



**Warrenton Planning Commission
AGENDA**

December 12, 2019 | 6 PM | City Hall - Commission Chambers

1. Attendance
2. Flag Salute
3. Public Comment Period on *Non-Agenda* Items
4. Approval of minutes of November 14, 2019
 - *Action Item: Motion to Adopt*
5. **Clatsop County Jail Site Design Review & Variance: Public Hearing**
 - Applicant: Clatsop County (Winterbrook Planning)
 - Proposal: Convert an existing corrections facility into new County Jail at 1250 SE 19th St
 - *Action Item: Recommendation to approve with conditions.*
6. **Work Session: Mobile Food Court Standards**
 - Planning Commission request to study mobile food pod standards
7. Staff Announcements & Project Updates
8. **Next Meeting:** January 9, 2020
 - Astoria NW Homes Multifamily Project



December 5, 2019

TO: Warrenton Planning Commission
FROM: Kevin A. Cronin, AICP, Assistant City Manager/Community Development Director
RE: Site Design Review & Variance Application (File: SDR 19-9 & VAR 19-3)

Background

Winterbrook Planning, on behalf of Clatsop County, submitted a site design review and variance application for the renovation of the former Oregon Youth Authority corrections facility into the new County Jail, which is currently located in downtown Astoria. The voters approved a bond measure in 2018 to fund the improvements. A majority of the facility will remain intact with a new 26,750 SF building replacing an outdated 34,000 SF building. The property is in the I-1 General Industrial Zone within the larger industrial district off Ensign Lane. The site address is 1250 SE 19th St, 18 acres in size, and identified as Tax Lot(s) 81027D000203.

The property is zoned I-1, which allows "government buildings and uses" as an outright permitted use. The proposed development is consistent with the prior use as well as the Zoning Map and Development Code.

Development Process & Review Timeline

A pre-application conference was held August 7, 2019 and notes were shared with the applicant in a memo dated August 15, 2019. The application, including responses to pre-application notes, was received October 30, 2019 and deemed complete November 12, 2019.

Per Type 3 Review procedure, public notice of hearing on December 12 was sent to adjacent property owners and interested parties on November 13, 2019 and published in *The Columbia Press* on November 15, 2019. No written public comments were received. Affected agency notice was emailed on November 25, 2019. No comments have been received. However, the Port of Astoria has requested an aviation easement by request of the applicant.

Existing Conditions

Staff conducted a site visit on December 5, 2019 to document existing site conditions. The site is flat, previously developed with parking, access from SE 19th, and surrounded by dense vegetation. The site is bordered with an existing fence and has other County services nearby, including a Sheriff's Office and Animal Shelter. The closest residential is to the south at Forest Rim. There is no sidewalk or bike lane on SE 19th St nor is there adequate pedestrian access leading to the main entrance. The County Public Works Department recently made improvements to the shoulder but is not adequately designed or delineated. The address file contained numerous building permits since the original construction in 2000 but no previous land use actions were found.

The proposal is subject to the following Warrenton Development Code design standards and requirements.

- I-1 General Industrial Zone Development Standards (16.60.040)
- Design Standards: Access & Circulation (16.120)
- Design Standards: Landscaping, Street Trees, Fences, and Walls (16.124)
- Design Standards: Vehicle & Bicycle Parking (16.128)
- Design Standards: Clear Vision Areas (16.132)
- Stormwater & Surface Water Management Standards (16.140)
- Site Design Review Application & Review Procedures (16.212)
- Large Scale Developments (16.192)
- Variances (16.272)

Only the applicable standards are addressed below. Portions that do not apply have been omitted. The applicant submitted detailed findings, which allows staff to evaluate the proposal without having to write redundant or additional findings. Only in those instances are findings made when there is a difference in opinion on how the standards are being met.

Findings are made based on the site plan dated October 16, 2019 from DLR Group.

FINDINGS

16.120.020 VEHICULAR ACCESS AND CIRCULATION.

L. Fire Access and Circulation. The City of Warrenton adopts the Uniform Fire Code, as amended, including administrative sections and all appendices and all the State of Oregon revisions. All development in the City of Warrenton is required to meet these minimum adopted standards.

1. Required Access. A fire equipment access drive that meets City construction standards shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an improved public street or approved fire equipment access drive. Plans for fire apparatus access roads shall be submitted to the Warrenton Fire Department and Warrenton City-appointed engineer for review and approval prior to issuance of building permits, grading permits, or start of construction. When fire apparatus access road(s) are required, the road(s) shall be installed and made serviceable prior to and during time of construction. Fire department access roads shall be provided and maintained in accordance with the fire department access requirements of the Uniform Fire Code, as amended.

Staff finding: Fire Department issues, if any, will be addressed separately. The applicant shall confirm emergency access is appropriate and has been submitted to the Fire Department and City Engineer for review and approval prior to issuance of building permits, grading permits, or start of construction.

16.120.030 Pedestrian Access and Circulation.

A. *Pedestrian Access and Circulation.* *To ensure safe, direct and convenient pedestrian circulation, all developments, except single-family detached housing, duplexes, or triplexes on individual lots, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in paragraphs 1 through 3 of this subsection:*

1. *Continuous Pathways.* *The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.120.020, Vehicular Access and Circulation, and Chapter 16.136, Public Facilities Standards.*

2. *Safe, Direct, and Convenient Pathways.* *Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and existing or planned transit stops, based on the following definitions:*

a. *Reasonably Direct.* *A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*

b. *Safe and Convenient.* *Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*

c. *For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.*

d. *For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.*

3. *Connections Within Development.* *For all developments subject to site design review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.*

4. *Street Connectivity.* *Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.120.020. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:*

a. *Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than six feet wide.*

b. *If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted.*

c. *Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep.*

d. *The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties.*

e. *The Planning Commission or Community Development Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic*

conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this chapter prohibit the pathway connection.

B. Design and Construction. Pathways shall conform to all of the standards in paragraphs 1 through 5 of this subsection:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Housing related-N/A

*3. Crosswalks. Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. **If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.***

*4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, **at least six feet wide**, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least six feet wide. (See also Chapter 16.136, Public Facilities Standards, for public multi-use pathway standards.)*

5. Accessible Routes. Pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel. (Ord. 1225 § 5, 2019)

Applicant Response: See Application Narrative

Staff finding: The proposed site plan shows an asphalt path along the driveway entrance that is not adequately distinguishable or delineated from the main driveway creating a safety hazard for pedestrians and does not meet the standard. There are crosswalks designed at key access points within the parking lot. However, the site plan does not identify the material, although the narrative states the use of thermoplastic. At a minimum, a thermoplastic or concrete surface shall be installed at all crosswalk locations where pedestrian safety is paramount. A recent multi-use path added on SE 19th St is not distinguishable or delineated for pedestrian use and therefore creates a false sense of safety. See conditions of approval.

Chapter 16.124 LANDSCAPING, STREET TREES, FENCES AND WALLS

16.124.070 New Landscaping.

B. Landscaping Plan Required. For every new development in the City of Warrenton requiring a City permit, a landscape plan is required. All landscape plans shall include the

following minimum required details (see Section 16.212.040 for additional landscape plan requirements for projects requiring site design review)

1. *Legal description (e.g., assessor parcel number, copy of warranty deed, etc.) for the subject property;*
 2. *Property lines with the location and general description (height and type of material) of existing and proposed fences and other buffering or screening materials;*
 3. *The location of existing and proposed terraces or retaining walls;*
 4. *The location of existing and proposed plant materials;*
 5. *Wetland and/or riparian area boundaries on the property, if any;*
 6. *Existing and proposed structures;*
 7. *Driveway and adjoining roadway widths, descriptions, and locations; and*
 8. *Prevailing drainage patterns for the property.*
 9. *Other information as deemed appropriate by the Community Development Director. An arborist's report may be required for sites with mature trees that are protected under this chapter and/or Chapter 16.156 of this Code.*
- C. Landscape Area Standards. *The minimum percentage of required landscaping equals:*
1. *Residential districts: 20% of the site.*
 2. *Commercial districts: 15% of the site shall be landscaped according to the requirements of this section.*
 3. *General industrial districts: a minimum of 20% of the site shall be landscaped.*
- The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting.*
- D. Landscape Materials
- E. Landscape Design Standards
1. Yard Setback Landscaping
 2. Parking Areas.
 3. Buffering and Screening Required (subsections a, b c)
- F. Maintenance and Irrigation
- G. Additional Requirements-identified by Division 2 or through conditional use permits

Applicant response: See Application Narrative.

Staff finding: The site does have naturally occurring vegetation around the site. The site far exceeds the overall 20% minimum standard for commercial uses. However, the submitted landscape lacks any information on landscape materials to determine consistency with native vegetation standards. Removal of all non-native species within the construction envelope is also required. See conditions of approval.

Chapter 16.128 VEHICLE AND BICYCLE PARKING

16.128.010 Purpose.

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., "minimum" and "performance-based" standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

16.128.020 Applicability.

All developments in the City of Warrenton shall comply with the provisions of this chapter.

16.128.030 Vehicle Parking Standards.

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with requirements in this section, chapter, and Code, unless greater requirements are otherwise established. The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 16.128.030.A.

A. General Provisions.

- 1. Groups of four or more off-street parking spaces shall be served by a driveway or aisle so that no backing movements or other maneuvering within a street or right-of-way, other than an alley, will be required. Section 16.120.020 contains driveway opening and width standards.*
- 2. Service drives or aisles to off-street parking areas shall be designed and constructed to facilitate the flow of traffic and to provide maximum safety to pedestrian, bicycle, and vehicular traffic on the site.*
- 3. Service drives or aisles shall be clearly and permanently marked and defined through the use of bumper rails, fences, buildings, walls, painting, or other appropriate markers.*
- 4. Fractional space requirements shall be counted as a whole space.*
- 5. All parking lots shall be designed and constructed to meet the City standards of Section 16.120.020, this chapter, Chapter 16.136, and this Code.*

Applicant Response: See Application Narrative.

Staff finding: The Development Code does not include a specific standard for corrections facilities. Staff requested the applicant research other jurisdictions with jail facilities to reference other standards. Based on the research, and the reduction of employees with the new user, there is adequate off-street parking.

Standard parking spaces shall conform to the dimensions in Figure 16.128.030.C. Disabled person parking spaces shall conform to the standards (and dimensions) in this section. The applicant has requested a variance to the dimension standard by 1 foot that is 9 x 19 feet while the existing spaces are 9 x 18 feet. See findings below.

16.128.040 Bicycle Parking Requirements.

A. *All uses shall provide bicycle parking in conformance with the following standards which are evaluated during development review or site design review.*

C. Design and Location.

1. *All bicycle parking shall be securely anchored to the ground or to a structure.*
2. *All bicycle parking shall be lighted for theft protection, personal security and accident prevention.*
3. *All bicycle parking shall be designed so that bicycles may be secured to them without undue inconvenience, including being accessible without removing another bicycle. Bicycle parking spaces shall be at least six feet long and two-and-one-half feet wide, and overhead clearance in covered spaces should be a minimum of seven feet. A five foot aisle for bicycle maneuvering should be provided and maintained beside or between each row/rack of bicycle parking.*
4. *Bicycle parking racks shall accommodate locking the frame and both wheels using either a cable or U-shaped lock.*
5. *Direct access from the bicycle parking area to the public right-of-way shall be provided at-grade or by ramp access, and pedestrian access shall be provided from the bicycle parking area to the building entrance.*
6. *Bicycle parking shall not impede or create a hazard to pedestrians or vehicles and shall not conflict with the vision clearance standards of Chapter 16.132.*
7. *All bicycle parking should be integrated with other elements in the planter strip when in the public right-of-way.*
8. *Short-term bicycle parking.*
 - a. *Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely.*
 - b. *If more than 10 short-term bicycle parking spaces are required, at least 50% of the spaces must be sheltered. Sheltered short-term parking consists of a minimum 7-foot overhead clearance and sufficient area to completely cover all bicycle parking and bicycles that are parked correctly.*
 - c. *Short-term bicycle parking shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space.*
9. *Long-term bicycle parking. Long-term bicycle parking shall consist of a lockable enclosure, a secure room in a building onsite, monitored parking, or another form of sheltered and secure parking.*

Applicant response: See Application Narrative.

Staff finding: Based on the bicycle parking standard, 8 spaces are required. A rack is proposed under a sheltered area. However, additional long term spaces for employees may be located inside the building. Standard is met.

16.152.060 Grading Permit Requirements.

A. Permits Required. Except as exempted in Section 16.152.040, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

Applicant Response: See Application Narrative.

Staff finding: Except as provided in Section 16.152.040, no person shall do any grading work without first having attained a grading permit from the building official. Unless exempt, the applicant shall obtain a grading permit in order to review soil erosion and sedimentation into watercourses, wetlands, riparian areas, public and private roadways caused by development activities, including clearing, grading, stripping, excavating, and filling of land. A utility and grading plan was submitted as part of the site plan application. The City Engineer will review the plan for compliance. See conditions of approval.

STANDARD VARIANCE CRITERIA

WDC Section 16.272.010 states that, "Variances to a quantitative requirement of this Code may be granted only if, on the basis of the written application, and evidence submitted by the applicant, findings of fact are made by the zoning administrator (for Class 1 applications) that satisfy Criteria 1 through 6 listed below. Prior variances allowed in the neighborhood shall not be considered by the granting authority in reaching its decision. A determination of whether the standards set forth in Section 16.272.020 (A) through (F) are satisfied necessarily involves the balancing of competing and conflicting interests. Each request shall be based on its own merits.

- A. *The hardship was not created by the person requesting the variance;*
- B. *The request is necessary to make reasonable use of the property. There will be an unreasonable economic impact upon the person requesting the variance if the request is denied;*
- C. *The request will not substantially be injurious to the neighborhood in which the property is located. The variance will not result in physical impacts, such as visual, noise, traffic or increased potential for drainage, erosion and landslide hazards, beyond those impacts that would typically occur with development in the subject zone;*
- D. *The request is not in conflict with the Comprehensive Plan;*

- E. The request is not in conflict with the Development Code. No variance may be granted which will result in a use not permitted in the applicable zone or which will increase the allowable residential density in any zone with the exception of individual lot size reduction; and,*
- F. Physical circumstance(s) related to the property involved preclude conformance with the standard to be varied.”*

Staff Analysis for Variance Criteria

According to the findings in the application, there is adequate evidence and rationale for requesting a quantitative variance to meet the parking dimension standard and ample justification to recommend approval. Staff concurs with the applicant that the hardship is not self-imposed, the request is necessary to make reasonable use of the property and the existing improvements that are within a foot of meeting the standard, the request will not be injurious to the neighborhood or customers for that matter, and the request is not in conflict with the Comprehensive Plan or Development Code. The physical circumstances related to property, in this case the existing layout of the parking area, preclude conformance with the standard to be varied. All standards have been met.

DISCUSSION, RECOMMENDATION & CONDITIONS OF APPROVAL

The proposal is commendable for a number of reasons: 1) use is consistent with I-1 zone, 2) provides a growing, unmet need in the community for security, 3) creative, adaptive reuse of an existing public facility, and 4) complies or exceeds the majority of the code standards.

Based on the findings above, SDR 19-9, the County Jail renovation meets the basic requirements of the Development Code. However, approval is subject to the following conditions:

1. A revised site plan shall be submitted and approved prior to issuance of building permits.
2. Fire Department issues, if any, will be addressed separately. The applicant shall confirm fire truck access is appropriate and has been submitted to the Fire Department and Engineer for review and approval prior to issuance of building permits, grading permits, or start of construction.
3. The landscaping plan shall be revised to include plant list consistent with native vegetation standard. All approved materials installed shall be confirmed prior to occupancy. All invasive species shall be removed within the construction zone.
4. The applicant shall submit civil plans, if any, including all utilities, stormwater, and surface water management plans to comply with Chapter 16.140 requirements, and may need review by the City's Public Works Department or City Engineer (HHPR).

5. A construction trailer, if located on site, shall be granted access subject to plan review and permit fees. Unless exempt by 16.152.040 Exempted Work, the applicant shall obtain a grading and erosion control permit.
6. No stormwater shall be directed into the wastewater collection system. The applicant should work with the City Engineer for any additional concerns or direction on wastewater collection options.
7. The multi-use path, along the entire frontage of the subject property, shall include a fog line and/or cross hatch design that delineates the pedestrian path from the roadway. Crosswalks shall be installed using concrete or thermoplastic material with chosen material indicated on revised site plan. Pedestrian path from SE 19th St shall be concrete or other durable surface that is distinct in color and raised above the surface of the driveway.. Directional arrows for the driveway shall also use thermoplastic.
8. Coordinate with Port of Astoria on recording aviation easement with Clatsop County Records' Office prior to certificate of occupancy.
9. Subsequent to engineering review, a pre-construction meeting is strongly encouraged prior to mobilization of contractors and site work.

Suggested Motion: Based on the findings of fact in the record, public testimony, and conditions of approval, I move to approve SDR 19-9 and VAR 19-3.



December 5, 2019

To the City Commission of Warrenton:

I nominate Natalie Duggan for reappointment to Position No. 3 on the Warrenton Community Library Board.

While having a young family is a daunting task in and of its own, I have interviewed Natalie and found she brings a much-needed perspective to our library board. She has interest and energy to advance the library's interests, including outside of the board meetings. I would be remiss if I did not convey that she did express hesitancy to apply due to time constraints. I relayed to her that the commitment is relatively small (quarterly meetings) and that she had my support to continue.

Across all our boards, I have endeavored to recruit or retain a mixture of perspectives and demographics. As any mayor before me will attest, recruiting people to serve is difficult—especially today with the scrutiny that follows public service of any type. It is especially difficult to recruit those individuals who are getting started in their careers and/or have young families. Warrenton is the youngest community in the county, and as we grow as a city it is important to ensure we try to incorporate their perspective.

I believe as the commission's subcommittee moves forward with reviewing boards and bylaws, it should look to recommending policies to better enable participation underrepresented, but fast-growing demographics.

Sincerely,

Henry A. Balensifer III
Mayor



December 5, 2019

To the City Commission of Warrenton:

I nominate Dan Jackson for reappointment to Position #5 on the Warrenton City Budget Committee.

Dan has served on this important committee for some time and contributed to the development of a balanced budget, which often requires hard choices about resourcing departments and equipment purchases. I see no reason to replace him and as such nominate him for reappointment.

Sincerely,

Henry A. Balensifer III
Mayor

Building Code Considerations for Mobile Food Carts

(Valid for 2019, Check for Annual Updates)



Food Cart businesses contemplating moving into the City of Beaverton need to be aware of a number of things. City staff are available to meet informally or through a pre-application meeting prior to design/construction in order to offer feedback, etc.

Business Assistance: For assistance finding a location, starting your business, or learning about resources available to businesses in Beaverton, contact the Economic Development Division 503-526-2456.

www.BeavertonOregon.gov/EconomicDevelopment

Land Use and Zoning: The first thing a business owner needs to do is verify their specific business is compatible with the property zoning. Contact the Planning Division to verify the allowed business uses at the specific property. Food Cart Regulations for Land Use and Zoning are found in Section 40.32 and 60.11 of the Development Code

www.BeavertonOregon.gov/dc. For more information, please call 503-526-2420. www.BeavertonOregon.gov/Planning

Contact County Health Department: Health regulations for food services are handled by the Washington County Health Department. Contact the county for information, please call 503-846-8722.

www.co.washington.or.us/HHS/EnvironmentalHealth/FoodSafety/index.cfm#

City Business License: Each business is required to have a valid City Business License. Business licenses can be obtained through the City Finance Department. For more information, please call 503-536-2255. www.BeavertonOregon.gov/BLicense

Building Plan Review and Permits: For information on building permit applications, plan review requirements and fees, etc., please call 503-526-2403. www.BeavertonOregon.gov/Building

State Building Code (SBC): The current SBC includes: The 2014 edition of the Oregon Structural Specialty Code (OSSC); the 2014 Oregon Mechanical Specialty Code (OMSC); the 2014 Oregon Plumbing Specialty Code (OPSC); the 2014 Oregon Electrical Specialty Code (OESC). To review these codes online, please go to: www.cbs.state.or.us/external/bcd/programs/online_codes.html

Permanent Prefabricated Food Carts: A Food Cart to be permanently anchored to a foundation must bear the State of Oregon Prefabricated Structures approval label for use as a Group B Occupancy. For information on the permit and approval process for prefabricated trailers, please contact State of Oregon Prefabricated Structures at 503-378-4133.

www.oregon.gov/bcd/permit-services/Pages/prefab-services.aspx



BUILDING CODE INFORMATION

The information listed below is specific State Building Code (SBC) Requirements. For more information about how these requirements apply to a Food Cart business, please contact the Building Division, 503-526-2403.

Semi-Permanent Structures: Prefabricated trailers for coffee/food service or similar uses intended to be placed on a site and not be moved on a regular basis (moved off-site on a daily basis), must comply with the requirements for a Mobile Food Unit. The Food Cart must maintain its portability, which includes keeping the wheels and towing tongue on the unit. Skirting is allowed to be placed to cover the wheels and tongue.

Building Permit Required: A building permit is required for permanent Food Carts. Scaled drawings are required that indicates: the location of unit on the property (including distances from property lines and other food carts, buildings or structures); the size of the Food Cart (and the size of any other food carts on the property); details for the set-up/support of the unit; details for the skirting; details for how steps, landings, decks providing access to the unit are to be constructed; location of non-permanent electrical, water and if applicable, sanitary sewer connections. Food Carts shall be located on a hard surface (such as asphalt or concrete) that drains storm water to an approved location (i.e., storm water catch basin), or the plans shall show how storm water runoff from the roofed or other impervious surface areas will be discharged to an approved location.

Location on Property: Food Carts shall be located not less than 10 feet from a property line (6 feet from a property line abutting a public right-of-way). Food Carts shall be set back from other buildings on the same property as required by the State Building Code. Where a group of two or more Food Carts (Pod) are located on the same property, the total floor area of the Food Carts in the Pod, including canopies, awnings, and roofed areas cannot exceed 9,000 square feet. Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet (including permanent roof structures, canopies or similar).

Canopies, Awnings: Construction of canopies, awnings, and other structures greater than 120 square feet in area require a building permit. This includes fabric covered canopies that are in place for more than six-months.

Electrical Connection: The Food Cart shall be connected to an underground electrical system in an approved manner (see note below). The City Development Code Section 60.11 requires utilities serving a food cart to be installed

underground. This is to mean that an approved electrical connection point adjacent to each food cart is required, so the connecting electrical cord does not cross driveways, walkways, access points or create a tripping hazard. Generators are prohibited.

No permanent connection to an electrical, water or sewer system is allowed. Electrical service to the Food Cart must be by an approved electrical cord/plug without use of extension cords, connecting to a circuit with the correct amperage to serve the trailer/vehicle. The electrical cord must be protected from physical damage. An electrical permit is required for installing an outlet.

Water Supply: The Food Cart may be connected to an potable water system in an approved manner (see next paragraph), or the cart must connect to approved above ground or in-cart potable water tanks to supply fresh water to the cart, consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules. This means that an approved potable water connection point or tank adjacent to each food cart must be available, so the connecting piping does not cross driveways, walkways, access points or create a tripping hazard. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing.

The potable water supply shall be by an approved fixture (such as a yard hydrant or hose bib) with an approved backflow device. A plumbing permit is required for installing a fixture and/or backflow device. The water supply shall be by an approved potable water hose with a 'quick disconnect' type connection and protected from physical damage and freezing weather by an approved heat tape and insulation. If any additional plumbing fixtures outside of the food cart are connected to the potable water supply, they need to be identified and may require individual backflow devices.

Sewage Disposal: The Food Cart shall either be connected to an underground sanitary sewer system in an approved manner (see next paragraph), or the cart shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited.

Disposal cannot be to a storm catch basin or sewer cleanout. The connecting piping must be located so they do not cross driveways, walkways, access points or create a tripping hazard.

The connection of the food cart sanitary sewer outlet to the approved sanitary sewer system may be by a flexible or solid pipe that is approved for conveying sanitary waste. The connection to an approved sanitary sewer receptor must be in a non-permanent manner. The sewer pipe must be protected from physical damage. A plumbing permit is required for installing the sewer pipe and an approved sanitary sewer receptor.

Grease Interceptors: Food service areas are required to provide a method to collect fats, oils and grease from entering into the public sewer system. This is in the form of a grease interceptor as required by the State Plumbing Code. This requires a Plumbing Permit that is obtained through the Building Division. Food Carts connected to the sanitary sewer must be provided with an approved grease interceptor.

Utility Screening: All utilities shall be placed or otherwise screened, covered, or hidden from view from the right-of-way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

Number of Restrooms: The carts shall be provided with access to a toilet and hand wash facilities on the same property where the Food Cart is located. If access to a toilet and hand wash facilities is in an adjacent building, proof of access from the property owner for use by employees and customers during the Food Cart business hours is required. The size of the food service business dictates how many toilets and lavatory sinks are required. Chapter 29 of the SBC allows a single (unisex) toilet and lavatory if the total occupant load of both customers and employees is 30 or less. Separate toilet facilities are required for male and female if over 30 total occupants (employees and customers). The occupant load is determined by the square foot area of the spaces (kitchen, offices, seating area, etc.) divided by the occupant load factor from Chapter 10 of the SBC. The minimum number of toilets and lavatories is also based on the occupant load. New fixtures may have System Development Charges (SDC Fees). See also 'Fees' for sanitary sewer fees.

Plumbing Fixtures: Every business must have access to a minimum number of plumbing fixtures (toilets and sinks). Chapter 29 of the SBC is used to determine the minimum number necessary. Depending on the nature of the business, additional fixtures may need to be added.

Propane/Fuels: Location and use of propane tanks or other fuels shall be determined as required by the Tualatin Valley Fire and Rescue Fire Marshal. For more information contact 503-649-8577.

Accessibility (Americans with Disabilities Act (ADA)): Any alterations to a building or space (new walls, rooms, doors, bathroom, etc.) will need to meet the accessibility code requirements from Chapter 11 of the SBC. In addition, Chapter 34 of the SBC requires any ADA barriers that exist elsewhere in the building to be removed at a cost not to exceed 25% of the value of the overall project. For example: if a project has a cost of \$20,000 for the new work, up to an additional \$5,000 must be spent in removing ADA barriers. If it only costs \$1,000 to eliminate all the remaining barriers, the whole \$5,000 would not need to be spent. If there are no remaining ADA barriers, then no additional money needs to be spent.

Fees: Aside from the various permit fees that will be required, new businesses must pay system impact fees or SDC Fees. Each Food Cart is required to pay: a CleanWater Services sanitary sewer (SDC) fee (if connected to the sanitary sewer) of \$2,825; a Transportation Development Tax (TDT) of \$5,680; and a Park SDC of \$270. Storm SDC fees and Water SDC fees may apply if additional impervious surface is created and/or a water meter is needed.

The information provided is not all inclusive. The details provided serve as an overview of common issues related to the proposed business type. For more information, please contact the appropriate entity noted above.

Accessibility Information: This information can be made available in alternative formats such as large print or audio tape. To request alternative formats, please call 503-526-2493 or email cddmail@BeavertonOregon.gov and reference Building Division, Code Considerations for Food Carts.