council, after holding a public hearing, shall approve, approve with modifications or deny the amendment according to the following criteria.

**Criteria 1:** The amendment shall be consistent with the goals, objectives, and policies of the general plan. **COMPLIES**

**Analysis:** Chapter 1 of the Snyderville Basin General Plan States:

“The Basin’s changing demographics have created an economy no longer solely dependent on seasonal mountain resort business. Social and economic diversity and its associated demands are encouraged for the long term health of the Basin. Accordingly, this Plan and Code form a foundation for the complex, long range use of land through managed growth--balanced between competing demands of residential and commercial interests and preservation of ample and continuous natural areas and open spaces.”

The proposed amendments to the Snyderville Basin Development Code will allow a new use in the Basin. Qualifying provisions and criteria included in the proposed language are designed to ensure that the food trucks are compatible with surrounding uses, and are respectful to the natural and built environment.

Individuals have reported that mobile food businesses are important contributors to a community’s social scene, as they become impromptu gathering spaces. Food is generally cooked to order, so it takes a few minutes for the food to come out. This encourages people to interact socially. Currently there are very few community gathering areas in the Basin.

**Criteria 2:** The amendment shall not permit the use of land that is not consistent with the uses of properties nearby. **COMPLIES**

**Analysis:** Criteria and qualifying provisions will mitigate negative impacts of mobile food businesses and mobile food courts on surrounding land uses. As with all other uses in the Development Code, in cases where a mobile food business violates the proposed Code provisions, County Code Enforcement (or possibly the County Health Department) will address the problem through the normal process.

**Criteria 3:** The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted. **COMPLIES**

**Analysis:** The amendment will not permit suitability of the properties affected by the proposed amendment to the uses to which they have been restricted.

**Criteria 4:** The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property. **COMPLIES**

**Analysis:** The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners. Although mobile food business and mobile food courts are new uses in the Development Code, provisions have been inserted into the language designed to prevent undue harm on other properties (qualifying provisions, mobile food court is a CUP etc.).

**Criteria 5:** The amendment will not grant special favors or circumstances solely for one property owner or developer. **COMPLIES**

**Analysis:** Staff finds no evidence that these regulations would constitute a special favor or create a favorable circumstance for a single property owner.

**Criteria 6:** The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change. **COMPLIES**

**Analysis:** Food trucks are small business and are generally local. Small business has proven to be an important component in Summit County's local economy. Staff discussions with owners of retail stores in other jurisdictions indicates that it is a benefit when food trucks park near them, because the patrons that the trucks attract also shop in their stores. Additionally, staff has found that food trucks have often partnered with local business including bars and coffee shops to attract business. Therefore, staff finds that mobile food business and mobile food courts will be an economic benefit to Summit County.

## **Recommendation**

Staff recommends that the Summit County Council review the proposed language to regulate Mobile Food Trucks and Mobile Food Courts in the Snyderville Basin, conduct a public hearing and consider approving the attached ordinance per the findings of fact and conclusions of law written in this staff report.

## **Findings of Fact**

1. Chapter 1 of the Snyderville Basin General Plan notes that social and economic diversity and its associated demands are encouraged for the long term health of the Basin.
2. In furtherance of this goal, §10-1-1(D) of the Summit County Code ("Code") provides that within the Snyderville Basin Planning Area tightly knit, neighbor friendly, town, village and resort centers shall be permitted in designated locations. These centers shall be designed to maintain and renew a sense of place and foster a feeling of belonging.

3. Individuals have reported that mobile food businesses are important contributors to a community's social scene, as they become impromptu gathering spaces.
4. Qualifying provisions and criteria included in the proposed language are designed to ensure that the food trucks are compatible with surrounding uses, and are respectful to the natural and built environment.
5. The proposed Code language does not remove any existing restrictions that would unduly affect nearby property owners.
6. Food trucks are small business and are generally local.
7. Small business has proven to be an important component in Summit County's local economy.
8. As currently drafted, the Summit County Code does not set forth specific criteria or a process for the regulation of Mobile Food Businesses or Mobile Food Courts.

#### **Conclusions of Law:**

1. The amendment is consistent with the goals, objectives, and policies of the General Plan.
2. The amendment will not permit the use of land that is not consistent with the uses of properties nearby.
3. The amendment will not permit suitability of the properties affected by the proposed amendment for the uses to which they have been restricted.
4. The amendment will not permit the removal of the then existing restrictions which will unduly affect nearby property.
5. The amendment will not grant special favors or circumstances solely for one property owner or developer.
6. The amendment will promote the public health, safety and welfare better than the existing regulations for which the amendment is intended to change.

#### **Exhibits**

- |            |                   |
|------------|-------------------|
| Exhibit A. | Proposed Language |
| Exhibit B. | Photos, Examples  |
| Exhibit C. | Public Comment    |

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE SNYDERVILLE BASIN  
DEVELOPMENT CODE SECTION 10-8 CREATING LANGUAGE FOR THE REGULATION OF MOBILE  
FOOD BUSINESSES AND MOBILE FOOD COURTS, AMENDING CHAPTER 10-11-1 DEFINITIONS  
AND AMENDING CHAPTER 10-2-10 USE TABLE.**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, land uses; and,

**WHEREAS**, chapter 1 of the Snyderville Basin General Plan notes that social and economic diversity and its associated demands are encouraged for the long term health of the Snyderville Basin; and

**WHEREAS**, in furtherance of this goal, §10-1-1(D) of the Summit County Code (“Code”) provides that within the Snyderville Basin Planning Area tightly knit, neighbor friendly, town, village and resort centers shall be permitted in designated locations. These centers shall be designed to maintain and renew a sense of place and foster a feeling of belonging; and,

**WHEREAS**, individuals have reported that mobile food businesses are important contributors to a community’s social scene, as they become impromptu gathering spaces; and,

**WHEREAS**, food trucks are generally local and such small businesses have proven to be an important component in Summit County’s economy; and,

**WHEREAS**, as currently drafted, the Code does not set forth specific criteria or a process for the regulation of Mobile Food Businesses and Mobile Food Courts; and,

**WHEREAS**, the Snyderville Basin Planning Commission held a public hearing on July 10, 2018; and

**WHEREAS**, the Snyderville Basin Planning Commission recommended adoption of the amended sections of the Snyderville Basin Development Code on July 10, 2018; and

**WHEREAS**, the County Council held a public hearing on August 29, 2018; and,

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.** **SNYDERVILLE BASIN DEVELOPMENT CODE** The Snyderville Basin Development Code is amended as depicted in Exhibit A.

**Section 2.** **Effective Date.** This Ordinance shall take effect immediately after publication.

Enacted this \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

SUMMIT COUNTY COUNCIL

\_\_\_\_\_  
Kent Jones  
Summit County Clerk

\_\_\_\_\_  
Kim Carson, Chair

APPROVED AS TO FORM

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

|                           |       |
|---------------------------|-------|
| VOTING OF COUNTY COUNCIL: |       |
| Councilmember Carson      | _____ |
| Councilmember Robinson    | _____ |
| Councilmember Clyde       | _____ |
| Councilmember Armstrong   | _____ |
| Councilmember Wright      | _____ |

**Exhibit A**  
**PROPOSED AMENDMENT TO CHAPTER 10-8**

## **10-8-15 MOBILE FOOD BUSINESSES:**

### **A. Location:**

1. When allowed in the Use Table or within the Resort Center (RC) and Town Center (TC) zones, Mobile Food Businesses shall:
  - a. Be located on private property;
  - b. Be parked on non-landscaped areas;
  - c. Be parked so that the Mobile Food Business vehicle does not block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard; and
  - d. Not interfere with internal parking lot circulation.
2. Mobile Food Businesses are prohibited:
  - a. In residential zones except when part of a Special Event as defined by Title 3-4 of this Code or as part of a private party or function.

### **B. Business Activity To Be Temporary:**

1. All business activity related to Mobile Food Businesses shall be temporary and subject to the requirements below:
  - a. A Mobile Food Business may not park in one individual location for more than twelve (12) hours during any twenty four (24) hour period;
  - b. The Mobile Food Business shall be occupied by the owner or operator at all times; and
  - c. No overnight parking is allowed.

### **C. Design and Operation Requirements:**

1. Mobile Food Businesses shall comply with the following design and operation requirements:
  - a. The operator shall provide garbage and recycling containers that shall be removed from the site when the Mobile Food Business leaves the site;
  - b. The operator shall not discharge or dispose of any substance, material, food, or waste into the storm drain system;
  - c. The Mobile Food Business shall not have a drive-through;
  - d. Grounds utilized by a Mobile Food Business shall be maintained in a clean and attractive condition;
  - e. An operator may provide tables and chairs provided they do not block the public sidewalk or any other part of the public right-of-way. Tables and chairs shall be removed from the site when the Mobile Food Business leaves the site;
  - f. Any enclosures or canopy extensions integrated into the design of the Mobile Food Business vehicle and not project onto the public sidewalk or any other part of the public right of way not authorized by the County Engineering Department;

- g. A Mobile Food Business is allowed one (1) sign that is not physically attached to the vehicle. This sign must be placed within twenty (20) feet of the vehicle, and in no way obstruct pedestrian or vehicular circulation; and
- h. All Mobile Food Businesses must comply with all State and local Health regulations and permitting before receiving approval to operate.

## 10-8-16 MOBILE FOOD COURTS

### A. Conditional Use Permit Required

1. Operating a mobile food court is unlawful without first obtaining conditional use approval subject to the design and operation requirements written below as well as those in chapter 10-3-5 of this title.

### B. Design and Operation Requirements:

1. Mobile Food Courts are for the use of Mobile Food Business only;
2. As part of the Conditional Use Process, the owner/operator of the Mobile Food Court shall receive approval of a master sign plan. The plan shall provide information relating to permanent signs for the court, as well as individual signs for each business;
3. As part of the Conditional Use process the owner/operator shall provide a detailed site plan showing:
  - a. The location and orientation of each vendor pad;
  - b. The location of any paving, trash/recycling enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the building code, or Summit County Health Department;
  - c. The location of all existing and proposed seating areas on site;
  - d. The circulation route of all pedestrian and vehicle traffic on the site; and
  - e. The Mobile Food Court shall not occupy required parking stalls of any other Use on the site.
4. All activities will be conducted on private property either owned or controlled by the applicant and none of the activities will occur on any public right of way;
5. Garbage and recycling containers shall be provided by the owner/operator;
6. The proposed Mobile Food Court will not impede pedestrian or vehicular traffic in the public right-of- way; and
7. A single source of live music or music played over loudspeakers is allowed in in the Mobile Food Court provided the decibel level conforms with the Summit County noise control ordinance.

**10-11-1 TERMS DEFINED**

**MOBILE FOOD BUSINESS:** A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The sale of items such as T-shirts and hats is allowed from a Mobile Food Business, but must be secondary and clearly subordinate to the sale of food or beverages. The term "Mobile Food Business" shall not include vending carts, mobile ice cream vendors or commercial services, such as pet grooming, auto detailing, gaming, retail sales, and other uses that supply the personal needs of customers.

**MOBILE FOOD COURT:** A parcel of land where two (2) or more Mobile Food Businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one Mobile Food Business located on the same parcel of land shall be considered a Mobile Food Court.

**CHAPTER 10-2-10 USE TABLE**

| <b>Use</b>           | <b>RR</b> | <b>HS</b> | <b>MR</b> | <b>CC</b> | <b>SC</b> | <b>NC</b> | <b>Additional Information</b> |
|----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-------------------------------|
| Mobile Food Business |           |           |           | A         | A         | A         | Chapter 10-8-15 of this Title |
| Mobile Food Court    |           |           |           | C         | C         | C         | Chapter 10-8-16 of this Title |



Mobile Food Trucks

Code Amendments



SOHO Food Park Holladay Utah



Food Truck Thursday Gallivan Center Salt Lake City

Ray,

I apologize but I will not be in town for the meeting regarding the food trucks, but would like to share some input on the matter:

I would be strongly against any Proposal that would let food truck or mobile carts operate in the Snyderville Basin area. This would be a significant blow to local food service operations and all brick and mortar businesses for a variety of reasons.

In my opinion, food trucks are challenging to regulate via the Summit County Health Department and would increase county costs across the board. While also increasing the population risk. I do not believe that food carts are able to maintain the same level of quality the Summit County has been known for.

From my personal experience in both Portland and the Bay Area food trucks are prone to refrigeration and grey water issues due to mobility and lack of regulation.

As a community we strive for a higher level of quality and food service standards, food carts would be jeopardizing our reputation for such. Furthermore, We would be allowing these business that are not a part of our community to be representing community. In short: these truck could come and miss up our reputation, then leave us hold the bag to clean up as they drive back to Orem.

Thank you for your time.

**MATTHEW HARRIS // chef . partner**

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