



**NOTICE OF DECISION ON A TYPE II LAND USE PERMIT**

**Decision:** Approved with Conditions

**Permit Type:** Other Mobile Vending Unit Level III

**File No.** Z0290-23

**Proposal:** Application for a drive-thru coffee mobile vending unit and onsite improvements that include vehicular access, landscaping, drive isle and employee parking.

**Decision Date:** October 10, 2023

**Deadline for Filing Appeal:** October 23, 2023, at 4:00 pm.

Unless appealed, this decision is effective on October 23, 2023 at 4:00 pm.

**Issued By :** Roman Sierra, Planner I, RSierra@clackamas.us

**Assessor's Map & Tax Lot(s):** T3S R3E Section 06B Tax Lot 03900

**Site Address:** 18221 S Redland Rd

**Applicant:** Grounds Up Coffee, LLC.

**Owner of Property:** Spitze Properties, LLC.

**Zoning:** Rural Commercial (RC)

**Community Planning Organization (CPO) for Area:**

REDLAND-VIOLA-FISCHER'S MILL

Lance Ward 503-631-2550

lancecward@aol.com

Community Planning Organizations (CPOs) are part of the county's community involvement program. They are advisory to the Board of County Commissioners, Planning Commission and Planning and Zoning Division on land use matters affecting their communities. CPOs are notified of proposed land use actions and decisions on land within their boundaries and may review these applications, provide recommendations or file appeals. If this CPO currently is inactive and you are interested in becoming involved in land use planning in your area, please contact Clackamas County Community Engagement at 503-655-8751.

**OPPORTUNITY TO REVIEW THE RECORD:** The submitted application is available for review online at <https://acela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select Record Info and then select Attachments from the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this decision. Copies of all documents may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents.

**APPEAL RIGHTS:** Any party disagreeing with this decision, or the conditions of approval, may appeal this decision to the Clackamas County Land Use Hearings Officer. An appeal must include a completed County Appeal Form and a \$250.00 filing fee and must be **received** by the Planning and Zoning Division by the appeal deadline identified on the first page of this decision.

Appeals may be submitted in person during office hours (8:00 am to 4:00 pm Monday through Thursday, closed Friday and holidays). Appeals may also be submitted by email or US mail.

The County Appeal Form is available at [www.clackamas.us/planning/supplemental.html](http://www.clackamas.us/planning/supplemental.html). Any party or parties appealing this decision may withdraw their appeal at any time prior to the hearing or final decision by the Hearings Officer. A party wishing to maintain individual appeal rights may file an individual appeal and pay the \$250.00 fee, even if an appeal by another party or parties has been filed.

A person who is mailed written notice of this decision cannot appeal this decision directly to the Land Use Board of Appeals under ORS 197.830.

**APPLICABLE APPROVAL CRITERIA:** This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Section(s) 202, 513, 827, 837, 1007, 1009, 1010, 1015, 1021 and 1307.

**PUBLIC AND AGENCY COMMENTS:**

Notice was sent to applicable agencies and owners of property within 500 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. **Comments and recommended conditions from Clackamas County Engineering, Sustainability, Septic and Onsite Wastewater, Public Health, & Clackamas Fire District #1; and Clackamas River Water District were received.**

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email [DRenhard@clackamas.us](mailto:DRenhard@clackamas.us).*

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод? 翻译或口译? |  
Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

# Location Map

Clackamas Maps

Help Disclaimer Map Menu

Objectid: 33227  
Primary Address: 18221 S Redland Rd, Oregon City, 97045  
Jurisdiction: Clackamas County  
Map Number: 33E06B  
Taxlot Number: 33E06B 03900  
Parcel Number: 00907610  
Document Number: 2012-034954  
Census Tract: 023100  
Landclass: 201

Assessment

Schools

Public Safety

Zoning & Development  
Designation: RC  
Urban Growth Boundary: OUTSIDE

Voting

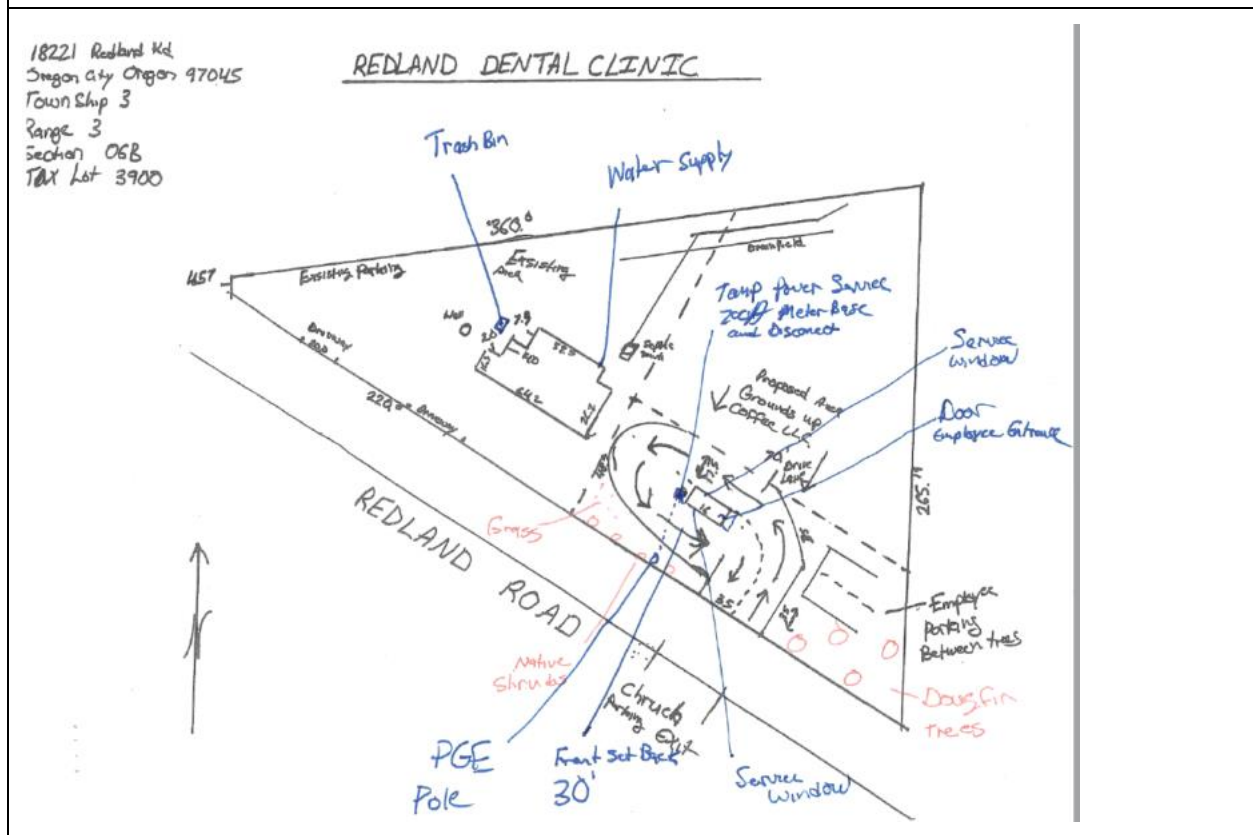
Utilities & Districts

Environmental & Hazards

Parks

Documents

## Site Plan



## CONDITIONS OF APPROVAL

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied.

1. Approval of this land use permit is based on the submitted written narrative and plan(s) filed with the County on 7/13/2023 and additional documents submitted on 8/7/23. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.
2. Pursuant to ZDO Subsection 837.07, the decision is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four year period, the approval shall be implemented, or the approval will become void unless a time extension is timely filed and approved

pursuant to ZDO Section 1310. "Implemented" means all necessary development permits shall be obtained and maintained for the approved development.

3. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. No structure shall be attached to the mobile vending unit.
4. Except as specifically allowed by ZDO Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.
5. Customer seating or vending inside the mobile vending unit is prohibited.
6. The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit.
7. Trees outside of the approved development envelope shall be separated from the development envelope with orange construction fencing (i.e., safety fencing, snow fencing, or a comparable product) during construction to prevent disturbance.
8. Utilities shall comply with Subsection 837.05(l)
9. Portable toilets are prohibited unless connected to a sanitary sewer system or on-site wastewater treatment system.
10. Prior to issuance of a Development Permit, the applicant shall submit an outdoor lighting plan demonstrating compliance with ZDO Subsection 1005.04, and lighting shall comply with the approved plan.
11. Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as above ground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy required bicycle parking spaces, loading areas driveways, onsite circulation drives, parking lot aisles, or walkways.
12. Signs are permitted pursuant to Section 1010
13. A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit.
14. Prior to issuance of a Development Permit, the applicant shall submit plans that demonstrate a waste and recycling enclosure that complies with ZDO Section 1021 and the waste and recycling enclosure shall comply with the approved plan.
15. Skirting shall be placed around the perimeter of the mobile vending unit.
16. All frontage and onsite improvements shall be in compliance with *Clackamas County Roadway Standards*.
17. Prior to any earth-disturbing activity, the applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development.

18. Access to S Redland Road shall meet the following requirements:

- i. A paved driveway approach, a minimum of 28 feet wide by 20 feet deep shall be constructed onto S Redland Road, per Standard Drawing D500.
- ii. The driveway shall be located opposite from and align with the east church driveway on the south side of S Redland Road.
- iii. Minimum intersection sight distance of 445 feet shall be provide from the driveway the east and west. Sight Distance shall be measured 14.5 feet from the fog line at a height of 3.5 feet, to a point in the oncoming travel lane at a height of 3.5 feet.

19. The applicants shall provide adequate on-site circulation for all vehicles anticipated to use the site, as follows:

- i. A minimum driveway throat length of 20 feet shall be provided from edge of pavement of S Redland Road to the nearest perpendicular drive aisle.
- ii. The minimum drive aisle width adjacent to 90-degree parking spaces requires a minimum of 24 feet of back up maneuvering room. Parking stall backing maneuvering shall accommodate no more than a 2-point turn.
- iii. Parking spaces shall meet minimum and maximum ZDO Section 1015 requirements, both in number and dimensions. The plans shall list the number of parking spaces required and the number of parking spaces provided. The parking lot layout shall be consistent with Roadway Standards Drawing P100/P200.
- iv. Parking spaces and drive aisles may be gravel and constructed per Standard Drawing R100. If an ADA parking space is required, the ADA space and walkway to the building require a paved surface. Delineate each parking space with a bumper/log or similar, or stripe if a paved surface.
- v. Provide minimum turning radii for passenger vehicles maneuvering through the drive-thru and back out the site driveway: inside radius of 14.4 feet and outside radius of 24 feet.
- vi. Provide a minimum vehicle queue length of at least 70 feet from the drive-thru window to the throat of the driveway onto S Redland Road.
- vii. Provide a minimum 12-foot wide by-pass lane for the drive-thru window.
- viii. Applicant shall provide and implement a signing and pavement-marking plan for on-site parking and circulation. This plan shall be reviewed and

approved by the Engineering section and the local Fire Marshal prior to the applicant being issued a Development Permit.

20. Prior to the issuance of a building permit, the applicant shall submit to *Clackamas County Engineering Office*:

- i. Written approval from the local Clackamas Fire District #1 for the planned access, circulation, fire lanes and water source supply. The approval shall be in the form of site and utility plans stamped and signed by the Fire Marshal.
- ii. A set of street and site improvement construction plans, including a striping and signing plan, for review in conformance with *Clackamas County Roadway Standards* Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.

## FINDINGS

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The findings below identify the standards and criteria that are relevant to this decision, state the facts relied upon in rendering the decision, and explain the justification for the decision.

1. **PROJECT OVERVIEW:** The applicant is requesting authorization to site a drive-thru coffee mobile vending unit on a property at the north side of S. Redland Road, approximately 200 feet east of its intersection with S. Fischer's Mill Road. The westerly half of the subject property is developed with existing dental office, landscaping, vehicular circulation, and paved parking surface. The coffee mobile vending unit will be located on the undeveloped easterly half of the subject property. Proposed site improvements include two additional employee parking spaces, access improvements, vehicular circulation, and landscaping.

2. **ZDO Section 513 Rural Commercial District**

ZDO Section 513 regulates the RC District, and Table 513-1 identifies permitted uses in the zone.

***Finding: The proposed development is located in the Rural Commercial district. The applicant is proposing approval for a Level Three Mobile Vending Unit. Table 513-1, which lists permitted uses in the zone, shows that Mobile Vending Units are a permitted primary use in the zone. This criterion is met.***

### 513.04 DIMENSIONAL STANDARDS



Please see the table below for an analysis of the dimensional standards for the RC zoning district and those indicated by the applicant in the submitted materials.

	<b>Ordinance Standard</b>	<b>Demonstrated Dimension</b>	<b>Complies With Standard</b>
<b>Minimum Lot Size</b>	None	Approx. 1.12 acres	Complies – existing lot of record
<b>Minimum Front Yard Setback</b>	30 feet	30 feet (south)	Complies
<b>Minimum Rear Yard Setback</b>	10 feet	> 10 feet	Complies
<b>Minimum Side Yard Depth</b>	10 feet	> 10 feet	Complies

***Finding: As provided in the table above, the proposal satisfies the dimensional standards for the Rural Commercial zoning district. This criteria is met.***

**3. ZDO Section 837 Mobile Vending Units**

**837.05 LEVEL THREE MOBILE VENDING UNITS**

A. Maximum Number: Except as allowed under Subsection 837.03, no more than four mobile vending units may be located on a single lot of record, or on two or more lots of record that are part of a single development.

***Finding: The applicant is proposing a single mobile vending unit, per the submitted site plan and supporting narrative. Therefore this criterion is met.***

B. Accessory Items and Structures: Portable accessory items, such as picnic tables and trash cans, are permitted. Attachments to the mobile vending unit, such as awnings or canopies, are permitted only if they are supported entirely by the unit and do not touch the ground. Neither the mobile vending unit nor any item relating to the unit shall lean against or hang from any structure or utility pole. No structure shall be attached to the mobile vending unit. New accessory structures may be constructed, as follows:

1. A maximum of two restroom structures, provided that the combined square footage does not exceed 200;
2. A maximum of two storage buildings, provided that the combined square footage does not exceed 200;
3. One trash enclosure; and
4. Outdoor seating areas, which may have roofs, floors, and railings, but no walls (e.g. decks, picnic shelters), provided that the combined

square footage does not exceed 200 square feet per mobile vending unit and that no single structure exceeds 200 square feet.

***Finding: The applicant is not proposing to attach any structures to the mobile vending unit, nor is the applicant proposing restroom structures, storage buildings, trash enclosures or outdoor seating areas. The proposed mobile vending unit is a drive-thru unit with no walk up window service. Applicant has noted that the mobile vending unit will share the existing a trash enclosure used by the existing dental office on the west developed portion of the subject property. A condition of approval will require ongoing compliance with the limitation on attachments to the mobile vending unit and the prohibition on leaning against or hanging from any structure or utility pole. As conditioned, this criterion is met.***

- C. Accessory Storage: Except as specifically allowed by Section 837, items relating to the mobile vending unit shall be stored in, on, or under the unit.

***Finding: The applicant has not identified any storage outside the mobile vending unit. However, a condition of approval is warranted to ensure ongoing compliance with this standard. As conditioned, this criterion is met.***

- D. Interior Seating or Vending: Customer seating or vending inside the mobile vending unit is prohibited.

***Finding: The applicant is proposing a drive-thru mobile vending unit, and no walk up service will be provided. No interior vending or customer seating is proposed. This criterion is met.***

- E. Maximum Size: The mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. Attachments to the mobile vending unit that are supported entirely by the unit and do not touch the ground shall be excluded when calculating square footage.

***Finding: The proposed mobile vending unit will be approximately 8 feet by 16 feet, for a total area of 128 square feet. In the event that the applicant chooses a different model of vending unit or replaces it in the future, a condition of approval will require that the mobile vending unit shall not exceed 200 square feet, measured by the outside dimensions of the unit. As conditioned, this criterion is met***

- F. Minimum Setbacks and Separation Distance: The mobile vending unit shall be located a minimum of:

1. Five feet from any structure or another mobile vending unit;

2. Ten feet from any front lot line, except in the RTC District in Government Camp, where the minimum front setback from a lot line abutting Government Camp Loop shall be four feet, and a corner lot with frontage on Government Camp Loop shall comply with a minimum front setback of 10 feet from the lot line abutting the other road; and
3. Five feet from any side or rear lot line, except if such lot line abuts a residential zoning district, in which case the minimum shall be 15 feet.

***Finding: There is only one mobile vending unit proposed, is not in the RTC district, and the subject property does not abut a residential zoning district. The site plan demonstrates that the mobile vending unit will be more than five (5) feet from any structure and more than ten (10) feet from the front lot line. This criterion is met.***

- G. Structure Setbacks: Structures allowed under Subsection 837.05(B) shall comply with the setback standards of the zoning district in which the subject property is located.

***Finding: No structures allowed under Subsection 837.05(B) are proposed. This criterion is met.***

- H. Hillsides, Trees and Wooded Areas, and Mass Movement Hazard Areas: The development shall be subject to Subsections 1002.01, 1002.03, and 1003.02, as applicable.

***Finding: Subsection 1002.01 regulates development on slopes over 20 percent. Available contour mapping demonstrates that slopes in the development area are less than 20 percent. Subsection 1002.03 regulates trees and wooded areas. Aerial photography demonstrates that mature trees exist on the subject property. The proposed development will be located on the southern side of the property, allowing trees on the northern side to be retained. In addition, the submitted site plan identifies a clump of Douglas firs on the southeast corner of the property that will be retained. A condition of approval will require that trees outside of the approved development envelope be separated from the development envelope with orange construction fencing to prevent inadvertent disturbance during construction. Subsection 1003.02 regulates mass movement hazard areas. Available mapping does not identify mass movement hazard areas on the subject property. As conditioned, this criterion is met.***

- I. Utilities: To the extent that utilities are desired by the applicant or required by applicable regulations, the mobile vending unit shall have self-contained utilities, or if onsite utility connections are proposed, such utilities shall be installed underground, except where prohibited by the utility district or company. Notwithstanding this requirement:

1. If allowed by the utility district or company and any applicable Oregon Specialty Code, aboveground utility connections are permitted, when a mobile vending unit will remain on the subject property for no more than 120 days in a calendar year. For the purpose of this exception:
  - a. If a mobile vending unit is replaced by another, the number of days shall be calculated by adding the days spent onsite by each unit.
  - b. If a mobile vending unit spends any portion of a day on the subject property, it shall count as one day.
2. If allowed by the utility district or company and the Oregon Electrical Specialty Code, aboveground power cords are permitted to connect the mobile vending unit to an approved electricity source.
3. If allowed by the utility district or company and the Oregon Plumbing Specialty Code, aboveground hoses are permitted to connect the mobile vending unit to an approved water source.

***Finding: The applicants' submitted materials indicate that electrical utilities and water from the nearby well will run underground. This criterion is met.***

- J. Portable Sanitation Facilities: Portable toilets are prohibited unless they are connected to a sanitary sewer system or an on-site wastewater treatment system. Portable hand-washing facilities are permitted but may not drain to the surface.

***Finding: No portable sanitation facilities are proposed with this application. This criterion is met.***

- K. On-Site Wastewater Treatment Systems: Inside the Portland Metropolitan Urban Growth Boundary (UGB), Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village, on-site wastewater treatment systems are prohibited unless allowed by Subsection 1006.05(B).

***Finding: Per the Clackamas County GIS system, the site is outside the Portland Metropolitan Urban Growth Boundary, thus on-site wastewater treatment systems are allowed. However, no restrooms or onsite wastewater treatment system is proposed. This criterion is met.***

- L. Lighting: Outdoor lighting shall be subject to Subsection 1005.05.

***Finding: Per the submitted application, site lighting will be shielded from light trespassing to adjacent properties and will have light cutoff fixtures at less than 90 degrees, no more than 12ft. above deck surface. There will be a motion light along the top of the cart. A condition of approval will require that prior to the issuance of a Development Permit***

***the applicant shall submit a lighting plan demonstrating compliance with ZDO 1005.05. As conditioned, this criterion can be met.***

- M. Obstruction of Vehicular and Pedestrian Use Areas: Neither the mobile vending unit nor any elements associated with the mobile vending unit, such as aboveground power cords, seating areas, trash receptacles, signs, and customer queuing areas, shall occupy bicycle parking spaces, loading areas, driveways, onsite circulation drives, parking lot aisles, or walkways.

***Finding: As proposed the mobile vending unit and all associated site elements are located outside of any bicycle parking space, loading areas, onsite circulation drives, parking lot aisles, and walkways. This criterion is met.***

- N. Setback from Vehicular and Pedestrian Use Areas: Windows and doors used for service to customers shall be located a minimum of 10 feet from loading areas, driveways, onsite circulation drives, and parking lot aisles, and a minimum of five feet from bicycle parking spaces and walkways.

***Finding: Per the measurements of county staff, as proposed, drive-thru window and employee door is located at minimum of 10 feet away from loading areas, driveways, circulation drives, and parking lot aisles, as well as a minimum of five feet from any bicycle parking spaces and walkways. This criterion is met.***

- O. Driveway Access: Approval of driveway access shall be subject to the Clackamas County Roadway Standards.

***Finding: Clackamas County Engineering reviewed the site for compliance with the Clackamas County Roadway Standards and have supplied recommended conditions of approval to ensure compliance with the same. With the conditions of approval from Clackamas County Engineering the proposed development can meet this criteria.***

- P. Intersection Sight Distance and Roadside Clear Zones: The mobile vending unit and any attachments or accessory items or structures shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.

***Finding: Clackamas County Engineering has reviewed the site plan for compliance with the Clackamas County Roadway Standards and supplied recommended conditions of approval to ensure compliance with the same. With the conditions of approval above, the proposed development can meet this criteria.***

- Q. Surfacing: Inside the UGB, the mobile vending unit shall be placed on a hard-surfaced area, and any associated parking, loading, and maneuvering areas for vehicles shall be hard-surfaced unless a permeable surface is required for surface water management pursuant to the regulations of the surface water

management authority. Outside the UGB, the mobile vending unit shall be placed on an area surfaced with screened gravel or better, and any associated parking, loading, and maneuvering areas for vehicles shall be surfaced with screened gravel or better and shall provide for suitable drainage.

***Finding: The site is outside of the UGB. The applicant has provided that all surface areas for the mobile vending unit and associated circulation, parking loading and maneuvering areas will be screened gravel. The applicant will be required to provide a plan that demonstrates adequate vehicle maneuvering on the site. A condition of approval is warranted. The Department of Transportation and Development is the surface water authority for the proposed project. The applicant will be required to address storm drainage as part of the Development permit approval by DTD Engineering. However, as the site is already paved on the west, no additional impervious surface area will be created. As conditioned, this criterion can be met.***

- R. **Drive-Thru Window Service:** A mobile vending unit may include drive-thru window service only if drive-thru window service is a permitted accessory use in the zoning district in which the subject property is located. Drive-thru window service shall be subject to Section 827, *Drive-Thru Window Services*.

***Finding: The applicant is proposing to have a drive-thru window service for the mobile vending unit. Drive-thru window service is a permitted accessory use in the RC District per Table 513-1 of the ZDO. Section 827 is addressed below.***

- S. **Screening and Buffering:** The proposed development shall be subject to the screening and buffering provisions of Subsection 1009.04.

***Finding: Subsection 1009.04(A) requires screening for a variety of elements. None are applicable to the applicant's proposal. Although receptacles for solid waste or recyclable materials must be screened, the applicant's submitted materials indicate that the site will use the existing solid waste enclosure of the adjacent dental office, which is screened by the existing structures, and other site elements.***

- T. **Obstruction of Existing Landscaping:** The mobile vending unit shall not occupy landscaping areas approved as part of a prior design review or other land use application. Other elements associated with the mobile vending unit, such as seating areas, also shall not occupy such landscaping areas, unless such elements are permitted as pedestrian amenities under Subsection 1009.02(A)(9).

***Finding: The existing dental office received design review approval under File Z0147-88-D; however, the review did not include the portion of the subject property where the mobile vending unit will be sited.***

***Therefore, there are no previously approved landscaping areas in the location of the proposed development. This criterion is met.***

- U. Landscaping Requirements: If the subject property does not have a previously approved landscape plan, compliance with Subsections 1009.01(A) through (E), 1009.03(B), and 1009.10 shall be required.

***Finding: There is an approved landscaping plan for the west side of the subject property (see File Z0147-88-D), but no approved plan for the east side where the mobile vending unit will be sited. The applicant has provided that they will plant landscape buffer on existing fence line and native shrubs, plants, and grass along the southern, side of the cart, along the edge of S Redland Rd. A condition of approval requires the applicant to submit a landscaping plan for approval by the Planning and Zoning Division. The landscaping plan shall be compliant with Subsections 1009.01(A) through (E), 1009.03(B), and 1009.10. With the conditions of approval, the proposed development can meet this criterion.***

- V. Signs: Signs are permitted pursuant to Section 1010, Signs.

***Finding: The applicant has not proposed any signs as part of the application. Any signs proposed for the site or mobile vending unit must comply with ZDO Section 1010. A condition of approval is included for compliance.***

- W. Off-Street Motor Vehicle Parking Spaces on a Developed Site: On a developed site, the mobile vending unit, attachments to the mobile vending unit, customer queuing areas, and portable accessory items may occupy existing off-street motor vehicle parking spaces, provided that such spaces are not simultaneously used for parking. A developed site is one that has previously received design review approval and where that approval has been implemented. In addition, no new off-street parking spaces are required. However, new structures may be located in existing off-street motor vehicle parking spaces only if such spaces are in excess of the minimum number required for existing development.

***Finding: The applicant does not propose to site the mobile vending unit, or any related elements, in an existing off-street motor vehicle parking on a developed site. This criterion does not apply.***

- X. Off-Street Motor Vehicle Parking Spaces on an Undeveloped Site: On an undeveloped site, a minimum of two off-street motor vehicle parking spaces per mobile vending unit is required. An undeveloped site is one that does not have an implemented design review approval.

***Finding: The eastern portion of the subject property where the mobile vending unit will be sited is not subject to a previously implemented design review approval, thus this site is considered undeveloped. The applicant is proposing a single mobile vending unit. A minimum of two parking spots is required per mobile vending unit. The applicant has proposed one mobile vending unit and two parking spaces. This criterion is met.***

- Y. Motor Vehicle Parking Area Standards: The development of new motor vehicle parking areas shall comply with Section 1015, *Parking and Loading*.

***Finding: Proposed parking and maneuvering areas in the rural area require a surface of screened gravel or better, per ZDO subsection 1015. The applicant will be required to provide a plan that demonstrates adequate vehicle maneuvering. The Engineering Division will review the applicants proposed parking, circulation, loading and maneuvering for compliance with ZDO section 1015 and the Clackamas County Roadway Standards. A condition of approval requiring a Development Permit will ensure that the proposed parking will meet the standards of ZDO Section 1015. As conditioned, this criterion can be met.***

- Z. Solid Waste and Recycling Standards: A trash receptacle for customer use shall be maintained no more than 10 feet from the mobile vending unit. In addition, compliance with Section 1021, *Solid Waste and Recyclable Material Collection*, shall be required.

***Finding: A condition of approval will require a trash receptacle for customer use pursuant to this subsection. Clackamas County Sustainability has reviewed the site plan and finds that the applicant has proposes to use the existing trash and recycling enclosure on the west side of the existing dental office. The enclosure is accessible through an existing paved drive aisle. However, it is unclear whether the existing enclosure complies with Section 1021. As conditioned, this criterion can be met.***

- AA. Skirting: Skirting shall be placed around the perimeter of the mobile vending unit.

***Finding: It is unclear from the applicant's submittal material whether skirting is proposed. A condition of approval is warranted requiring skirting on the mobile vending unit. As conditioned, this criterion can be met***



#### 4. ZDO Section 827 Drive Thru Window Service

##### 827.01 STANDARDS

Drive-thru window services:

- A. Shall not limit the development of pedestrian-oriented or transit-supportive uses, or adversely impact such uses on adjacent lots. This criterion does not apply in The RC district;

***Finding: The site is in the Rural Commercial (RC) zoning district. This criterion is not applicable***

- B. Shall create minimal conflict with pedestrian access to the building from adjacent Lots and roads;

***Finding: No buildings are proposed, and no buildings or pedestrian access to buildings currently exist in the area of the site where the drive-thru window service is proposed. This criterion is met.***

- C. Shall not attract vehicle traffic into existing or proposed pedestrian and transit service areas; and

***Finding: There are no existing or proposed pedestrian or transit service areas (Map 5-8a) on the subject property, and no sidewalks on the site frontage. This criterion is met.***

- D. Shall not create offsite congestion due to lack of onsite vehicle queuing area, commensurate with the estimated volume of traffic to be generated.

***Finding: Transportation Engineering has reviewed the proposal and advises that a 70 foot vehicular queuing area be maintained. As provided on the applicant's site plan, there is more than 70 feet of queuing area based on a proposed new entrance from S Redland Rd. and the proposed location of the mobile vending unit. This criterion is met.***

#### **ADVISORY NOTES**

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Advisory notes are not a part of the decision on this land use permit. The items listed below are not conditions of land use approval and are not subject to appeal. They are advisory and informational only but may represent requirements of other agencies/departments. As such, they may be required by these other agencies/departments in order to complete your proposed development.

1. *Clackamas County Sustainability & Solid Waste* has reviewed the proposal and has provided the following advisory notes:

- i. The applicant shall submit plans that clearly outline a waste and recycling enclosure that meets the requirements specified in ZDO 1021. The applicant shall work with Clackamas County's Sustainability & Solid Waste staff to finalize plans that comply with design standards.
- ii. To discuss plans, please contact Sustainability & Solid Waste staff at [wasteinfo@clackamas.us](mailto:wasteinfo@clackamas.us) , 503.557.6363 (option 7).
- iii. Find information about enclosure requirements at [www.clackamas.us/recycling/enclosure.html](http://www.clackamas.us/recycling/enclosure.html)
- iv. Find information about the status of your application at [accela.clackamas.us/citizenaccess/](http://accela.clackamas.us/citizenaccess/)

2. Prior to Certificate of Occupancy:

The applicant shall submit a statement of use form to Wendi Coryell. She can be contacted at 503-742-4657 or [wendicor@clackamas.us](mailto:wendicor@clackamas.us) . The statement of use is used to calculate the applicable System Development Charges. These SDC's are included in the final calculation of the building permit fees for new development projects.

3. *Clackamas County Health* has reviewed the proposal and has provided the following advisory notes.

- I. The 350 gallon waste tank auxiliary waste tank would be in conflict with the current Oregon Mobile Unit Rules (See chapter 5 of the Oregon Food Code).  
<https://www.oregon.gov/oha/ph/healthyenvironments/foodsafety/documents/foodsafetyrulesweb.pdf>
- II. You may also review the Oregon Mobile Unit Rule Change Guidance:  
<https://www.oregon.gov/oha/PH/HEALTHYENVIRONMENTS/FOODSAFE/TY/Documents/musignifchangenglish.pdf>
- III. The wastewater retention tank that is required to be integral to the mobile unit is required to be 15% larger than the approved freshwater tank and needs to be drained either with a connection to sanitary sewer or by a DEQ licensed waste water hauler. The existing mobile units that have auxiliary wastewater tanks are currently being required to demonstrate plans for compliance. No new auxiliary wastewater tanks are being approved.
- IV. 2. The freshwater tank integral to the mobile unit shall be filled with water that is from an approved source. If the site is served by a private well, I would consult on that process. If the water is from a municipal source such

as Clackamas River Water, no problem there. The water needs to be conveyed through a hose designed for drinking water. The hose cannot be laid across the path of traffic because damage to the hose can cause contamination that is being used for food service. If the spigot is across the path of traffic the mobile unit operator would need to fill the tank before or after business hours and block traffic from crossing over the hose. Also, the hose may not stay connected to the mobile unit unless the mobile unit is also connected to sanitary sewer.

- V. There needs to be a restroom available to the workers at the mobile unit that has running hot and cold water inside the restroom and supplied with soap and paper towels. The restroom needs to be accessible to the workers all hours of operation. New mobile food units first licensed on or after February 1, 2020 must be located within 500 feet of an accessible restroom. Prior to license approval the applicant will need supply a restroom agreement letter showing a nearby restroom is accessible.
- VI. Skirting on the mobile unit needs to be removable so we can view the tank(s) under the trailer for licensing review and then to address problems with leaks and inspection.

4. *Clackamas County Onsite Wastewater* has reviewed the proposal and has provided the following advisory notes.

- a. If planning to use an existing bathroom (dental office), the receiving facility will need to contact Clackamas County Soils & Wastewater for an Authorization Notice to properly allow the increase in use from new employees. Please contact Erik Englebert for further information at [SoilsConcern@clackamas.us](mailto:SoilsConcern@clackamas.us) or you may call 503-742-4740
- b. Per DEQ rules that went into effect in 2020, they cannot use an above ground waste tank. They either need to be connected to sewer/septic or use an on board waste tank.

5. *Clackamas Fire District #1* has reviewed the proposal and has provided the following advisory notes.

A land use plan review was conducted for the listed property. It has been determined that this property is in an area with public water supply, and there are no site conditions that would prevent the applicant from constructing the proper access. Fire department access and water supply are reviewed in accordance with the 2022 edition of the Oregon Fire Code (OFC).

When submitting plans for fire department access and water supply approval please include the following information:

- Fire apparatus access
- Fire lanes
- Fire hydrants
- Fire lines
- Available fire flow
- FDC location (if applicable)
- Building square footage
- Construction type
- Fire flow test per NFPA 291 no older than 12 months (if applicable)

Access and water supply plans can be submitted to Clackamas Fire District #1 website [www.clackamasfire.com](http://www.clackamasfire.com) Access/water supply submittal link. For any questions, call or email Mike Boumann at 503-742-2673, [mike.boumann@clackamasfire.com](mailto:mike.boumann@clackamasfire.com)

For design assistance we provide additional information per the Fire Code Application Guide, please visit our new construction website at [New Construction Resources – Clackamas Fire District #1](#)

**NOTE: THIS REVIEW IS TO DETERMINE IF THE PROJECT CAN BE DESIGNED AND CONSTRUCTED TO MEET THE REQUIREMENTS OF THE OREGON FIRE CODE, AND SHOULD NOT BE CONSIDERED APPROVAL OF THE DESIGN AS SUBMITTED. 3.**