



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

NOTICE OF PUBLIC MEETING CITY OF MILLERSBURG PLANNING COMMISSION

Wednesday, November 28, 2018
6:00 p.m.

Agenda

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. MEETING MINUTE APPROVAL

- 1) Planning Commission Meeting & Public Hearing held on October 16, 2018 and Planning Commission Work Session held on November 1, 2018.

E. QUASI-JUDICIAL PUBLIC HEARINGS

- 1) File No: PA 18-05 Hagner Land Partition: *The applicant is requesting approval to partition 0.84 acres (36,590.4 square feet) into 2 residential lots, 0.55 acres (23,958 square feet) and 0.29 acres (12,632.4 square feet).*
- 2) File No: CUP 18-02 and SP 18-05 Headrick Food Truck Court: *The applicant is proposing a Conditional Use Permit (CUP 18-02) and Site Plan Review (SP 18-05) for a food truck court for up to six mobile food vendors. The site features portable restrooms, a shipping container turned into an eating area, 24 shared parking spaces, circulation, landscaping, and several onsite and off-site signs.*

F. CITY PLANNER UPDATE

G. ADJOURNMENT

Upcoming Meetings:

November 28, 2018 @ 6:00 p.m. – Planning Commission Workshop

December 6, 2018 @ 6:00 p.m. – Planning Commission Workshop

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the City Recorder in advance by calling (541) 928-4523.

www.cityofmillersburg.org



**CITY OF MILLERSBURG
PLANNING COMMISSION WORK SESSION**

4222 NE Old Salem Road
Tuesday, October 16, 2018
6:35 p.m.

Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:35 pm.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL:
Members Present: Jimmy Kirkendall, Anne Peltier, John Sullivan, Ryan Penning, Steve Vogler, Connie Lepin, Dennis Gunner, and Ed Perlenfein
Members Absent: Scott Stimpson
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Kimberly Wollenburg, City Recorder; Jake Gabell, Deputy City Recorder; John Morgan, City Planning Manager; and Matt Straite, City Planner
- D. Presentation by John Morgan to the planning commission and staff.
1) The presentation included the administrative approval process, which will be included in chapter 3 in the code.
2) The new code will be broken into 4 chapters, chapters 1 and 2 have been drafted and ready for review.
3) Review of Chapter 1, General Provision. Mr. Morgan reviewed the definitions contained in Chapter 1. The fee subject was discussed and decided that it would be added to a future meeting to cover in more detail.
4) Review of Chapter 2, Zones and Zoning Regulations. Discussion included minimum lot size, zone changes, multifamily housing, and industrial zones. The review of the "Zoning Overlays" section of Chapter 2 was deferred to the next Planning Commission workshop.
- E. ADJOURNMENT: meeting adjourned at 8:45 pm.

Respectfully submitted:

Reviewed by:

Jake Gabell
Deputy City Recorder

Matt Straite
City Planner

Upcoming Meetings:

November 1, 2018 @ 6:00 p.m. – Planning Commission Workshop
November 13, 2018 @ 6:30 p.m. – City Council Meeting
November 28, 2018 @ 6:00 p.m. – Planning Commission Meeting
November 28, 2018 @ 6:30 p.m. – Planning Commission Workshop
December 6, 2018 @ 6:00 p.m. – Planning Commission Workshop

These notes are not final until approved by the Planning Commission.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the City Recorder in advance by calling (541) 928-4523.

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**CITY OF MILLERSBURG
PLANNING COMMISSION WORK SESSION**

4222 NE Old Salem Road
Tuesday, November 1, 2018
6:00 p.m.

Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:00 pm.
- B. ROLL CALL:
- Members Present: Jimmy Kirkendall, Anne Peltier, John Sullivan, Ryan Penning, Steve Vogler, Connie Lepin, Dennis Gunner, and Scott Stimpson
- Members Absent: Ed Perlenfein
- Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Kimberly Wollenburg, City Recorder; Jake Gabell, Deputy City Recorder; John Morgan, City Planning Manager; and Matt Straite, City Planner
- C. Presentation by John Morgan to the planning commission and staff.
- 1) Review of Chapter 2, Zones and Zoning Regulations. Discussion included medium density residential zone, low density residential zone, accessory dwelling units, and accessory structure heights. Accessory dwelling unit standards will be discussed in more detail at the next meeting.
 - 2) Medium density zone minimum lot area was discussed. Minimum setbacks were discussed, and will be modified in the next draft.
 - 3) Zone change process was discussed, and rezoning the city with the new zones being proposed in the new code.
 - 4) Livestock provisions were discussed and more details will be added into the next draft of the code.
 - 5) Recess began at 7:11 pm, and ended at 7:20pm.
 - 6) Commercial zone was discussed, which proposes to combine the prior community commercial and LI/commercial zones.
 - 7) An interchange zone is proposed, and will be added to the next draft of the code.

- 8) Industrial zone was discussed: permitted uses in the zone, special uses, and conditional uses.
- 9) The public zone is designed to free up the public buildings to have less restrictions than other zones.
- 10) The flood plain overlay zones has been added, and is required by FEMA regulations.
- 11) The historical property overlay zone is required by state law, but it is not required to determine which properties are historic.
- 12) The limited use overlay zone is used to allow a permitted use for a specific, limited use. There was significant discussion about the use of this type zone, and the commission decided not to include it in the next draft.

D. ADJOURNMENT: meeting adjourned at 8:33 pm.

Respectfully submitted:

Reviewed by:

Jake Gabell
Deputy City Recorder

Matt Straite
City Planner

Upcoming Meetings:

November 13, 2018 @ 6:30 p.m. – City Council Meeting
November 28, 2018 @ 6:00 p.m. – Planning Commission Meeting
November 28, 2018 @ 6:30 p.m. – Planning Commission Workshop
December 6, 2018 @ 6:00 p.m. – Planning Commission Workshop

These notes are not final until approved by the Planning Commission.



Proposal: The applicant is requesting approval to partition 0.84 acres (36,590.4 square feet) into 2 residential lots, 0.55 acres (23,958 square feet) and 0.29 acres (12,632.4 square feet).

I. BACKGROUND

- A. Applicant: Bernice Hagner
4171 Bain Street NE
Albany, OR 97321
- B. Project Location: 4171 Bain Street NE
10S 3W 21 Tax Lot 03815
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed partition requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on November 28th, 2018. Any appeal of the Planning Commission decision will be considered by the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice of the November 28th, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on October 22, 2018.
- E. Review Criteria: Article 2 §2.328 Subdivisions
- F. Current Zoning: Rural Residential 2.5 Acre Minimum- Urban Conversion (RR-2.5-UC)
- G. Proposed Zoning: N/A
- H. Property Size: 0.84 Gross Acres
- I. Background: Based on aerial images, the property has been used for residential purposes since at least 1994 and has featured a single family home and an out building. The existing home would remain on Parcel 1. Staff is not aware of any other applications on the site.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The Project was transmitted to the following agencies/departments on October 15, 2018: City of Albany, Albany Fire Department, Linn County Sheriff Department, City of Millersburg Engineer, State Department of State Lands, Pacific Power, Linn County Planning and Building

Department, Northwest Natural Gas, and Republic Services. To date, the following comments have been received:

- The City of Albany Planning Department had no comments.
- Northwest Natural Gas indicated they had no comments.
- Albany Fire provided comments, all of which were inserted as conditions of approval.
- The City of Millersburg Engineer provided conditions of approval.

Public:

Notice of the November 28, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION OR PARTITION DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

ANALYSIS: The proposed partition creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive plan is located later in this report. In summary, the project is compatible with the Comprehensive Plan and State Planning Goals.

FINDING: Based on the analysis above, the project meets the criterion.

- (2) That the proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division.**

ANALYSIS: Parcel 1 is proposed to be 12,760 square feet and parcel 2 is proposed at 23,981 square feet. Because the zoning has a minimum lot size of 2.5 acres, both parcel 1 and parcel 2 will be considered "urban" lots, and thus would be required to comply with the urban standards. Specifically, both lots will be required to connect to water and sewer. Parcel 2 will connect when a home is constructed, a condition of approval has been added to assure this. Parcel 1 already features a single family home. The code does not specifically require an existing home on a substandard lot to connect to water and sewer at the time the lot is being created. However, approval of this partition without a requirement to connect to water and sewer (in

order to comply with the urban standards) would leave the City in a position of *creating* substandard-nonconforming lots, in this case lot 1. As such, this partition includes conditions of approval requiring the existing home to connect to water and sewer prior to the City approval of the final partition plat.

It should be noted that the land division will be leaving one structure on the proposed new parcel No. 2. This structure is a shop/garage, it is not a single family home. As such, it would be considered an accessory structure with no primary use because there would be no single family home on that proposed parcel. The existing structure would be a non-conforming use until such time that a single family home is constructed on the property. Other standards of the land use zone, and those found in Article 5 of the Code are reviewed in detail below.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

PROPOSED CONDITIONS OF APPROVAL:

- Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in Conser Road. Applicant shall be responsible for all costs associated with making utility connections.
- Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.

(3) That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

ANALYSIS: ORS Chapter 92 regulates subdivisions and partitions in the State of Oregon. The regulations require a City or County to draft its own regulations in order to have local authority to approve or act on subdivision applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of State Chapter 92 still apply; however, they generally pertain to circumstances that do not relate to the approvals of subdivisions by cities. Chapter 92 does not include any criteria specific to the approval of a subdivision. The proposed application is consistent with all provisions of Chapter 92.

FINDING: Based on the analysis above, the project meets the criterion.

(4) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

ANALYSIS: The proposed partition is proposing one 12,760 square foot parcel (Parcel 1) and a 23,981 square foot parcel (Parcel 2). The City minimum lot size in this zone is 10,000 square feet. As such, Parcel 2 could be further subdivided in the future. Based on a review of the County GIS system, the site features no wetland constraints, to impact future partitions. Any future partitions of Parcel 2 would logically feature street frontage on Baine Street and thus be compliant with this section of code as well as section 5.123.

FINDING: Based on the analysis above, the project meets the criterion.

(5) That the proposed land division does not preclude development on adjoining properties.

ANALYSIS: The proposed partition is creating two parcels. Both parcels are fronting public streets. Additionally, all lots surrounding the property have adequate access. The proposed partition or any possible future partition of the property would not preclude a neighbor from maintaining access to their property.

FINDING: Based on the analysis above, the project meets the criterion.

(6) That the proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.

ANALYSIS: The streets for the development are regulated by Section 5.123. The applicant is not proposing a street for access, nor is one required as both proposed parcels front public streets.

FINDING: Based on the analysis above, the project meets the criterion.

(7) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.

ANALYSIS: City water is available within Bain Street. Parcel 1 is already connected to city water and proposed parcel 2 already has water stubbed to the parcel. Sewer is available within Conser Road. Conditions of approval have been added to require the existing home to connect to City water and sewer prior to the final map being approved, the proposed Parcel would be required to connect prior to construction (or use of the property as) of a single family home. The partition would add two more connections to the existing water and sewer lines. A review by the City Engineer has indicated that the facilities are adequately sized to accommodate the addition two connections. In addition, connection to the service will pay connection fees intended to address the additional infrastructure costs associated with the additional connections.

FINDING: Based on the analysis above, based on conditions of approval, the project meets the criterion.

(8) That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.

ANALYSIS: All existing utilities are sized to be able to accommodate the additional two connections. The utilities will be located in a public street. As such, the proposed partition will not limit future development.

FINDING: Based on the analysis above, with the proposed condition of approval, the project meets the criterion.

- (9) **That the land division will not cause adverse impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.**

ANALYSIS: The project site is not located along the banks of drainage ways, nor do any cross the property.

FINDING: Based on the analysis above, the project meets the criterion.

- (10) **That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The characteristics identified in Section 2.140 include hazards and nuisances produced by the project specifically identifying noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare, and electromagnetic interference. Because this is a residential partition, none of these hazards are anticipated. Isolated incidents involving individual homes may occur in the future, but will be subject to appropriate enforcement of applicable rules and law.

FINDING: Based on the analysis above, the project meets the criterion.

- (11) **That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

ANALYSIS: The site is generally flat and devoid of any topographic, rock outcropping or other significant features. The site does not feature any wetlands or drainage.

FINDING: Based on the analysis above, the project meets the criterion.

IV. STANDARDS

The proposed partition design complies with all the specifications and design requirements of Chapter 4, specifically the RR 2.5-UC zone, and Chapter 5, Development Standards, with the following exceptions:

SECTION 4.112 RURAL RESIDENTIAL- URBAN CONVERSION RR-2.5-UC

(1) **Purpose. The Rural Residential –**

Urban Conversion Zone is applied in rural residential areas with standards for continued rural development until a transition to urban residential use occurs. Urban Residential standards shall apply to approved Urban Conversion areas where municipal water and sewer facilities are provided.

(4) Rural Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Rural Lot Area: Rural Standard for RR-2.5-UC - 2.5 Acres.

(6) Urban Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Urban Lot Area: Urban Standard for RR-2.5-UC - 10,000 sq. ft.

ANALYSIS: As discussed above, without conditions of approval, the proposed partition would not meet these standards because it would create a new parcel that would not meet the urban minimum standard requiring connection to City water and sewer. With the conditions listed previously requiring the applicant to connect the existing home to City water and sewer prior to recording the partition, the project can comply.

To explore this further, Section 5.115 explains:

SECTION 5.115 LOT SIZE EXCEPTIONS

If an existing lot or parcel does not meet the lot size requirements of the zone in which the property is located, the property may be utilized for a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot-area-per-dwelling-unit requirement of the zone.

This code section only pertains to *existing* substandard lots.

FINDING: Based on the analysis above, with the proposed condition of approval, the project meets the standard.

SECTION 5.124 SIDEWALKS

Public sidewalk improvements are required for all land divisions and property development in the City Millersburg and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. The cost of deferred improvements will be paid by the owner and shall be placed into the City's Street Fund to pay for future improvements.

ANALYSIS: The project is located along an arterial, no sidewalk exists today on the property therefore the project is required to provide the sidewalk. To prevent an isolated section of sidewalk from being constructed, the City prefers to build sidewalks when they can connect or be constructed for an entire stretch of road. The property may be subject to road frontage fees in the future. At that time everyone, including the applicant, would be assessed. An additional 10 feet of dedication is required for Bain Street right-of-way.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: An additional 10 feet of right-of-way shall be dedicated along NE Bain St. and recorded on the Final Plat.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* criteria from the Comprehensive Plan.

Section 9.100 Planning

Overall Policy 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg, and the Albany-Millersburg Growth Area.

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. PA 18-05 is consistent with the Comprehensive Plan/ Zoning designation. In addition, the project was transmitted to several State, regional, County and City organizations for review, which includes the ability for all departments to communicate on environmental concerns.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.400 Housing

Housing Need Policy 1. The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.

ANALYSIS: The proposed project will provide additional housing for the City.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.500 Land Use

Residential Land Use Policy 2. When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.

ANALYSIS: In the City of Millersburg, the smallest permitted lot size is 10,000 sq. ft. The proposed project will be converting rural area into urban area, which means that they will be connecting the proposed units to City water and sewer. The project is required to connect both parcels to City water and sewer. The Commission has the ability to request smaller lots.

FINDING: Based on the analysis above, the project meets the policy.

Residential Land Use Policy 9. New residential subdivisions shall pay the costs of capital improvements needed to support the development.

ANALYSIS: The project has been conditioned to provide all needed utilities to support the development. They are proposed as private.

FINDING: Based on the analysis above, with conditions of approval, the project meets the policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Partition Application No. PA 18-05, Hagner Partition pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission not elect to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative subdivision development plans submitted by the applicant and included in this staff report except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official (Linn County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Millersburg.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.
4. The applicant shall comply with all requirements shown in the Albany Fire Letter (Exhibit E) dated July 31, 2018.
5. No additional partitions or subdivisions on the subject property shall be permitted unless Sedona Road is improved including full public sewer and water in the Sedona Road right-of-

way.

6. Submit the final plat for review to the Planning Department.
7. Current or future property owner may be assessed street improvement fees for frontage along Conser Road and/or NE Bain St. if/when those streets are improved.

Prior to Approval of the Final Plat

8. The Final Plat shall be submitted for review by City staff prior to recording said plat with the County. The plat shall be drawn by a licensed land surveyor.
9. The final plat shall be revised to show:
 - a. A north arrow,
 - b. Drainage direction,
 - c. Street widths, and
 - d. Utility layouts.
 - e. An additional 10 feet of right-of-way dedication along NE Bain St.
10. Proposed Parcels 1 and 2 must connect to city water and sewer. City water is available in Conser Road and sewer is available in NE Bain St. Applicant shall be responsible for all costs associated with making utility connections. Easement across Parcel 2 will be required for water to serve Parcel 1.
11. Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.
12. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
13. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
14. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
15. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)

16. Inadequate fire approach & access to water supply:

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

- Installation of an NFPA Standard 13D fire suppression system;
- Installation of a partial NFPA Standard 13D fire suppression system;
- Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- Installation of fire-resistive exterior wall covering and roofing components; or
- Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

IX. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
2. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
3. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
4. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The Final Plat shall include any required access or utility easements.

6. All agreements required as conditions of this approval must be signed and recorded.
7. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
9. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
10. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
13. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification for the file.
14. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
15. The final plat shall show the City Manager as the City's approving authority within the signature block of the final plat and all Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.
16. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
17. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.

18. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
19. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
20. Pursuant to Resolution 2008-10, park land dedication is required. The City has determined that for this project in-lieu fees are more appropriate. All in-lieu fees will be collected with the system development charges.
21. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
22. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicants Site Plan/Map
- D. Applicants Narrative
- E. City of Albany Planning Department email dated 10/16/18
- F. Albany Fire Letter dated 10/18/18
- G. Northwest Natural Gas email dated 10/16/18
- H. City Engineering comments dated 11/7/18
- I. Notice of Public Hearing.

Zoning Map PA 18-05



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

Vicinity Map PA 18-05



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

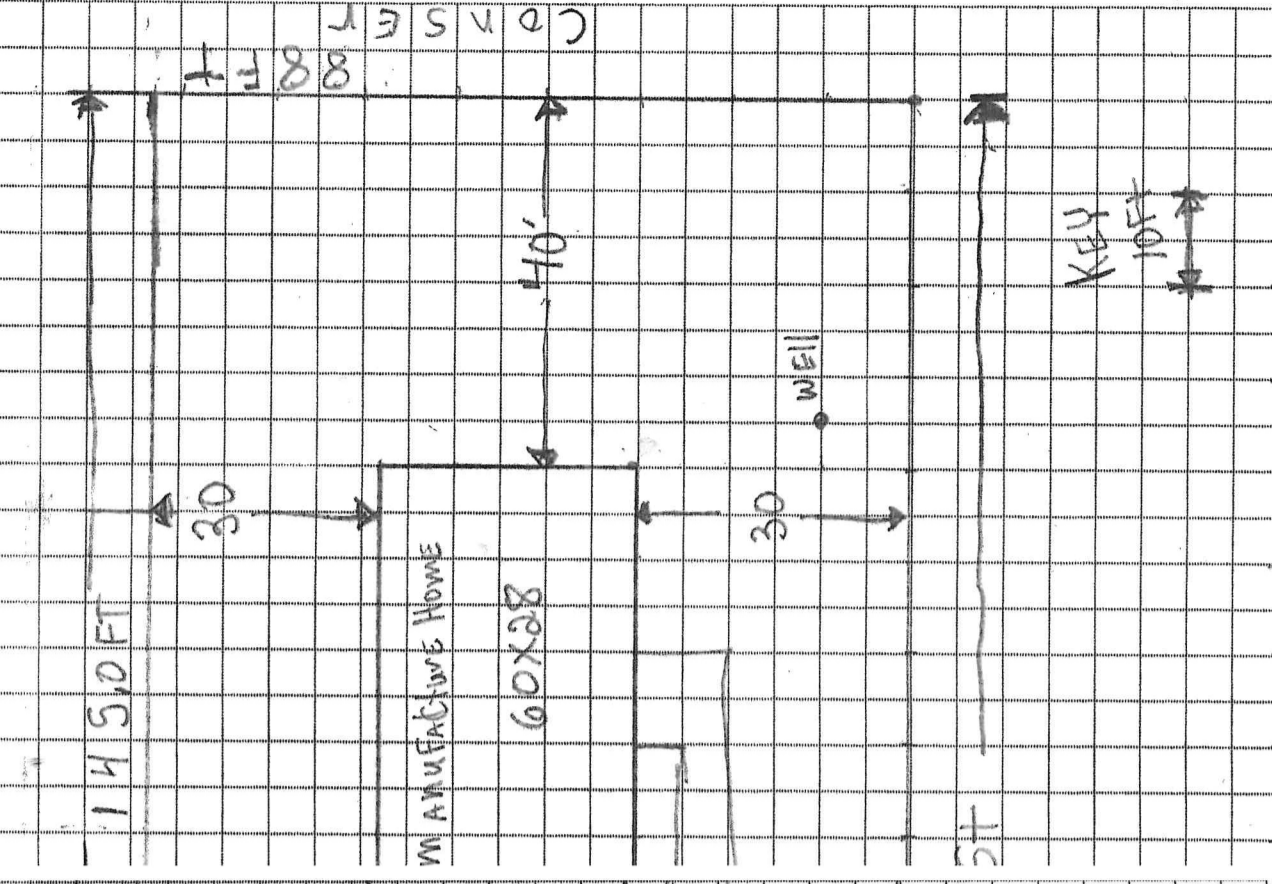
Bernice Hagner

4171 NE BAIN ST

ALBANY OR 97321

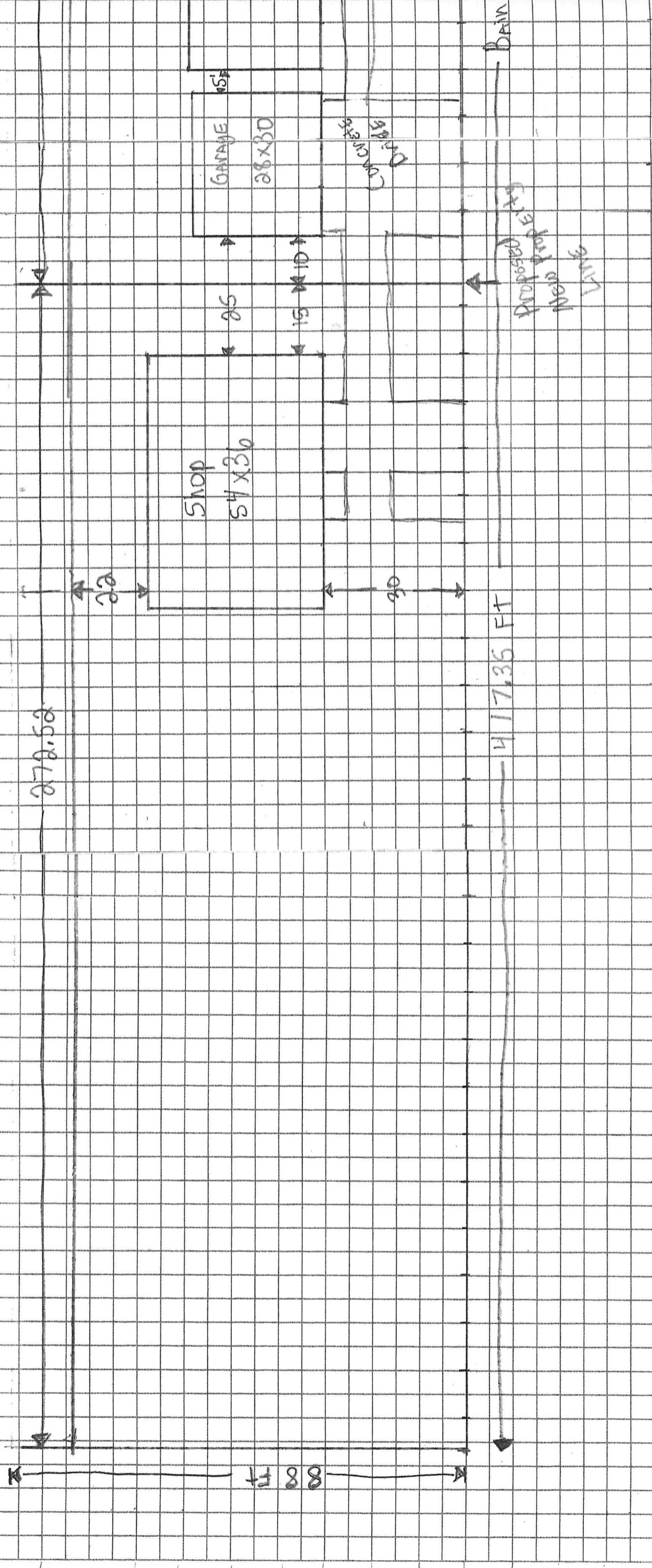
PARCEL #1 145 X 88

.29 ACRE 12760 SQ FT



PARCEL #2 272.52 X 88

.55 ACRE 48181 SQ FT 417.52 FT



Narrative to show proposed land partition meets codes in section 2.326 and 2.328

Parcel one and parcel two will be connected to city water supply to existing water main running down Conser Rd. Parcel two's water supply through water easement approved by city council. Parcel one will be disconnected from well water and will be connected to city water supply.

Parcel one is already connected to city sewer on Bain Street and parcel will be connected to sewer on Bain Street when single family home is constructed on parcel two.

There are no CC and R's on subjected property

Parcel one will be 12,760 sq. feet exceeding the minimum 10,000 square feet, Parcel two will be 23,981 square feet exceeding the 10,000 feet minimum.

Proposed partition does not interfere with future growth

Proposed partition will not cause adverse impacts to existing drainage ways flooding, or erosion.

The proposed partition will not have adverse impacts potential hazards or nuisance characteristics

The proposed partition will impact existing trees and plantings.

The proposed interfere with or contain any wetlands or environmental Hazards or special conditions

Proposed use of ~~per~~ property
Statement A.

son. This will pay off my mortgage
allow me to stay in my home.
My son is a license builder and
he will ~~use~~ build a house on the
lot and will use the hobby
shop.

PA-18-05

✖ DELETE ← REPLY ⇐ REPLY ALL → FORWARD ⋮



Martineau, David <David.Martineau@cityofalbany.net>

Mark as unread

Tue 10/16/2018 8:14 AM

To: Matt Straite;

[Bing Maps](#)

+ Get more apps

Matt,

The City of Albany has no comments on this proposal. Thank you for the opportunity to review.

David



David Martineau

Planner III

541-917-7561 phone | 541-917-7598 fax

Community Development

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321

www.cityofalbany.net



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TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: November 18, 2018
SUBJECT: PA-18-05 – 4171 Bain St NE – Divide Residential Property Into Two - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

The project as proposed does not appear to have any access or water supply concerns.

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
2. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
 - a. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)

3. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components;
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

LAR/lar

RE: [External]PA 18-05 Project review request

 DELETE REPLY REPLY ALL FORWARD

...



Bellinger, David <d6b@nwnatural.com>

Tue 10/16/2018 9:32 AM

Mark as unread

To: Matt Straite;

NW Natural has no conflicts here on bain

Thank You**DAVE BELLINGER****NW NATURAL****ALBANY FIELD ENGINEERING DEPT****541-926-4253 EX 8238****CELL 541-974-3512**

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]**Sent:** Monday, October 15, 2018 2:41 PM**To:** corcutt@linnsheff.org; dsterling@co.linn.or.us; *Billers <billers@nwnatural.com>; Bellinger, David <d6b@nwnatural.com>; sflickinger@co.linn.or.us; Scott.Seaton@pacificorp.com; jeff.r.lehmeyer@usps.gov; Chris.LaBelle@cityofalbany.net; Janelle Booth <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net; Lora.ratcliff@cityofalbany.net; sshortes@co.linn.or.us; or.97208amsportland@usps.gov; sbarnett@co.linn.or.us; staylor@co.linn.or.us; Janelle Booth <jbooth@cityofmillersburg.org>**Subject:** [External]PA 18-05 Project review request

Please see the attached documents for your agencies review of Millersburg Application PA 18-05, an application to partition .89 acres into 2 residential lots.

The project is scheduled for a hearing on November 28, 2018. Please have your comments back by October 29th, 2018. Let me know if you have any questions.

Matt Straite
City Planner
City of Millersburg
541.928.4523



TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: November 7, 2018
SUBJECT: PA 18-04 - Engineering Comments

Engineering has reviewed the above project and has the following comments:

1. Proposed Parcels 1 and 2 must connect to city water and sewer. City water is available in Conser Road and sewer is available in NE Bain St. Applicant shall be responsible for all costs associated with making utility connections. Easement across Parcel 2 will be required for water to serve Parcel 1.
2. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
3. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
4. Driveways and access shall conform to Section 5.122 of the Millersburg Land Use Development Code.
5. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
6. An additional 10 feet of right-of-way shall be dedicated along NE Bain St. and recorded on the Final Plat.
7. Current or future property owner may be assessed street improvement fees for frontage along Conser Road and/or NE Bain St. if/when those streets are improved.
8. The Final Plat shall include any required access or utility easements and right-of-way dedications.

9. All agreements required as conditions of this approval must be signed and recorded.
10. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).
11. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.



NOTICE OF PUBLIC HEARING
November 28, 2018, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

- APPLICANTS:** Bernice Hagner
LOCATION: 4171 Bain Street NE (see map opposite page)
TAX LOT: Township 10 South; Range 3 West; Section 21; Tax Lot 3815
PARCEL SIZE: 0.84 Acres (36,590 square feet)
ZONING: Rural Residential 2.5 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide 0.84 acres into 2 Parcels of 0.55 acres and 0.29 acres (23,958 and 12,632 square feet respectively).
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: PA 18-05

The location of the hearing is accessible to people with disabilities. If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (541) 928-4523.



File No: CUP 18-02 and SP 18-05 Headrick Food Truck Court

Proposal: The applicant is proposing a Conditional Use Permit (CUP 18-02) and Site Plan Review (SP 18-05) for a food truck court for up to six mobile food vendors. The site features portable restrooms, a shipping container turned into an eating area, 24 shared parking spaces, circulation, landscaping, and several onsite and off-site signs.

I. BACKGROUND

- A. Applicant: THE Headrick Properties
- B. Location: 6435 Old Salem Road.
- C. Review Type: The proposed Conditional Use Permit and Site Plan review requires a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on November 28, 2018. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 100 feet of the proposed location, posted in City Hall on October 31, 2018 and information related to the hearing is posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Article 2 §2.400(2) for the Site Plan Review and 2.500(2) for the Conditional Use Permit Criteria
- F. Current Zoning: Limited Industrial (LI)
- G. Proposed Zoning: N/A
- H. Property Size: 2.48 acres (only a portion of the property is to be used for the proposed use)
- I. Background: The applicant was cited with a code enforcement violation on August 23, 2018 based on complaints of the use on the site. The applicants had established a food truck court on a part of the property without the benefit of land use permits. The applicants contacted staff and indicated that they intended to rectify the violation by processing land use permits for the existing use.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The Applicant's materials were transmitted to the following agencies/departments on October 31, 2018: City of Albany, Albany Fire Department, Linn County Sheriff's Office, City of Millersburg Engineer, Oregon Department of State Lands, PacificCorp, Linn County Planning

and Building Department, Linn County GIS, Northwest Natural Gas, United States Postal Service, and Republic Services. To date, the following comments have been received:

- The City of Albany responded that they have no comments.
- Albany Fire indicated they have no comments.
- Linn County Roads Department provided comments. They requested that all signs be outside any vision clearance areas, which they are. They also requested that the gravel areas be paved. That is discussed further below. Additionally, staff had a phone conversation with the County specifically about this project where they clarified some of their requirements and indicated support for the proposed conditions of approval added by staff.

Public:

Notice of the November 28, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicant's proposal requires both a conditional use permit and a site plan pursuant to the development code requirements. The code requires that the applicant satisfy criteria for each application. This staff report is required to outline how the applicant is meeting each set of criteria. However, the development code criteria for each case type (CUP and SP) are identical (see Code Section 2.400(2) and 2.500(2)). To avoid duplication, both the CUP and the SP are reviewed together below. Additionally, it should be noted that the proposed Design Review also includes a request to approve 10 additional on-site signs/flags and three off-site signs.¹

For the Site Plan- (2) Decision Criteria. After an examination of the site and prior to approval, the Planning Commission must make the following findings:

For the Conditional Use Permit- (2) Decision Criteria. The conditional uses listed in the Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

For both the SP and CUP:

(a) The proposed development or use does not conflict with the City's Comprehensive Plan.

ANALYSIS: Section 9 of the Comprehensive Plan contains a list of Land Use Goals and Policies. Section V of this report goes through the pertinent policies from the Comprehensive Plan. In summary, based on staff's review, the project is consistent with the plan.

FINDING: Based on the analysis above, the project meets the required criteria.

¹ Three are allowed without the need for a permit, all additional require design review. See Section IV of this staff report for more detail.

(b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.

ANALYSIS: The proposed project is not specifically listed as a permitted use in the zoning code. The use is a mobile food truck court, or what the applicant calls a food court. At the current time, the City is revising the entire zoning code. The new version of the code will have standards for mobile food truck vendors, however, the current version of the code does not specifically address food trucks or mobile vending. The proposed use is within the Limited Industrial Zone, specifically regulated in Section 4.131. The listed permitted uses in the LI zone include mostly manufacturing; however, item B on the list explains that all uses listed in the Community Commercial Zone are permitted in the LI Zone. Section 4.121, the Community Commercial Zone, lists eating and drinking establishments as a permitted use. The CC zone also explains that any permitted use that will require open display or storage requires a conditional use permit.

It can be argued that the proposed food court is similar to a restaurant; however, they are not quite the same. The code has specific requirements to allow a use that is not specifically listed. Code section 4.070 outlines the process for similar use authorizations. The section explains:

The City Administrator may permit in a particular zone a use not listed in this Code, provided the use is of the same general type as the uses permitted by this Code. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone. The decision of the City Administrator may be appealed to the Planning Commission using procedures specified in Section 3.700 (2) of this Code. Amd 4/10/2012

The proposed food court or mobile vending is not listed in any other section of the code, and is thus subject to this section. The City Manager has delegated these kinds of interpretations to staff. Staff has determined that the proposed use, in the absence of specific mobile food truck standards or uses, is similar to an eating establishment with open display and storage, and thus a conditional use permit and site plan would be appropriate.

The criteria also indicates that the proposal must meet "other codes." As was pointed out, the City does not have specific ordinances regarding mobile food truck vending. All health code requirements would be under the responsibility of the Linn County Environmental Health.

As a matter of background, the County Environmental Health Department issues licenses to mobile food vendors. Some handouts were included in the staff report packet. The issuance of a license requires the local jurisdiction to provide planning approval for the proposed location of the vending. This application is requesting such an action. The proposed food court was sent to the County Health Department for review. There is no need for the City to get involved with any rules regarding the health of the individual vendors, that will be the responsibility of the County including administering Public Health Division of codes, Chapter 333. It should be noted that specific rules apply to areas where seating is provided for a mobile vendor, such as the proposed food court. One such rule is Division 162, ORS Section 333-162-0020(4) which explains that when mobile food unit operators provide seating for customers, a readily accessible restroom must be available and it must provide hot and cold running water. The site plan only shows a port-a-potty with no plumbing. This requirement is ultimately administered by the County. However, to assure compliance, a condition of

approval has been added requiring the applicant to comply with all County Environmental Health Requirements.

The additional signs proposed as part of the Design Review are required to comply with this criterion. The sign section of the code is analyzed below in more detail. These signs meet the minimal standards listed in the sign section of the Code (5.136).

FINDING: Based on the analysis above, the project meets the criterion.

PROPOSED CONDITION OF APPROVAL: The applicant shall comply with all County Environmental Health Requirements for the life of the project.

(c) That the proposed development will not have an adverse impact on traffic flow or to pedestrian, bicycle and vehicular safety, and future street right-of-way are protected.

ANALYSIS: Section 5.122(7) explains when a traffic study is needed. There are many thresholds listed, one that would most likely pertain to the proposed project is a trigger of 300 additional trips per day. This means that if the project generates more than 300 vehicle trips a traffic study should be provided. The applicant has indicated, in their narrative, that the project is estimated to produce no more than 200 new vehicle trips per day. In addition, the project provides two access points from the street, and shows another from the east side onto a private driveway owned by the Loves Travel Center. However, the applicant has indicated that the easement on the Loves driveway does not apply to the applicants property. The applicant has indicated that is an error and they plan to revise the document to include their food court property. Any use of the access to the east, onto the private drive, will require a revision to the access easement in order to assure access. A condition of approval has been added to require a revision to the easement.

Pedestrian circulation requirements shown in Section 5.122(3)(c) and Section 5.124 of the code require sidewalks on arterials. The site plan does not show any sidewalks fronting Old Salem Road, an arterial. A condition of approval has been added to the project requiring construction, to the satisfaction of the City Engineer. This has been made a condition of approval. The project site also features two driveways, one of which is in violation of access spacing. A condition of approval has been added to eliminate the northern driveway on Old Salem Road and add a sidewalk and landscaping.

Bike parking is required. Pursuant to the code the required parking must include signage, a 2 feet by 6 feet parking area, and a bike rack or locker. The Code requires 2 parking spaces pursuant to Section 5.125. The site plan did not show a bike parking area, thus a condition of approval has been added requiring bike parking spaces. A condition of approval has been added requiring the addition of a bike rack. Additionally, the code requires that covered bike parking be provided for employees; however, the food court itself does not have any employees. The staff working on the food trucks are staff of the company providing the truck. As such, no covered bike parking is required. Patron bike parking is required (though it need not be covered).

The additional signs proposed as part of the Design Review are required to comply with this criterion. The sign section of the code is analyzed below in more detail. The proposed

locations of the signs are all outside the right of way and are located in a way that will not create glare or any visual impairment for motorists or pedestrians.

FINDING: Based on the analysis above, with the conditions proposed below, the project meets the required criteria.

PROPOSED CONDITIONS OF APPROVAL:

Within 6 months of project approval the applicant shall provide the City with evidence that an easement has been recoded allowing public access to the private drive located on the east side of the project, as shown on the site plan.

Within 6 months of project approval the applicant must construct a sidewalk along the Old Salem Road frontage, from the western limit of the property to connect to the existing sidewalk east of the property.

Within 6 months of project approval the applicant must the applicant shall provide at least 2 bike parking spaces for the food court, consistent with all the requirements of Section 5.125.

Within 6 months of project approval the applicant must the 18' wide driveway must be removed and reconstructed with standard curb.

Within 6 months of project approval the applicant must the gravel drive area between the 30' wide access off of Old Salem Road and the paved parking area should be paved with asphalt cement or concrete.

Within 6 months of project approval the applicant must landscaping, meeting the requirements of Section 5.134(8) of the Land Use Development Code is required between the 30' driveway and the existing decorative gravel/river rock area.

(d) That proposed signs or lighting will not, by size, location, color or operation, have an adverse impact on traffic, limit visibility or have an have an adverse impact on adjacent properties.

ANALYSIS: The applicant is proposing a number of signs with the project. A more detailed analysis of these signs is located in Section IV of this staff report. In total, the applicant is proposing 16 signs. Three are permitted without the need for a permit. All others, including the three proposed offsite signs require Design Review, and are included in the proposed project.

All signs are proposed in locations that are outside any clear vision areas and should not limit driver visibility. The signs should not have an impact on traffic or visibility as they are all outside the right of way. The last requirement listed in this criterion explains that the signs shall not have an adverse impact on adjacent properties. This is more subjective and is at the discretion of the Planning Commission. The property to the southwest is a residential property, though it is located in the LI zone. The property to the northeast is Loves Tuck Stop. The property across the street is a trucking company, owned by the applicant. The number of signs may result in visual clutter to the adjacent properties, particularly the existing single family home next door; however, the property is zoned for Light Industrial and will likely develop at some point. Ultimately this is a subjective determination at the discretion of the Commission.

The project site currently features a wacky-waiving-inflatable-arm-tube-man (aka. air dancers) that is not listed in the application. This is a moving sign that is specifically prohibited by the code and must be removed.

FINDING: Based on the analysis above, the project meets the required criteria.

(e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use and can be extended in the future to accommodate future growth beyond the proposed land division.

ANALYSIS: Existing sewer and water lines are available to the site. Individual sewer and water extensions are provided at each potential vendor site, according to the applicant's narrative. The proposed project will not require any additional utility connections.

FINDING: Based on the analysis above, the project meets the required criteria.

(f) That the proposed development or use does not have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion on drainage-ways and required drainage facilities are provided that have the capacity to serve the proposed development or use.

ANALYSIS: Based on the information in the Linn County GIS system, there are no drainageways near the site, or any FEMA flood plains. The closest FEMA floodplain is across the street. The site is mostly flat and drains to the rear of the lot. The project will have no impact on drainage.

FINDING: Based on the analysis above, the project meets the required criteria.

(g) That the proposed development will not have an adverse impact, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.

ANALYSIS: Section 2.140 Item 21 explains that the Applicant is required to identify any emissions that may result from the application. In this case, no emissions are anticipated other than smoke from food preparation, which does not qualify as a nuisance.

FINDING: Based on the analysis above, the project meets the required criteria.

(h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

ANALYSIS: All mobile food vendors are required to obtain licenses from the Linn County Environmental Health Program. Based on correspondence from the County all vendors on the property have County licenses. County staff has also indicated that as part of the County application process, they inform the applicant that they will need to check with the land use authority in regards to their proposed location. Because we have no mobile food truck regulations in Millersburg, in order to vend in any location of the City a traditional Land Use Permit (also called an entitlement) would be required. The City is aware that this is complicated and we are working to address this is the code edit. However, at this time the only path to Land Use approval is through a full site design review as a restaurant. With this understanding, the applicant's proposal for a food court is appropriate and will permit future vendors to use the site without the need for any permits or entitlements from the City, only a license from the County.

FINDING: Based on the analysis above, the project meets the required criteria.

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 4, specifically the LI zone and Chapter 5, Development Standards, except as noted or explained in more detail below.

SECTION 4.132 LIMITED INDUSTRIAL ZONE SUBSECTION (4)(c) IMPERVIOUS SURFACES

ANALYSIS: This section of code requires that no more than 80% of the site be impervious surface. The site currently features gravel or asphalt over the entire site, both of which are impervious. No landscaping is shown. Thus the project does not meet this requirement; however, the code explains that the Planning Commission can approve a different percentage.

As such, the proposed 100% impervious surface is at the discretion of the Planning Commission. It should also be noted that the existing gravel area is not considered porous (thus it is impervious). It should also be noted that the conditions are requiring additional landscaping to be added. If the existing condition is supported by the Commission, then the project complies. If the Commission does not support the existing 100% coverage, a condition of approval could be added requiring that the applicant revise the site to add a percentage of porous area.

FINDING: Based on the analysis above, the project might meet the standard depending on the direction from the Commission.

SUBSECTION (4)(d) SETBACKS

ANALYSIS: The LI zone requires a 20 foot setback to be fully landscaped. The proposed project fronts Old Salem Road and currently features river rock as landscaping. Because one of the project driveways is proposed by staff, through conditions of approval, to be removed, landscaping is being required to be added where the driveway is taken out. The existing river rock is being proposed by staff to remain, though a sidewalk must be added to the frontage.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the required standard.

PROPOSED CONDITION OF APPROVAL: Within 6 months of project approval the applicant must landscaping, meeting the requirements of Section 5.134(8) of the Land Use Development Code is required between the 30' driveway and the existing decorative gravel/river rock area.

SECTION 4.132(4)(g) ACCESS

ANALYSIS: The project site features two driveways on an arterial. These are existing driveways though they are part of the project. The northern driveway does not meet the access spacing requirement for an arterial, and must be removed. Additionally the code explains "only one access per property shall be allowed to a street owned by either the City of Millersburg or Linn County." A condition of approval has been added to require the removal of the northern driveway.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the required standard.

PROPOSED CONDITION OF APPROVAL: Within six months of project approval, the 18' wide northern driveway on Old Salem Road must be removed and reconstructed with standard curb.

SECTION 5.120 PARKING

ANALYSIS: This section regulates parking. The landscape requirements of the parking area are reviewed below in the landscape section. The proposed use is highly unique. The number of required parking spaces are dictated by the use, for eating establishments they are driven more specifically by the square footage of the establishment. In this case, there is no square footage besides the proposed shipping container eating area. Staff parking is also required by the code and is provided by the applicant as shown on the site plan in a designated area. As shown on the site plan, the project exceeds the code requirement for parking area.

Subsection (1)(a) specifies that all parking areas and driveway approaches be paved. The Linn County Road Department also requested that the driveway approaches be paved. As such, a condition of approval has been added requiring the gravel area on the site to be paved.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the required standard (see landscape section for landscape requirements).

PROPOSED CONDITIONS OF APPROVAL: Within 6 months of project approval, the applicant shall pave the gravel area between the parking lot and the driveway along Old Salem Road.

SECTION 5.124 SIDEWALKS

ANALYSIS: As previously mentioned, the project site does not feature sidewalks. If the properties along Old Salem were uniform in a lack of sidewalks, the City would not require the construction of sidewalks at this time. However, Love's Truck Stop constructed sidewalks to the subject property parcel. As such, staff is requiring that the new existing sidewalk from Love's be continued across the applicant's property, consistent with the code requirements. A condition of approval has been added to require sidewalk construction.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the required standard.

PROPOSED CONDITIONS OF APPROVAL: Within 6 months of project approval the applicant must construct a sidewalk along the Old Salem Road frontage, from the western limit of the property to connect to the existing sidewalk east of the property.

SECTION 5.134 LANDSCAPING

ANALYSIS: The proposed project is required to provide landscaping consistent with this code section. As explained prior, there is landscaping required in the front yard setback. Conditions

have been added to place landscaping in the street frontage where the driveway is proposed to be removed.

Landscaping is also required for parking areas. Subsection (4) requires that parking lots feature curbed landscape islands and trees at the ends of parking rows. The minimum dimension of the landscaped area excluding curbs shall be 4 feet. At least 5% of the parking area must be landscaped, the landscape islands can count towards that requirement. As submitted, the plans do not show any landscaping in the parking area. A condition of approval has been added to require adequate landscaping be added to the site.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the required standard.

PROPOSED CONDITIONS OF APPROVAL:

- Within 2 months of project approval the applicant shall submit a revised site plan and landscape plan for review by staff showing:
 - At least 5% of the parking area landscaped and irrigated.
 - Curbed landscape islands and trees, with irrigation, at the ends of parking rows with a minimum dimension of 4 feet.
- Within 6 months of project approval the applicant shall construct/install all landscaping and irrigation consistent with the revised site plans reviewed and approved by staff after the hearing.
- Within 6 months of project approval the applicant must landscaping, meeting the requirements of Section 5.134(8) of the Land Use Development Code is required between the 30' driveway and the existing decorative gravel/river rock area.

SECTION 5.136 SIGNS

Signs are regulated by Section 5.136. The applicant is proposing several signs as part of the application. Most are already on site, two additional new offsite signs are also proposed. The applicant is proposing the following signs:

- 1) 18" x 10' ground level signs located on both sides of an existing Jersey barrier between the driveways off Old Salem Road. The Jersey barrier acts as a deterrent to keep semi trucks from entering into the food court area. There is not adequate space for a semi truck to turn around.
- 2) 4' x 8' ground level sign to be located at the corner of Old Salem Road and Morningstar to direct traffic to the food court. The sign would be located on Tax Lot 1301 which is owned by THE Headrick Properties and leased to Tradewinds Transportation.
- 3) 10' x 20' elevated sign to be located above existing fence line on the southeast corner of the Tradewinds Transportation truck parking area. The sign would be located on Tax Lot 1400 which is owned by THE Headrick Properties and leased to Tradewinds Transportation.
- 4) 4' x 8' ground level sign to be located on the existing fence on the east side of the food court located on Tax Lot 2100.
- 5) 4' x 8' ground level sign provided by a specific food cart vendor located on Tax Lot 2200, owned by Perlenfein.
- 6) 2' x 15' nylon flags located on existing fence on the east side of food court, not to exceed 10 flags. Flags are to identify the type of food and beverage being sold at the food court.

It should also be noted that a multi-tenant sign exists on the property that is not listed in this packet. Because the vendors of the food court are included on this sign, staff is including this as one of the signs for the project. This brings the total number of signs requested to 16.

The code has many specific requirements for signage. All applicable provisions are addressed below with analysis shown in *italics*.

SECTION 5.136(2) GENERAL PROVISIONS

- **Each sign shall be located on the same lot it is advertising, or as approved by the Commission.** *Attachment A of the applicant's application (page 7) shows the proposed locations of the project's signage. 3 signs are proposed offsite. As explained in the requirement, offsite signs are not allowed except as permitted by the Commission. This issue is up to the discretion of the Planning Commission.*
- **Signs may be illuminated indirectly or internally.** *Based on the information provided by the applicant no sign lighting is proposed.*
- **No signs are allowed to limit vision.** *As long as the signs are not located within the vision clearance areas, this code requirement is met.*
- **Sign materials should be complimentary to the materials used in the development.** *The existing and proposed development use a wide variety of materials. None of the signs proposed seem to be inconsistent with the materials used on the site.*
- **Any freestanding sign may be double faced.** *Two of the proposed signs, and all flags, are double faced.*

FINDING: Based on the analysis above, the signs compliance with the code standards is at the discretion of the Planning Department.

SECTION 5.136(5) PERMITTED COMMERCIAL & INDUSTRIAL SIGN STANDARDS

- **One surface wall or window sign per business.** *No wall or window signs are proposed.*
- **One Projecting sign per street frontage.** *No projecting sign is proposed.*
- **One freestanding ground level sign per street frontage of a property, not to exceed 6 feet in height or 80 square feet in area sign.** *The proposed project includes three signs that are considered free standing signs, the two sided signs located on a Jersey Barrier near the driveway, a second proposed to be mounted on a chain link fence facing the Loves Truck Stop and a third multi-tenant pole sign along the street frontage featuring spaces for a number of businesses. The multi-tenant sign was not listed in the application but has been included by staff for review because it is advertising tenants in the food court. This requirement states that only one freestanding ground level sign is permitted per street frontage without the need for a permit. As explained below, they are requesting additional signs using the Design Review process. Therefore, this analysis looks at the sizes of the three proposed freestanding signs. None of the three proposed signs exceed 6 feet in height. The sign on the barrier is only 15 square feet (for each side), the fence sign is 32 square feet, and the multi-tenant sign is under the 80 square foot limit.*

Additionally, the three offsite signs would all be considered free standing signs. The size limits for freestanding signs would apply to on-site and off-site signs. All proposed off-site signs are under the 80 square feet maximum. It is not clear if the signs are under 6 feet in height, a condition of approval has been added to assure compliance.

- **One freestanding elevated sign per street frontage of a property not to exceed 3- feet in height or 100 square feet in area.** *No freestanding elevated signs are proposed.*
- **The aggregate number of signs per street frontage shall be three per business or property.** *This explains that the total number of signs per street frontage is limited to three per business or property. When the code can be interpreted multiple ways the more conservative interpretation prevails. In this case that would mean the total number of signs is determined by the property, not the businesses, thus three signs are allowed without the need for a permit. However, additional signs are allowed if included in the Design Review for ultimate approval.*

FINDING: Based on the analysis above, with the conditions of approval proposed below, the project meets the required standards.

PROPOSED CONDITION OF APPROVAL: All on-site and offsite signs shall be less than 6 feet tall and outside the right of way.

SECTION 5.136(6) SIGNS REQUIRING APPROVAL *The previous sign section above explains what signs are allowed without the need for a permit. This section explains when a permit is required. A sign permit requires a design review process (which is part of this application). Subsection (a) explains:*

- **Any on-site sign not specifically identified as 'Permitted' herein or signs exceeding the standards specified herein.**

The applicant is proposing 13 on-site signs (including the 10 flags, three are proposed offsite). As explained above, three of the signs are permitted for the property without additional review. Because the applicant is proposing more than three, the additional 10 on-site signs are included in the Design Review request. The criterion for the signs are the same as those for the Design Review. Analysis is included above in Section III of this report.

- **Any offsite sign.**
The code allows the Commission to review and approve any offsite signs. The three proposed offsite signs are considered part of the Design Review pursuant to this provision. Again, the criterion are the same as those listed for the Design Review in this Staff Report.

FINDING: Based on the analysis above, the project meets the required criteria at the discretion of the Planning Commission.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

City of Millersburg Comprehensive Plan

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* policies from the Comprehensive Plan.

Chapter 9.1- Planning

Policy 16. Close coordination shall be maintained between the school district, fire districts, serving utilities, Linn County, the City of Albany and other governmental agencies having facilities or programs in the area.

ANALYSIS: Typically projects are transmitted to other agencies for review, however, the code gives us the discretion to transmit only to affected agencies. Because this is a home based business with no structural changes, the project was only transmitted to the City engineer. No comments were received.

FINDING: Based on the analysis above, the project is consistent with the Policy.

Chapter 9.5- Land Use

Commercial Land Use, Policy 4, Development of limited access and joint-use parking areas for commercial facilities shall be encouraged to reduce traffic conflicts and hazards.

ANALYSIS: The proposed project is sharing the parking area with the neighboring office building.

FINDING: Based on the analysis above, the project is consistent with the Policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Application No. CUP 18-02 and SP 18-05 pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission elect not to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted narrative, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.
2. This approval permits no more than 6 mobile food vendors on the project site. Any other business or change to this business, including more than 6 vendors, is not permitted. This approval does not permit any other businesses on the site.
3. The CUP permitted by this approval shall commence within one year of approval or the permit is void. The use permitted by this permit shall expire within 5 years of the issuance date. An extension of the permit may be granted through a new conditional use permit process.
4. All on-site and offsite signs shall be less than 6 feet tall and outside the right of way.
5. The applicant shall comply with all County Environmental Health Requirements for the life of the project.

Within 3 months of project approval:

6. Within 3 months of project approval all private water and sewer lines to each vendor site require a plumbing permit and inspection by Linn County. If utilities are already installed, provide evidence that they were permitted and inspected. If they were not permitted and inspected, applicant must contact Linn County to determine a path to compliance.
7. Within 3 months of project approval the applicant must submit a plan showing stormwater runoff patterns and impacts to adjacent properties. Stormwater detention may be required.
8. Within 3 months of project approval the applicant shall submit a revised site plan and landscape plan for review by staff showing:
 - a. At least 5% of the parking area landscaped and irrigated.
 - b. Curbed landscape islands and trees, with irrigation, at the ends of parking rows with a minimum dimension of 4 feet.

Within 6 months of project approval:

9. Within 6 months of project approval, the 18' wide northern driveway on Old Salem Road must be removed and reconstructed with standard curb.
10. Within 6 months of project approval, the applicant shall pave the gravel area between the parking lot and the driveway along Old Salem Road.
11. Within 6 months of project approval the applicant must construct a sidewalk along the Old Salem Road frontage, from the western limit of the property to connect to the existing sidewalk east of the property.
12. Within 6 months of project approval the applicant must landscaping, meeting the requirements of Section 5.134(8) of the Land Use Development Code is required between the 30' driveway and the existing decorative gravel/river rock area.
13. Within 6 months of project approval the applicant shall provide the City with evidence that an easement has been recoded allowing public access to the private drive located on the east side of the project, as shown on the site plan.
14. Within 6 months of project approval the applicant must the applicant shall provide at least 2 bike parking spaces for the food court, consistent with all the requirements of Section 5.125.
15. Within 6 months of project approval the applicant must the gravel drive area between the 30' wide access off of Old Salem Road and the paved parking area should be paved with asphalt cement or concrete.
16. Within 6 months of project approval the applicant shall construct/install all landscaping and irrigation consistent with the revised site plans reviewed and approved by staff after the hearing.
17. Within 6 months of project approval the applicant shall submit site plans to the Linn County Road Department for a commercial access review.

IX. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the Applicant. Please contact City Hall with any questions.

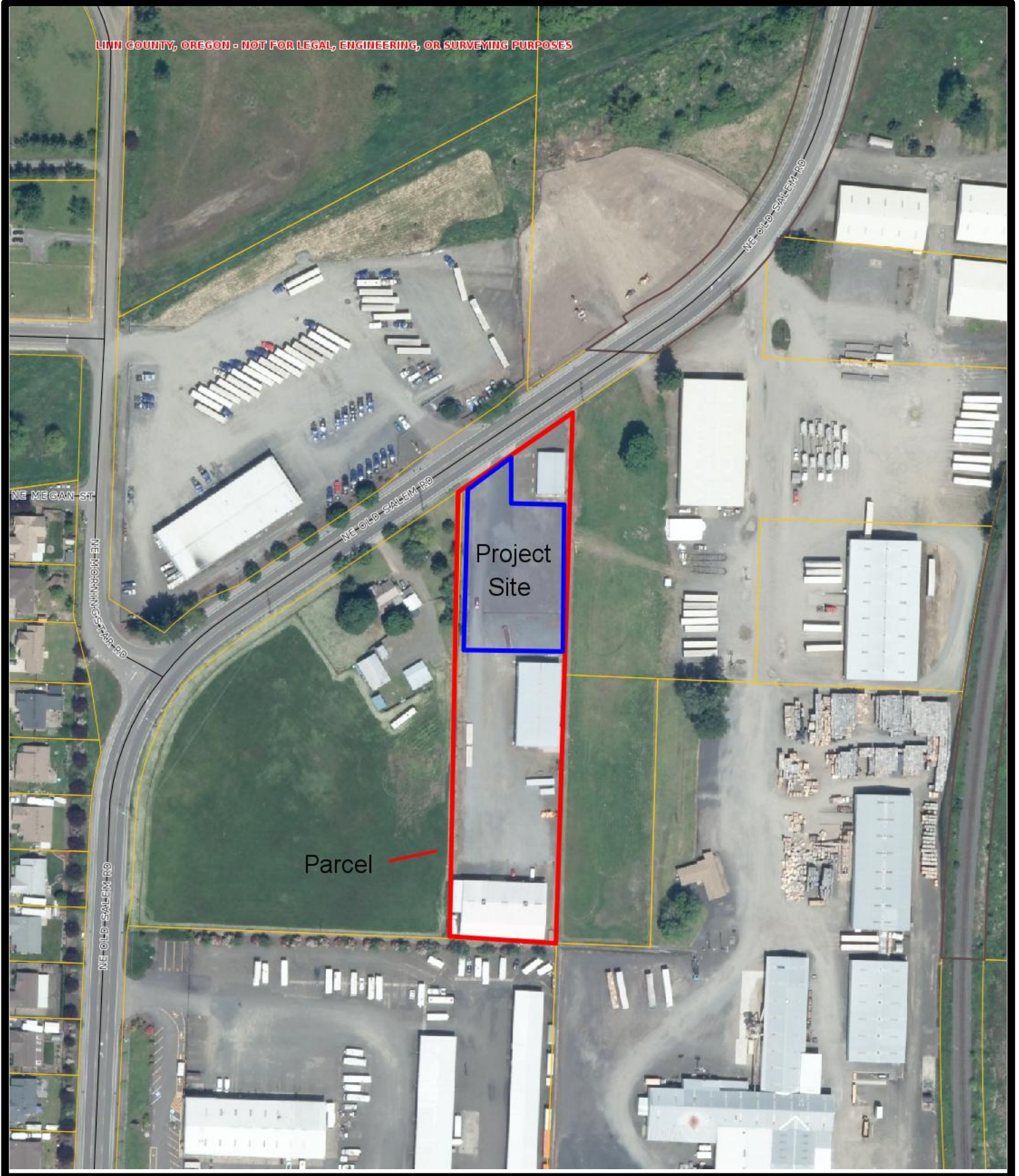
1. Construction within Linn County right-of-way must conform to Linn County construction standards and requires a Linn County right-of-way permit.
2. System Development Charges (SDCs) for water and sewer are due at the time of connection. Commercial SDC charges are based on equivalent dwelling units.
3. Sewer connections require oil/water separator(s).
4. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
5. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
6. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
7. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
8. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire District. Hydrant and Turnaround locations shall be provided by the Applicant and approved by the Albany Fire District and the City.
9. In the event there is engineered fill on any public roads or lots, the applicants' soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.
10. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
11. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
12. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
13. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
14. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map

- C. Applicant's Description, application and project materials
- D. Information packets from the Linn County Environmental Program (for background)
- E. Albany Fire email dated 11/6/18
- F. Linn County Road Department Email dated 11/5/18
- G. City Engineer comments dated 11/11/18
- H. Public Hearing Notice

Vicinity Map



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

- A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

The proposed land use change on Tax Lot 2100 is to use a portion of the land to operate a food court. Mobile food carts would be owned and operated by second-party vendors who would lease a site on the property. Space rent includes a site, electricity, city water, city sewer, use of portable toilet and wash station, and employee and patron parking. The food court will have the capacity for six mobile food carts. There is also a Conex container at the location for use as covered seating. The container will be locked at the end of food court business hours each day to detract transient population access.

Primary ingress and egress will be by two existing driveways onto Old Salem Road. A secondary egress will be onto the private road between Love's Truck Stop and the food court, which then exits onto Old Salem Road.

The parking lot is paved and provides 19 parking spaces, and one ADA parking space, for food court patrons. There are also eight employee parking spaces in the graveled area on the south side of the existing fence that sits on the south end of the food court property.

Outdoor lighting will be provided by the existing outdoor lighting located on the property. An additional street light is proposed on the property to be centrally located on the south end of the food court near the existing fence to improve safety and security. It will provide improved illumination of the employee parking and food court areas.

There are no proposed changes to the existing landscape or drainage on the property.

The following signs are proposed (See Attachment A for sign examples, locations, and site map):

- 1) 18" x 10' ground level signs located on both sides of an existing Jersey barrier between the driveways off Old Salem Road. The Jersey barrier acts as a deterrent to keep semi trucks from entering into the food court area. There is not adequate space for a semi truck to turn around.
 - 2) 4' x 8' ground level sign to be located at the corner of Old Salem Road and Morningstar to direct traffic to the food court. The sign would be located on Tax Lot 1301 which is owned by THE Headrick Properties and leased to Tradewinds Transportation.
 - 3) 10' x 20' elevated sign to be located above existing fence line on the southeast corner of the Tradewinds Transportation truck parking area. The sign would be located on Tax Lot 1400 which is owned by THE Headrick Properties and leased to Tradewinds Transportation.
 - 4) 4' x 8' ground level sign to be located on the existing fence on the east side of the food court located on Tax Lot 2100.
 - 5) 4' x 8' ground level sign provided by a specific food cart vendor located on Tax Lot 2200, owned by Perlenfein.
 - 6) 2' x 15' nylon flags located on existing fence on the east side of food court, not to exceed 10 flags. Flags are to identify the type of food and beverage being sold at the food court.
-

- B. Please describe the general operating characteristics of the proposed use and the hours of operation.

The proposed use is a mobile cart food court for the sale of prepared food and beverage to the general public. Up to six spaces will be leased by the property owner to second-party food cart vendors. Hours of operation could vary depending on each food cart vendor.

- C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

No other permits are required.

- D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

Approximately one-half acre of Tax Lot 2100 will be used for the proposed activity. Food cart vendors will generate a minimal amount of wastewater for cooking and cleaning which will be disposed of via city sewer service, which is located at each food cart site. There is a leased portable toilet and wash station for vendor and patron use, but will not be emptied on site.

- E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

Food vendors will require water supply for cooking and cleaning. Water is supplied by existing city water service, which is located at each vendor site.

- F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

Food cart vendors will use portable trailers or trucks not to exceed 30 feet in length. The food carts will use propane or electric cooking devices. The amount of vehicle trips per day generated by the proposed use is estimated at 200.

- G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

Prepared food and beverages will be sold by mobile food cart vendors. Hours of operation will vary by food cart vendor. Hours of operation could be as much as seven days per week, with operating hours as early as 5:00 a.m. and as late as 10:00 p.m.

- H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

If all six vendor spaces are leased, the number of employees could range from 6 to 18, but not all employees would be working at the same time. Employees could be part-time or full-time. No one will be living on the property.

- I. Does the property front a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

The property fronts a county road, Old Salem Road. The existing driveways off Old Salem Road have a paved apron and then turn to gravel, up to the where the food court parking lot begins, which then turns to asphalt. The secondary driveway for egress is on the private road between Love's Truck Stop and the food court location, which is asphalt.

- J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

The property was previously graveled parking and is now asphalt. There are no unique features on the property as described above.

Attachment A

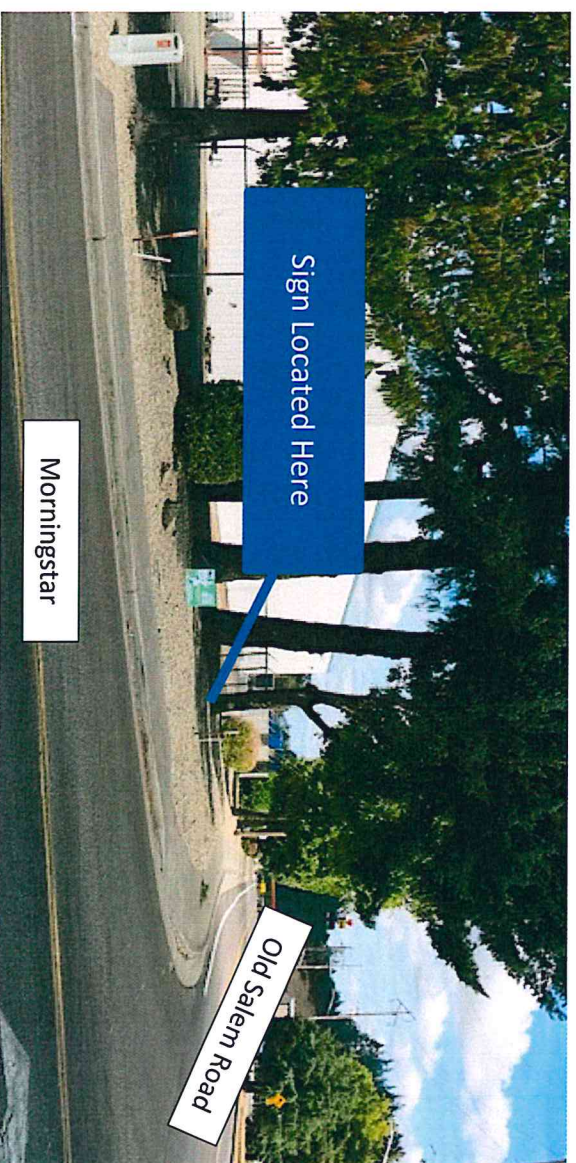
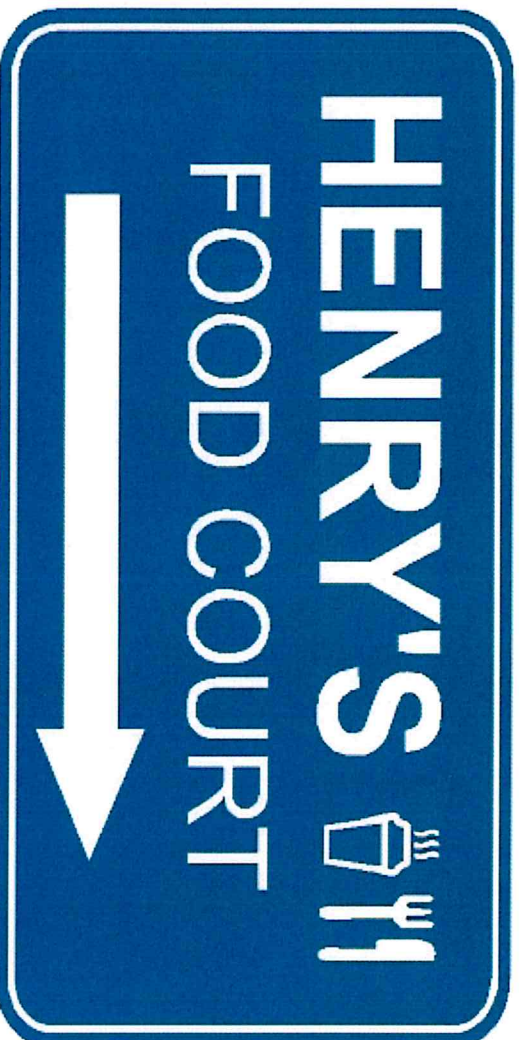
SIGN 1 – Ground level sign to be located on both sides of existing Jersey barrier at Old Salem Road entrance.

18" x 10' METAL SIGN REFLECTIVE WHITE LETTERING



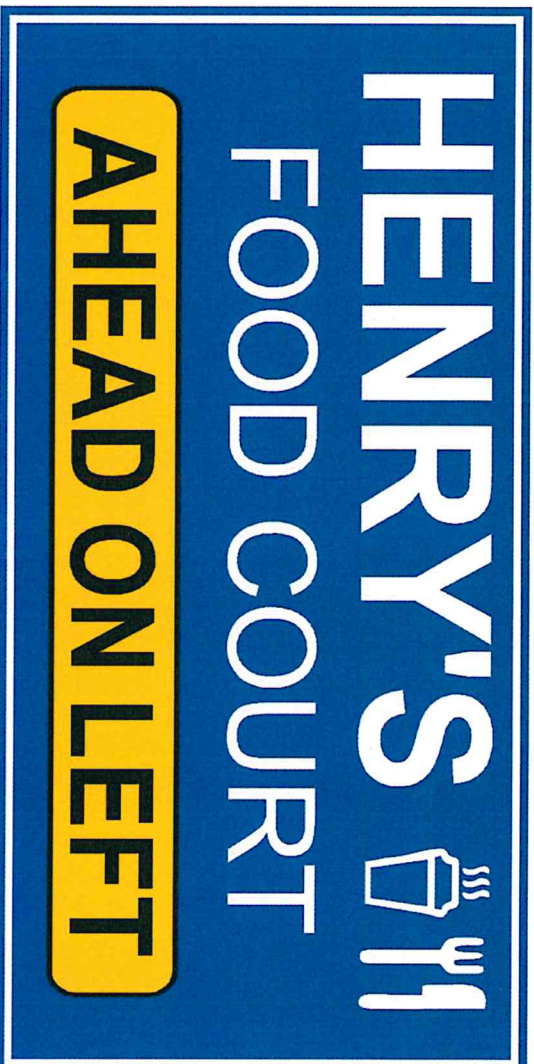
SIGN 2 – Ground level sign to be located at the corner of Old Salem Road and Morningstar.

4'X8' METAL SIGN REFLECTIVE WHITE LETTERING



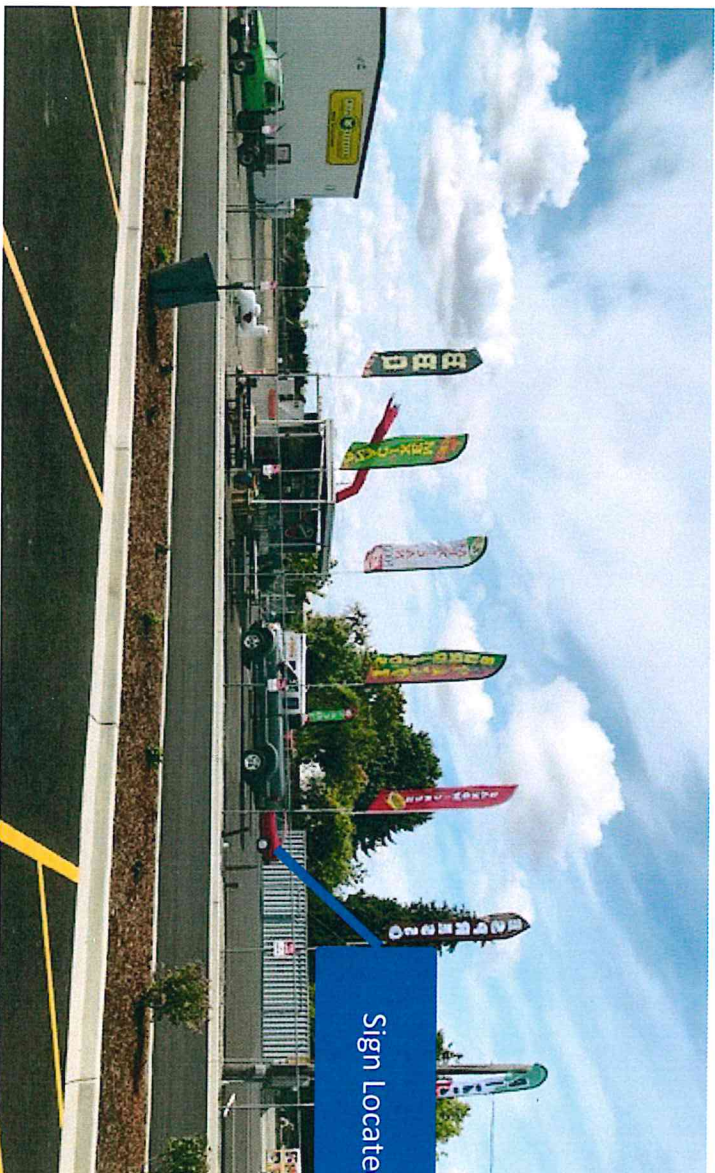
SIGN 3 – Elevated sign to be located above fence line on southeast corner of Tradewinds Transportation parking lot.

10' x 20' METAL SIGN REFLECTIVE LETTERING



SIGN 4 – Ground level sign to be located on existing fencing along east side of food court.

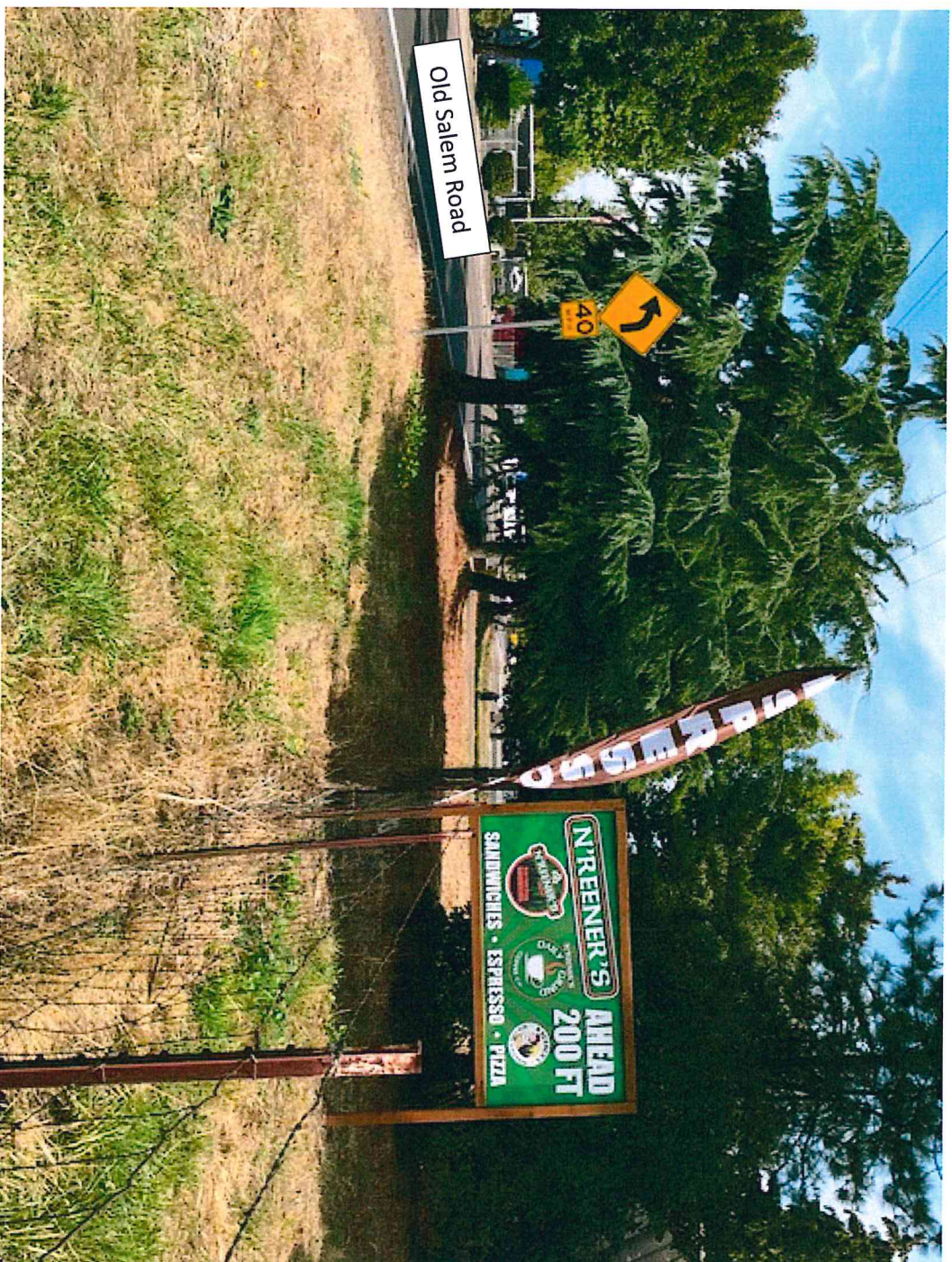
4' x 8' METAL SIGN REFLECTIVE LETTERING



Sign Located Here

SIGN 5 – Ground level sign to be located on tax lot 2200, authorized by second-party property owner.

4' x 8' WOOD SIGN

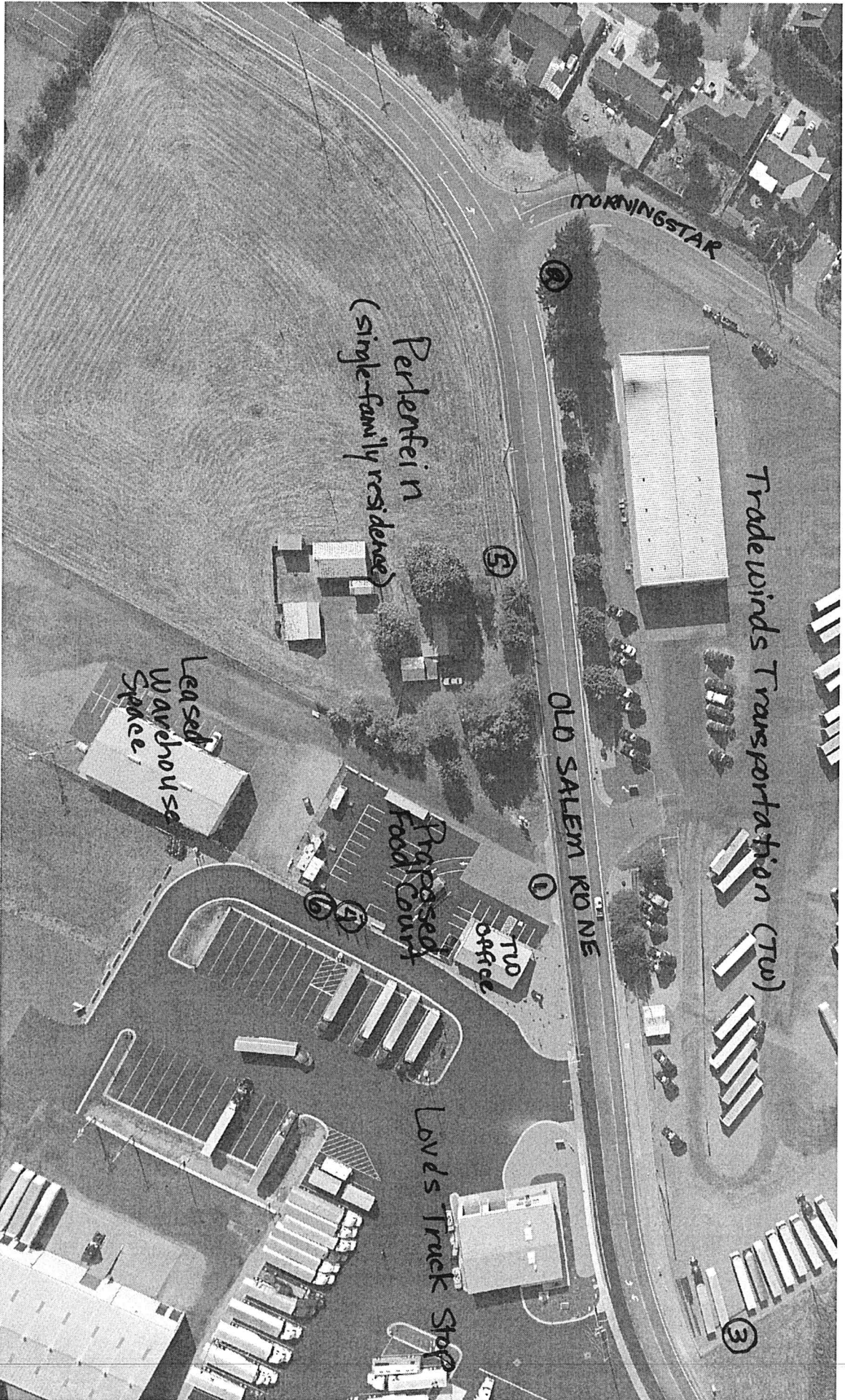


SIGN 6 – Flags to be located on existing fencing along east side of food court

2' x 15' NYLON FLAGS



Attachment A - Signage Locations



Land Use Application Narrative

Landowner: THE Headrick Properties
PO Box 1568
Albany, OR 97321
541-990-4891 (Lorri Headrick)

Affected Property: 6435 NE Old Salem Road (Tax Lot 2100)

The proposed land use change at 6435 Old Salem Road NE is on a portion of property that has previously been used as a graveled parking lot. The proposed use is for a food court with up to six sites for mobile food or beverage carts for the sale of food and beverage to the general public and a conex container for covered seating.

The food court would not have an adverse impact on traffic flow or public safety. Traffic would use existing driveways for ingress and egress, and the proposed food court area starts 85 feet off Old Salem Road. Off-street parking for employees and patrons is provided.

The proposed lighting will not have an adverse impact on traffic, limit visibility, or have adverse impact on adjacent properties. The lighting is existing lighting on the property or illumination from adjacent properties' lighting, with the exception of one new street light being proposed on the food court site to better illuminate the employee parking and food court areas to increase employee and public safety and security. The light would not exceed 25 feet in height and would be centrally located on the south end of the food court, 260 feet from Old Salem Road.

The proposed signs will not have an adverse impact on traffic, limit visibility, or have adverse impact on adjacent properties. THE Headrick Properties, the applicant, also owns Tax Lots 1301 and 1400, where two proposed signs would be located, and Perlenfein owns Tax Lot 2200 where an additional proposed sign would be located. All affected property owners have agreed to the proposed location of the signs. The signs to be located on the Jersey barrier at the driveway entrance to the food court will have reflective lettering. This will help identify the location of the driveways to vehicle traffic. The other signs for the food court are proposed with reflective lettering so they will be visible at night, using ODOT-approved reflective material.

Water, sewer, and electrical utilities are piped to each specific food cart site and have the capacity to serve the proposed land use change. There is no change to existing drainageways that currently have the capacity to serve the proposed land use change.

The emissions, potential hazards, or nuisance characteristics generated by the proposed land use change are vehicle exhaust created by customer or employee traffic, food smoke generated by food carts that smoke meats as part of their food preparation process, and other potential food odors from food being cooked in portable food carts.

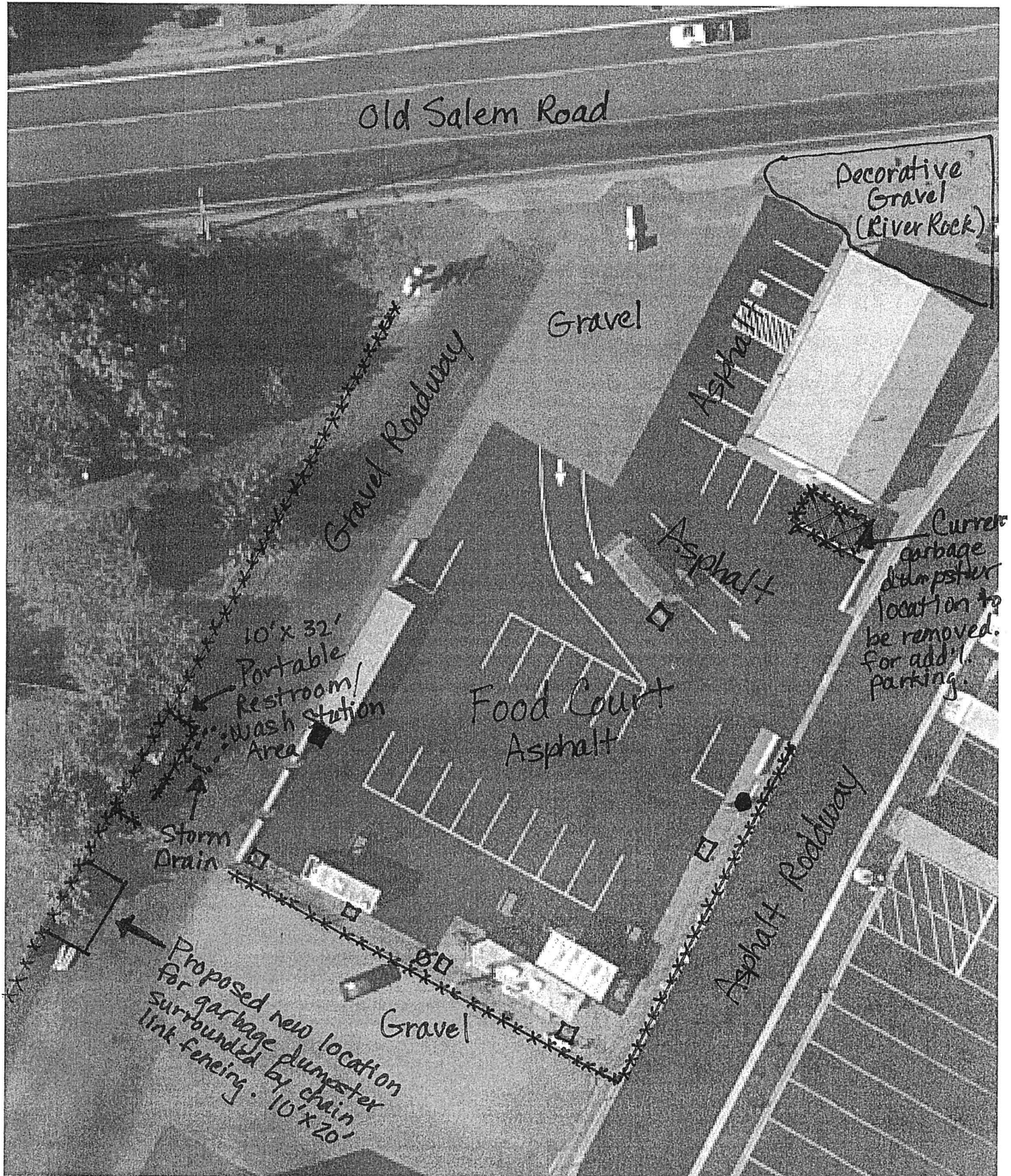
The property is in Limited Industrial (LI) zoning (LUD Code 4.132) and complies with 4.132 (3)(g) as a conditional use permitted in the Community Commercial Zone [LUD Code 4.121 (2)(d)] for use as eating and drinking establishments.

The proposed land use change should be consistent with the City's Comprehensive Plan, as we believe it complies with the zoning and code requirements and does not conflict with any other regulatory agencies.

.50 inch = 16 feet



6435 NE Old Salem Road



***** = Existing Chain Link Fence

⋯⋯⋯ = Existing Storm Drain

● = Existing Street Light

⊙ = Proposed Street Light (not to exceed 25' high)

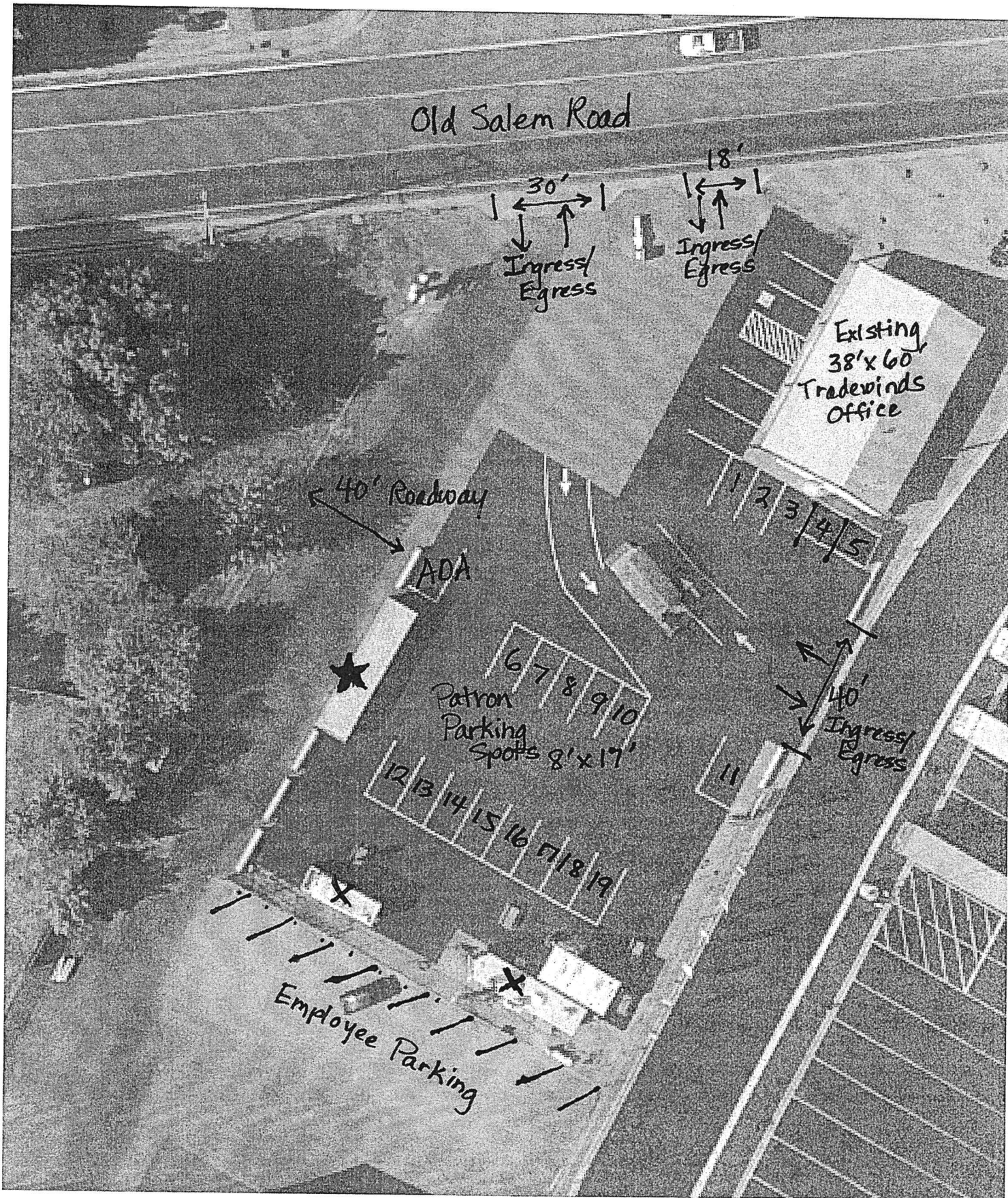
□ = Water/Sewer/Power Connections (Existing)

■ = Water/Electric connection only (Existing)

September 23, 2018

6435 NE Old Salem Road

.50 inch = 16 feet



X = Existing Mobile Food Carts
★ = Existing Conex Container/Covered Dining Area 8'x40' September 23, 2018

10/25/18

Land Use Application Narrative

Landowner: THE Headrick Properties
PO Box 1568
Albany, OR 97321
541-990-4891 (Lorri Headrick)

Affected Property: 6435 NE Old Salem Road (Tax Lot 2100)

The proposed land use change at 6435 Old Salem Road NE is on a portion of property that has previously been used as a graveled parking lot. The proposed use is for a food court with up to six sites for mobile food or beverage carts for the sale of food and beverage to the general public and a conex container for covered seating. The existing fixed structures also on this property, one office on the north end and two warehouses on the south end, are not included or affected by this proposed land use change. The only area affected by this land use change is the area identified for the food court.

The food court would not have an adverse impact on traffic flow or public safety. Traffic would use existing driveways off Old Salem Road for ingress and egress. The proposed food court area starts 85 feet off Old Salem Road. Off-street parking for employees and patrons is provided.

The proposed lighting will not have an adverse impact on traffic, limit visibility, or have adverse impact on adjacent properties. The lighting is existing lighting on the property or illumination from adjacent properties' lighting, with the exception of one new street light being proposed on the food court site to better illuminate the employee parking and food court areas to increase employee and public safety and security. The light would not exceed 25 feet in height and would be centrally located on the south end of the food court, 260 feet from Old Salem Road.

The proposed signs will not have an adverse impact on traffic, limit visibility, or have adverse impact on adjacent properties. THE Headrick Properties, the applicant, also owns Tax Lots 1301 and 1400, where two proposed signs would be located, and Perlenfein owns Tax Lot 2200 where an additional proposed sign would be located. As owners of THE Headrick Properties, we authorize use of the proposed property on Tax Lots 1301 and 1400 for signage as outlined in this application. Ed Perlenfein is to provide written authorization directly to the City for use of Tax Lot 2200 as outlined in this application. The signs to be located on the Jersey barrier at the driveway entrance to the food court will have reflective lettering. This will help identify the location of the driveways to vehicle traffic. The other signs for the food court are proposed with reflective lettering so they will be visible at night, using ODOT-approved reflective material.

Water, sewer, and electrical utilities are piped to each specific food cart site and have the capacity to serve the proposed land use change. There is no change to existing drainageways that currently have the capacity to serve the proposed land use change.

The emissions, potential hazards, or nuisance characteristics generated by the proposed land use change are vehicle exhaust created by customer or employee traffic, food smoke generated by food carts that smoke meats as part of their food preparation process, and other potential food odors from food being cooked in portable food carts.

The property is in Limited Industrial (LI) zoning (LUD Code 4.132) and complies with 4.132 (3)(g) as a conditional use permitted in the Community Commercial Zone [LUD Code 4.121 (2)(d)] for use as eating and drinking establishments.

The proposed land use change should be consistent with the City's Comprehensive Plan, as we believe it complies with the zoning and code requirements and does not conflict with any other regulatory agencies.

- A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

The proposed land use change on Tax Lot 2100 is to use a portion of the land to operate a food court. Mobile food carts would be owned and operated by second-party vendors who would lease a site on the property. Space rent includes a site, electricity, city water, city sewer, use of portable toilet and wash station, and employee and patron parking. The food court will have the capacity for six mobile food carts. There is also a Conex container at the location for use as covered seating. The container will be locked at the end of food court business hours each day to detract transient population access.

Primary ingress and egress will be by two existing driveways onto Old Salem Road. An additional egress is also possible onto the private road to the east between Love's Truck Stop and the food court, which then exits onto Old Salem Road. THE Headrick Properties has an Access Easement agreement for use of the private road to properties owned by THE Headrick Properties south of the Love's property. It was the intent of this easement to also allow access from the private road to Tax Lot 2100; however, as written, the easement does not include Tax Lot 2100. If the additional access onto the private road is required for this land use change, THE Headrick Properties will pursue an amendment to the existing Access Easement with Love's to include that tax lot.

The parking lot is paved and provides 24 parking spaces, and two ADA parking spaces. This would be shared parking with the Tradewinds Transportation office. There are also eight employee parking spaces in the graveled area on the south side of the existing fence that sits on the south end of the food court property. These parking spaces are reserved for food court employees.

Outdoor lighting will be provided by the existing outdoor lighting located on the property. An additional street light is proposed on the property to be centrally located on the south end of the food court near the existing fence to improve safety and security. It will provide improved illumination of the employee parking and food court areas.

There are no proposed changes to the existing drainage on the property.

The following signs are proposed (See Attachment A for sign examples, locations, and site map):

- 1) 18" x 10' ground level signs located on both sides of an existing Jersey barrier between the driveways off Old Salem Road. The Jersey barrier acts as a deterrent to keep semi trucks from entering into the food court area. There is not adequate space for a semi truck to turn around.
- 2) 4' x 8' ground level sign to be located at the corner of Old Salem Road and Morningstar to direct traffic to the food court. The sign would be located on Tax Lot 1301 which is owned by THE Headrick Properties and leased to Tradewinds Transportation.
- 3) 10' x 20' elevated sign to be located above existing fence line on the southeast corner of the Tradewinds Transportation truck parking area. The sign would be located on Tax Lot 1400 which is owned by THE Headrick Properties and leased to Tradewinds Transportation.
- 4) 4' x 8' ground level sign to be located on the existing fence on the east side of the food court located on Tax Lot 2100.

- 5) 4' x 8' ground level sign provided by a specific food cart vendor located on Tax Lot 2200, owned by Perlenfein.
- 6) 2' x 15' nylon flags located on existing fence on the east side of food court, not to exceed 10 flags. Flags are to identify the type of food and beverage being sold at the food court.

- B. Please describe the general operating characteristics of the proposed use and the hours of operation.

The proposed use is a mobile cart food court for the sale of prepared food and beverage to the general public. Up to six spaces will be leased by the property owner to second-party food cart vendors. Hours of operation could vary depending on each food cart vendor.

- C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

No other permits are required.

- D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

Approximately one-half acre of Tax Lot 2100 will be used for the proposed activity. Food cart vendors will generate a minimal amount of wastewater for cooking and cleaning which will be disposed of via city sewer service, which is located at each food cart site. There is a leased portable toilet and wash station for vendor and patron use, but will not be emptied on site.

- E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

Food vendors will require water supply for cooking and cleaning. Water is supplied by existing city water service, which is located at each vendor site.

- F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

Food cart vendors will use portable trailers or trucks not to exceed 30 feet in length. The food carts will use propane or electric cooking devices. The amount of vehicle trips per day generated by the proposed use is estimated at 200.

- G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

Prepared food and beverages will be sold by mobile food cart vendors. Hours of operation will vary by food cart vendor. Hours of operation could be as much as seven days per week, with operating hours as early as 5:00 a.m. and as late as 10:00 p.m.

- H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

If all six vendor spaces are leased, the number of employees could range from 6 to 18, but not all employees would be working at the same time. Employees could be part-time or full-time. No one will be living on the property.

- I. Does the property front a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

The property fronts a county road, Old Salem Road. The existing driveways off Old Salem Road have a paved apron and then turn to gravel, up to the where the food court parking lot begins, which then turns to asphalt. The secondary driveway for egress is on the private road between Love's Truck Stop and the food court location, which is asphalt.

- J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

The property was previously graveled parking and is now asphalt. There are no unique features on the property as described above.

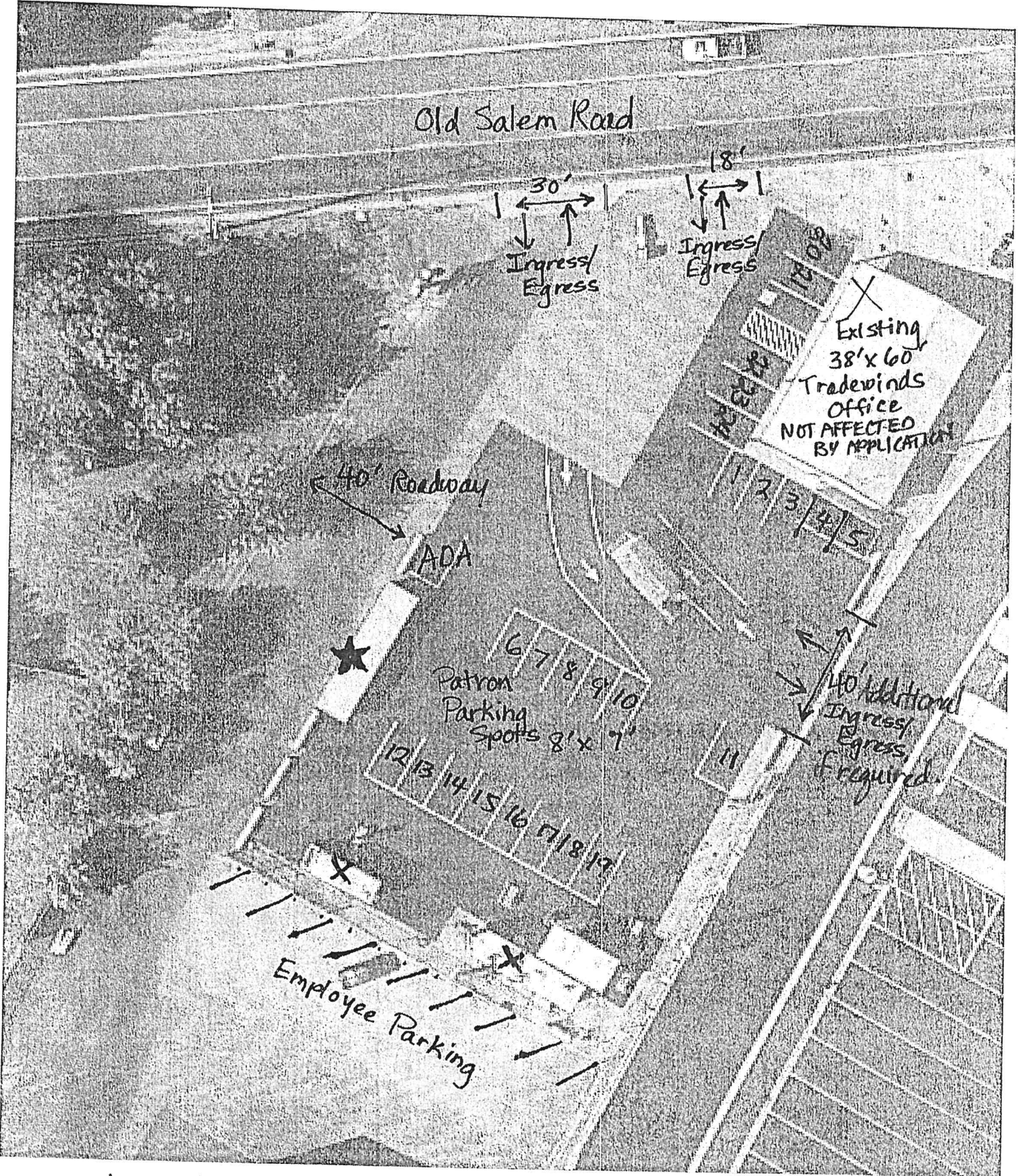
10/25/18

.50 inch = 16 feet



6435 NE Old Salem Road

Old Salem Road



X = Existing Mobile Food Carts
 * = Existing Conex Container/Covered Dining Area 8'x40' September 23, 2018

AFTER RECORDING RETURN TO

Love's Travel Stops & Country Stores, Inc.
10601 North Pennsylvania
Oklahoma City, Oklahoma 73120
Attn: Sr. Real Estate Coordinator

(This space reserved for recording information)

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT (this "Agreement") is entered into as of this 23 day of May 2017 (the "Effective Date"), by and between LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., an Oklahoma corporation ("Grantor"), having a mailing address of 10601 N. Pennsylvania Ave., Oklahoma City, Oklahoma 73120, Attention: Vice President of Real Estate & Development, THE HEADRICK PROPERTIES, LLC, an Oregon limited liability company ("Headrick"), having a mailing address of 6408 Old Salem Road NE, Albany, Oregon 97321, and DMK PROPERTIES, LLC, an Oregon limited liability company ("DMK," and with Headrick, each a "Grantee" and together, the "Grantees"), having a mailing address of

A. Grantor is the owner of certain real property located in Millersburg, Linn County, Oregon, as more particularly described on Exhibit A attached hereto (the "Grantor Tract");

B. Headrick is the owner of certain real property, consisting of two separate tracts ("Headrick Tract A" and "Headrick Tract B") generally located adjacent to the Grantor Tract, as more particularly described on Exhibit B;

C. DMK is the owner of certain real property generally located adjacent to the Grantor Tract, as more particularly described on Exhibit C (the "DMK Tract" and together with Headrick Tract A and Headrick Tract B, the "Grantee Tracts"); and

D. The Grantees desire to obtain, and the Grantor desires to permit, the non-exclusive use of that certain portion of the Grantor Tract as more particularly described on Exhibit D (the "Access Easement Area") for the purpose of vehicular and pedestrian ingress and egress to and from Headrick Tract A, Headrick Tract B, and the DMK Tract, as set forth and under the terms and conditions below.

NOW THEREFORE, in consideration of the terms and conditions hereof and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. GRANT OF EASEMENT. Grantor hereby grants, bargains, transfers, and conveys to the Grantees, for the benefit of the Grantee Tracts, a perpetual, non-exclusive easement over, upon, and across the Access Easement Area for purposes of pedestrian and vehicular ingress, egress, and access (but not for parking) to and from the Grantee Tracts and any publicly dedicated roadway or right of way adjacent thereto by Grantees, and their respective tenants, assignees, licensees, agents, employees, customers, contractors, and invitees (the "Access Easement").

2. RESERVATION OF RIGHTS. Notwithstanding the grant of the Access Easement, Grantor specifically reserves the right (i) to use the Access Easement Area for any lawful purpose which does not materially impair the exercise of a Grantee's rights hereunder, and (ii) to grant other non-exclusive easements and rights to use the Access Easement Area for the purposes described hereunder; provided, however, in no event shall the exercise of any such rights adversely affect the rights and benefits granted to

and conferred upon the Grantees hereunder.

3. **CONSTRUCTION AND MAINTENANCE OF ROADWAY.** In connection with Grantor's development and Improvement of the Grantor Tract, Grantor shall pave or otherwise cause the construction of a 32 foot wide roadway sufficient to support heavy duty truck traffic within the Access Easement Area, in such manner and according to such specifications as Grantor may determine, in its sole discretion (the "Roadway"). Grantor shall be responsible to repair, maintain, and replace as necessary ("Maintenance"), the Roadway; provided, however, the costs associated with such Maintenance shall be divided between the then current owners of the Grantor Tract and Grantee Tracts, and their successors and assigns, in the following manner: 50% to Grantor Tract, 25% to DMK Tract, 12.5% to Headrick Tract A, and 12.5% to Headrick Tract B. The Grantee Tract owners shall reimburse the Grantor Tract owner for such amounts promptly upon receipt of written demand therefor. Notwithstanding the foregoing, if any such maintenance, repair, or replacement is required solely due to the negligent or willful act of Grantor or a Grantee or any of its tenants, assignees, licensees, agents, employees, customers, contractors, or invitees, all costs associated with the maintenance, repair, or replacement of the Access Easement Area or the improvements and facilities located thereon including, without limitation, the Roadway shall be borne solely by such Grantor or Grantee.

4. **USE OF ACCESS EASEMENT AREA.** In no event shall a Grantee or Grantor change, or permit any change to, the location of the Access Easement Area or any improvements therein without the prior written consent of the other party. Neither a Grantee nor Grantor shall block, close, or impede the free flow of traffic to, from or across the Access Easement Area or erect or permit the erection of any barriers, obstructions or other improvements on or within the Access Easement Area that unreasonably interfere with the use thereof by the other parties or their respective tenants, assignees, licensees, agents, employees, customers, contractors, and invitees for the purposes contemplated in this Agreement.

5. **INDEMNITY.** Each of Grantor, Headrick, and DMK agrees to indemnify, defend and hold the other parties, and their respective affiliates, officers, directors, tenants, licensees, agents, employees, customers, contractors and invitees, harmless from and against all claims, demands, causes of action, suits, judgments, damages, liabilities, losses or expenses (including without limitation, attorney's fees) of every kind and character which may arise, be imposed, or be incurred as a consequence of or arising out of any act, negligence, or omission on the part of such indemnifying party, its tenants, assignees, licensees, agents, employees, customers, contractors and/or invitees, in the exercise of rights granted under, or otherwise in relation to, this Agreement.

6. **TERM.** This Agreement and the Access Easement created hereby shall have a term commencing on the Effective Date and continuing in perpetuity; provided, however, in the event that the Access Easement Area is accepted by the applicable governmental agency for public dedication and such governmental agency assumes the obligation to maintain and repair the Access Easement Area and any improvements therein, this Agreement shall terminate and be of no further force and effect as of the effective date of such public dedication. In such event, upon the request of Grantor, each Grantee agrees to execute and deliver a release of this Agreement in recordable form.

7. **NOTICE.** All notices or other communication herein required or permitted shall be in writing and given by personal delivery or sent by (i) registered or certified mail return receipt requested, postage prepaid, or (ii) nationally recognized overnight courier service, addressed as first set forth above (unless written notice of change thereof is provided). Notice shall be deemed received on the earlier of (i) actual receipt, (ii) three (3) business days after deposit in the U.S. Mail, or (iii) the first business day after deposit with an overnight courier.

8. **MISCELLANEOUS.** This Agreement (i) shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns; (ii) embodies the entire understanding of the

parties with respect to the subject matter hereof and may be amended or modified only by an instrument in recordable form, executed by the parties hereto; and (iii) together with the terms and provisions hereof, shall be deemed covenants running with the land for all purposes. Nothing contained in this Agreement shall be deemed to create a gift or be deemed a dedication of any portion of the Access Easement Area or the Grantor Tract to the general public or for any public use or purpose whatsoever. Headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation hereof. If either party commences litigation or other legal action or proceeding against the other party to enforce its rights hereunder, the prevailing party in such litigation, action or proceeding shall be entitled to recover from the other, in addition to any other relief granted, its reasonable attorney's fees, costs and expenses incidental to such thereto. This Agreement may be executed in counterparts which, when taken together, shall constitute one and the same instrument.

[Signature Pages to Follow]

EXHIBIT B

Legal Description of Headrick Tract A

THAT PORTION OF THE JOHN MEEKER DONATION LAND CLAIM NO. 60, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND ALSO BEING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF MILLERSBURG, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH IS SOUTH 01°54'14" WEST (SOUTH 00°16'00" WEST) 840.18 FEET AND SOUTH 87°37'46" EAST (SOUTH 89°16'00" EAST) 811.76 FEET AND NORTH 01°38'14" EAST (NORTH) 383.42 FEET FROM THE NORTHEAST CORNER OF THE SARAH FARLOW DONATION LAND CLAIM NO. 59, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON;

THENCE SOUTH 87°37'46" EAST (SOUTH 89°16'00" EAST), 140.57 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01°38'14" EAST, 235.21 FEET;

THENCE SOUTH 88°10'48" EAST, 332.10 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD PROPERTY;

THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY ALONG A 3467.75 FOOT RADIUS CURVE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 09°56'33" WEST, 240.48 FEET, A CENTRAL ANGLE OF 3°58'27", A CURVE DISTANCE OF 240.53 FEET TO A POINT WHICH BEARS SOUTH 87°37'46" EAST (SOUTH 89°16'00" EAST), FROM THE POINT OF BEGINNING;

THENCE NORTH 87°37'46" WEST (NORTH 89°16'00" WEST), 297.38 FEET TO THE BEGINNING.

(BEARING SHOWN IN PARENTHESIS ARE HISTORIC BEARING CALLED IN OLD DEEDS.)

Legal Description of Headrick Tract B

THAT PORTION OF THE JOHN MEEKER DONATION LAND CLAIM NO. 60, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN AND ALSO BEING IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, IN THE CITY OF MILLERSBURG, LINN COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 134.20 FEET OF THE FOLLOWING DESCRIBED PREMISES AS DISCLOSED BY COUNTY SURVEY 10151 FILED SEPTEMBER 9, 1968 LINN COUNTY SURVEY RECORDS, TO-WIT:

BEGINNING AT A POINT 840.18 FEET SOUTH 01°54'14" WEST (SOUTH 0°16' WEST) AND 523.4 FEET SOUTH 87°37'46" EAST (SOUTH 89°16' EAST) OF THE NORTHEAST CORNER OF THE SARAH FARLOW DONATION LAND CLAIM NO. 59 IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; THENCE NORTH 01°38'14" EAST (NORTH) 650.12 FEET TO THE SOUTH LINE OF THE OLD PACIFIC HIGHWAY; THENCE NORTH 55°54'07" EAST (NORTH 54°21' EAST), ALONG THE SOUTH LINE OF SAID HIGHWAY, 354.84 FEET; THENCE SOUTH 01°38'14" WEST (SOUTH) 860.62 FEET; THENCE NORTH 87°37'46" WEST (NORTH 89°16' WEST) 288.36 FEET TO THE PLACE OF BEGINNING.

AND LYING SOUTHERLY OF A LINE BEGINNING AT A POINT WHICH IS SOUTH 01°54'14" WEST (SOUTH 00°16'00" WEST) 840.18 FEET AND SOUTH 87°37'46" EAST (SOUTH 89°16'00" EAST) 811.76 FEET AND NORTH 01°38'14" EAST (NORTH) 383.42 FEET FROM THE NORTHEAST CORNER OF THE SARAH FARLOW DONATION LAND CLAIM NO. 59, IN TOWNSHIP 10 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON; THENCE NORTH 87°37'46" WEST (NORTH 89°16'00" WEST), 134.21 FEET.

(BEARING SHOWN IN PARENTHESIS ARE HISTORIC BEARING CALLED IN OLD DEEDS.)



MOBILE FOOD UNIT PLAN REVIEW PACKET

This packet is intended to help you through the plan review process and to assure that your mobile food unit meets the rule requirements. This document is a companion to the Food Sanitation Rules and must be completed as part of the plan review process.

This packet consists of the following information:

- **Applicants Checklist for Mobile Food Units**
- **Mobile Food Unit Plan Review Application**
- **General Information**
- **Mobile Food Unit General Requirements and Limitations**
- **Mobile Food Unit Plan Review Worksheet**
- **Mobile Food Unit Operating Schedule**
- **Mobile Food Unit Operational Guide**

Please complete the attached documents and submit them with the required plan review fee to the local environmental health department. **Approval from the local environmental health department must be obtained prior to construction or operation of your unit.** The following materials must also be submitted with your completed packet:

1. Complete plans of the unit drawn to scale, including equipment location.
2. List of all equipment necessary for the operation of the unit.
3. A description of the construction materials used on the unit, including surface finishes for floors, walls, ceilings and countertops.
4. Information relating to your base of operation, including times and dates of use.
5. A list of your operating location(s) and approximate time schedule. If the unit operates on a designated route, you must specify your itinerary. Attach a completed **Mobile Food Unit Operating Schedule**.

APPLICANT'S CHECKLIST FOR MOBILE FOOD UNITS

This checklist is intended to help you track your progress through the plan review process. When all steps are completed, your mobile food unit should be ready for licensure and operation.

- Submit plan review application and review packet, plans, and required fee. Obtain plan review approval **prior** to beginning construction.
- Receive plan review approval from the local environmental health department.
- Obtain any required approvals from other agencies, such as zoning/planning, building, fire marshal, or city or county authorities.
- Contact the local environmental health department at least two weeks prior to opening to schedule a preoperational inspection.
- Submit a **Mobile Food Unit License Application** with the required fee.
- Submit a **Mobile Food Unit Operating Schedule**, if applicable



**MOBILE FOOD UNIT
PLAN REVIEW APPLICATION**

Business name: _____

Business address: _____

Owner name: _____

Individual Corporation Partnership Other _____

Owner mailing address: _____

Owner phone #: _____ Establishment phone #: _____

New construction Remodel Completion date: _____

Previously licensed? Yes No Former name: _____

Mobile Food Unit Class I II III IV

Operating without a base of operation? Yes No

OAR 333-162-0920 requires that a completed plan review packet be submitted and reviewed before your unit can be issued a license and approved to operate. Incomplete plans may be returned for additional information.

**The payment of \$_____ mobile food unit plan review fee enclosed.
Make checks payable to:**

I agree to comply with the provisions of Oregon Revised Statutes, Chapter 624, and the Administrative Rules, Chapter 333, of the Oregon Department of Human Services.

Signed: _____ Date: _____

Please call your local county environmental health office if you have questions about your license, fees, facility inspections or how to obtain a food handler certificate.

FOR OFFICE USE ONLY

Fee received: _____ Date: _____

Reviewed by: _____ Date: _____

Approved Not Approved

Comments: _____

If you need this form in an alternate format call: (971) 673-0185.

GENERAL INFORMATION

A mobile food unit is defined in OAR 333-150-0000, 1-201.10 as "*...any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.*" There is no size limit to mobile food units, except they must meet the following basic requirements:

- Mobile food units must be mobile and on wheels (excluding boats) at all times during operation.
- The unit and all operations and equipment must be integral to the unit. This does not preclude the use of a barbecue unit with a Class IV unit.

There are four types of mobile food units. The mobile food unit classifications are based upon the type of menu served.

CLASS I - These units can serve only intact, packaged foods and non-potentially hazardous drinks. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages must be provided from covered urns or dispenser heads only. No dispensed ice is allowed.

CLASS II - These units may dispense unpackaged foods. However, no cooking, preparation or assembly of foods is allowed on the unit. No self-service by customers is allowed.

CLASS III - These units may cook, prepare and assemble food items. However, cooking of raw animal foods on the unit is not allowed.

CLASS IV - These units may serve a full menu.

IMPORTANT ADDITIONAL MOBILE FOOD UNIT INFORMATION

- Because the mobile food unit design is related to the menu served, the local environmental health department must approve any change in the menu. Failure to obtain approval for a menu change may result in closure of your unit.
- A mobile food unit may connect to water and sewer if it is available at the operating location; however, the tanks must remain on the unit at all times.
- A mobile food unit may not serve as a commissary for another mobile food unit or as the base of operation for a caterer.
- Food handler cards are required for all persons working in a mobile food unit or at a base of operation. Contact the local environmental health department for information on obtaining a food handler card.
- Auxiliary storage shall be limited to items necessary for that day's operation. No self-service, assembly or preparation activities may occur from auxiliary storage containers.
- Handling of unpackaged foods, dishwashing and ice making are prohibited in a warehouse.
- Finally, while this document contains some detailed information about the rules for the construction and operation of mobile food units, it does not contain all the requirements for your unit. Please refer to the Food Sanitation Rules at www.healthoregon.org/foodsafety.

MOBILE FOOD UNIT GENERAL REQUIREMENTS AND LIMITATIONS

A mobile unit can serve menu items within its classification number or below. For example, a Class III unit may also sell items allowed under Class II and I. Please see Food Sanitation Rules for full requirements.

	Class I	Class II	Class III	Class IV
Water Supply Required	No	Yes	Yes	Yes
Handwashing System Required	No	Yes - Minimum Five Gallons ¹	Yes - Minimum Five Gallons ¹	Yes - Minimum Five Gallons ¹
Dishwashing Sinks Required	No	No ²	Yes – Or Licensed Commissary ²	Yes - Minimum 30 Gallons
Assembly or Preparation Allowed	No	No	Yes	Yes
Cooking Allowed	No	No	Yes ³	Yes
Barbecue Operation Allowed	No	No	Yes - Reheating of Fully Cooked Foods ⁴	Yes
Restroom Required	Yes	Yes	Yes	Yes
Examples	Prepackaged Sandwiches/ Dispensed Soda	Service of Unpackaged Food Items	Bento (with precooked meat), Espresso, Hot Dogs	No Menu Limitations

¹ The handwashing system must be plumbed to provide hot and cold running water.

² Must provide a minimum of 30 gallons of water for dishwashing or twice the capacity of the three compartment sinks, if provided.

³ May cook only foods that are not potentially hazardous when raw (rice, onions, pasta, etc.).

⁴ With Class III units, the barbecue must be integral to the unit and only used to impart flavor.

5. How will hot and cold food temperatures be maintained on the unit (3-501.16)?

6. Where is the commissary or warehouse located? List the approximate time and days of the week you will be using your commissary or warehouse (OAR 333-162-0930 & 333-162-0940).

7. What is the source of drinking water for use on the unit? Describe how water will be transported to the unit and how the water system is constructed. What is the size of the fresh water storage tank (Chapters 5-1, 5-2, 5-3)?

8. How will wastewater be removed from the unit? Describe how wastewater will be transported from the unit to the approved wastewater disposal location. What is the size of the wastewater storage tank (Chapter 5-4)? (The volume of the waste tank must be 10 to 15 percent greater than the volume of the potable water storage tank.)

9. What is the power source for the mobile food unit? Describe how foods will be transported to and from the unit and how hot and/or cold holding temperatures will be maintained during transit (3-501.16).

10. What type of handwashing system will be used on the unit (5-203.11 & 6-301)? (A minimum of five gallons must be provided for handwashing and classes II, III and IV of mobile units must have plumbed hot and cold water for handwashing).

11. Describe how dishes and utensils will be washed. If dishes and utensils are washed on the unit, a minimum of 30 gallons of water or twice the capacity of the three compartment sink, whichever is greater, must be provided for this purpose (Chapter 4).

12. Describe how garbage will be stored and where it will be thrown away. What methods of insect and rodent control will be used in your unit (screens, garbage cans with tight fitting lids) (6-202.15, 6-501.111)?

13. Where is your restroom facility located (6-302, 6-402.11 & OAR 333-162-0020(4))?

14. Describe the type of overhead protection provided for your unit (ceilings, awnings, umbrellas) (OAR 333-162-0680).

15. Where and how will the unit be cleaned? If you plan to wet mop the unit, where will you dispose of mop water (5-203.13 & OAR 333-162-0930)?

MOBILE FOOD UNIT OPERATING SCHEDULE

- I plan on operating at one location.

Location address: _____

- I plan on operating at multiple locations or on a route.

List all locations where you plan to operate. If operating on a fixed route or in multiple locations, indicate the approximate time and days of the week or date you will be at each location. Attach additional sheets if necessary.

Operating Location	Time	Day of Week or Specific Date

You are required by law to notify your local public health authority if you're operating location or route changes. If you relocate to another county you must first notify the new county prior to operation.



Oregon Health Authority
Food, Pool and Lodging, Health and Safety Section

MOBILE FOOD UNIT OPERATION GUIDE

Guidelines for Food Service

OREGON HEALTH AUTHORITY

Mobile Food Unit Operation Guide

QUESTIONS? Contact your county health department for more information on mobile units. See page 4 of this guide for county phone numbers.

Oregon Health Authority
Foodborne Illness Prevention Program
800 NE Oregon Street, Suite 640
Portland, OR 97232
Phone: 971-673-0185

www.healthoregon.org/foodsafety

Rev 12/14

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Mobile Food Unit Operation Guide

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

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

Contact your County Health Department early in your planning process. Determine the county where you will be operating your mobile unit and contact that county's Environmental Health Program (see page 4, the back of this guide, or website).

Base of Operation

Base of Operation

Mobile food units must operate from a licensed restaurant, commissary, or warehouse. A warehouse may be accepted as a base of operation if only prepackaged goods are sold (OAR 333-162-0040; OAR 333-162-0930; OAR 333-162-0940; OAR 333-162-0280; 333-162-0680).

The regulatory authority will determine whether self-contained mobile food units have the ability to operate without a base of operation. To do so, the units must contain all the equipment and utensils that a commissary would provide.

What is a Mobile Food Unit?

A mobile food unit is any vehicle that is self-propelled, or can be pulled or pushed down a sidewalk, street, highway or waterway. Food may be prepared or processed on this vehicle, and the vehicle is used to sell and dispense food to the ultimate consumer. There is no size limit to mobile food units, but they must meet the following basic requirements:

- Mobile units must be mobile at all times during operation. The unit must be on wheels (excluding boats) at all times (Section 1-201.10).
- The unit and all operations and equipment must be integral to the unit. There are three exceptions that may be allowed provided that specific conditions are met. These exceptions will be discussed later in this document on page 5.

How is a Mobile Food Unit Classified?

There are four types of mobile food units. The mobile food unit classifications are based on the menu. A mobile food unit can serve menu items within its classification number or below (see Table 1). For example, a Class III unit may also sell items allowed under Class II and I (OAR 333-162-0020(2)).

Class I These units can serve only intact, packaged foods and non-potentially hazardous drinks. No preparation or assembly of foods or beverages may take place on the unit. Non-potentially hazardous beverages may be provided from covered urns or dispenser heads only. No dispensed ice is allowed.

Class II These units may serve foods allowed under Class I and provide hot and cold holding display areas from which unpackaged foods are displayed. Self-service by customers of unpackaged food is not allowed. Preparation, assembly or cooking of foods is not allowed on this unit.

Class III These units may serve any food item allowed under Class II, and may cook, prepare and assemble food items on the unit. However, cooking of raw animal food on the unit is not allowed.

Class IV These mobile food units may serve a full menu.

Table 1: Mobile Food Unit General Requirements and Limitations

Requirements	Class I	Class II	Class III	Class IV
Water Supply Required	No	Yes	Yes	Yes
Handwashing System Required	No	Yes - Minimum Five Gallons ¹	Yes - Minimum Five Gallons ¹	Yes - Minimum Five Gallons ¹
Dishwashing Sinks Required	No	No ²	Yes – Or Licensed Commissary ²	Yes - Minimum 30 Gallons ²
Assembly or Preparation Allowed	No	No	Yes	Yes
Cooking Allowed	No	No	Yes ³	Yes
Barbecue Operation Allowed	No	No	Yes - Reheating of fully cooked foods ⁴	Yes
Restroom Required	Yes	Yes	Yes	Yes
Examples	Prepackaged Sandwiches/Dispensed Soda	Service of Unpackaged Food Items	Espresso Hot Dogs	No Menu Limitation

1 The handwashing system must be plumbed to provide hot and cold running water.

2 Must provide a minimum of 30 gallons of water for dishwashing or twice the capacity of the three compartment sinks, if provided.

3 May cook only foods that are not potentially hazardous when raw (rice, pasta, etc.).

4 With Class III units, the barbecue must be integral to the unit and only used to impart flavor.

County Health Departments

Contact your county health department's environmental health program early in your planning process. Determine what county you will be operating your mobile unit. The county's environmental health program contact information can also be found at: <http://public.health.oregon.gov/ProviderPartnerResources/LocalHealthDepartmentResources/Pages/lhd.aspx>.

Baker	541-473-5186	Lake	541-947-6045
Benton	541-766-6841	Lane	541-682-4480
Clackamas	503-655-8384	Lincoln	541-265-4127
Clatsop	503-325-8500	Linn	541-967-3821
Columbia	503-397-4651	Malheur	541-473-5186
Coos	541-751-2431	Marion	503-588-5346
Crook	541-447-8155	Morrow	541-278-5432
Curry	541-247-3300	Multnomah	503-988-3400
Deschutes	541-322-7400	Polk	503-623-9237
Douglas	541-464-3820	Sherman	541-506-2600
Gilliam	541-506-2600	Tillamook	503-842-3900
Grant	541-575-0429	Umatilla	541-278-5432
Harney	541-573-2271	Union	541-962-8800
Hood River	541-387-6885	Wallowa	541-426-4848
Jackson	541-774-8206	Wasco	541-506-2600
Jefferson	541-475-4456	Washington	503-846-8722
Josephine	541-474-5325	Wheeler	541-763-2725
Klamath	541-883-1122	Yamhill	503-434-7525

Licensing Your Mobile Food Unit

A license is required. Before a Mobile Food Unit is licensed, it must go through a plan review with the local Environmental Health Department. Prior to licensing, there may be other agencies from which you will be required to obtain approvals. These include, but are not limited to planning (zoning), building codes (structural, electrical, plumbing) Fire Marshall, and other city or county authorities (OAR 333-162-0880).

Food Handler Certificates

All food service workers must obtain a food handler certificate. For more information on how to obtain a food handler certificate, contact your County Health Department or go to: www.healthoregon.org/foodsafety/cert.shtml (OAR 333-175-0000).

Activities Allowed Outside of the Unit

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

Barbecue Unit

A Class III unit may use a barbecue to impart flavor on fully cooked animal food items prior to putting the food item into hot holding or immediately prior to service. The barbecue unit may not be used for hot holding or any other use outside of this description. On a Class III unit, the barbecue must be integral to the unit (OAR 333-162-0020(3)).

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

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

Seating for Customers

Operators may provide seating for customers if restrooms are readily accessible within one-quarter mile or a five-minute walk from the mobile food unit. The restroom must have a handwashing facility that provides hot and cold running water, soap, and paper towels or air dryer (OAR 333-162-0020(4)).

Auxiliary storage

Auxiliary storage may be provided if it is limited to impervious, nonabsorbent, covered containers stored in such a manner as to prevent contamination or infestation. Auxiliary storage shall be limited to an amount that can be used in the course of a day's operation. No self-service, assembly or preparation activities may occur from the auxiliary storage container (OAR 333-162-0020(5)).

Food Sanitation Requirements

Person In Charge (PIC)

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

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

Sick Employees Must Not Work

Employee Illness

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

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

Handwashing Facilities

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

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

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

When and How to Wash Hands

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

Food Source

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

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

Water Source

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

Potentially Hazardous Foods (PHF)

Potentially hazardous foods are:

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

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

Food Temperatures

Hot and Cold Holding

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

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

Date Marking

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

Thawing Foods

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

Cooling

The best way to keep food safe is to make it fresh each day, just before you serve it. If you have food that is leftover or made in advance, you must cool it from 135°F to 70°F within two hours. Then the food must cool from 70°F to 41°F within four hours. If the food does not reach 70°F within two hours, you must reheat the food to 165°F, and start the cooling process again or you may serve it immediately or hot hold the food until service. If the food takes longer than four hours to drop from 70°F to 41°F,

it must be discarded. Refer to the food handler manual for more information or look online at: www.healthoregon.org/foodsafety.

Cooking

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

- Poultry, stuffed meats, stuffed fish, stuffed pasta to 165°F
- Ground beef and other ground meats to 155°F
- Pork, eggs, fish and other potentially hazardous foods 145°F

A consumer advisory will be required for facilities that serve raw or under cooked animal products, such as “burgers cooked to order”.

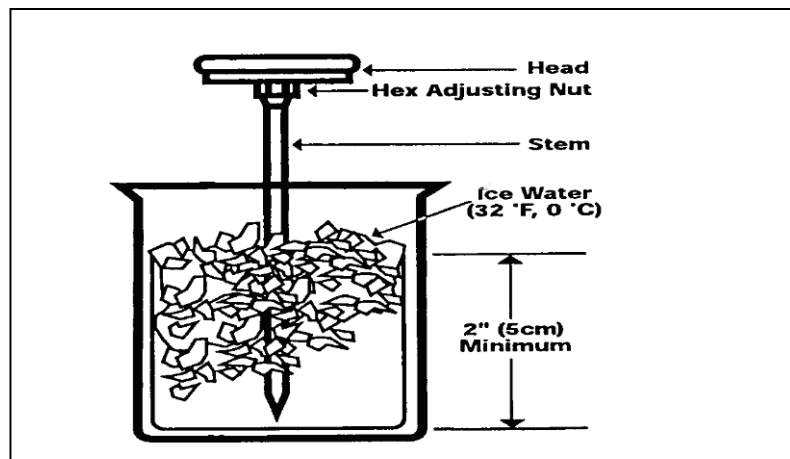
Reheating

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

Thermometers

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

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



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

Dishwashing

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

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

Cleaning and Sanitizing

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

General Food Protection

- Store food and utensils up off the floor. Store food only in food grade containers. Protect food and utensils from dust and other contaminants (Sections 3-305.11; 4-1)
- Store chemicals such as liquid bleach and detergents below and separate from the food and utensils. Properly label all chemical containers (Section 7-2)
- Keep all garbage in a watertight container with lid (Section 5-5)
- Dispose of wastewater properly into a plumbed sewer (Section 5-4)
- Protect food from insects and rodents (Sections 6-202.15; 6-501.111; 6-501.11)

RE: CUP 18-02 and SP 18-05 Project review request

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Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>

Mark as unread

Tue 11/6/2018 8:02 AM

To: Matt Straite;

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To always show content from this sender, [click here](#).

[Bing Maps](#)

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Good morning Matt,

Access and water supply are adequate so Fire has no comments.

Thanks!



Lora Ratcliff

Senior Deputy Fire Marshal - Compliance

541-917-7728 phone

Albany Fire Department

City of Albany, Oregon

611 Lyon St SE, Albany, Oregon 97321

fire.cityofalbany.net



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From: Matt Straite <mstraite@cityofmillersburg.org>

Sent: Wednesday, October 31, 2018 10:15 AM

To: corcutt@linnsheff.org; dsterling@co.linn.or.us; Billers@nwnatural.com; d6b@nwnatural.com; cbonn@co.linn.or.us; Scott.Seaton@pacificorp.com; jeff.r.lehmeyer@usps.gov; LaBelle, Chris <Chris.LaBelle@cityofalbany.net>; Janelle Booth <jbooth@cityofmillersburg.org>; Planning List <PlanningList@cityofalbany.net>; Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>; sshortes@co.linn.or.us; or.97208amsportland@usps.gov; sbarnett@co.linn.or.us; staylor@co.linn.or.us

Subject: CUP 18-02 and SP 18-05 Project review request

Please see the attached documents for your agencies review of Millersburg Applications Conditional Use Permit CUP 18-02 and Site Plan SP 18-05, for a food truck court for up to seven mobile food vendors. The site features portable restrooms, a shipping container turned into an eating area, 19 parking spaces, circulation, landscaping, and several onsite and off-site signs. The project is tentatively scheduled for a hearing on November 28, 2018. Please have your comments back by November 12, 2018. Let me know if you have any questions.

RE: CUP 18-02 and SP 18-05 Project review request

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Taylor, Stephanie <staylor@co.linn.or.us>

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Thu 11/15/2018 1:15 PM

To: Matt Straite;

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Hello Matt,

I know this is a few days late, but the meeting isn't until the 28th, so I hope that the following comments can make it into your decision:

1. Any sign that is approved shall be installed in such a manner as to not impede sight distance at intersections and road approaches.
2. Each access shall require a commercial access review
3. Linn County Road Department recommends that all gravel areas that will have motor vehicles on it, be paved to prevent gravel being carried onto the roadway

Thank you for your consideration!

Stephanie Taylor
Linn County Road Department
3010 Ferry Street SW
Albany, OR 97322
staylor@co.linn.or.us
(541) 967-3919

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]**Sent:** Wednesday, October 31, 2018 10:15 AM**To:** Orcutt, Cathy (SO) <corcutt@linnsheiff.org>; Sterling, Derrick <dsterling@co.linn.or.us>;

Billers@nwnatural.com; d6b@nwnatural.com; Bonn, Christopher <cbonn@co.linn.or.us>;

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<jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net; Lora.ratcliff@cityofalbany.net; Shortes, Sean

<sshortes@co.linn.or.us>; or.97208amsportland@usps.gov; Barnett, Steve <sbarnett@co.linn.or.us>; Taylor,

Stephanie <staylor@co.linn.or.us>

Subject: CUP 18-02 and SP 18-05 Project review request

Please see the attached documents for your agencies review of Millersburg Applications Conditional Use Permit CUP 18-02 and Site Plan SP 18-05, for a food truck court for up to seven mobile food vendors. The site features portable restrooms, a shipping container turned into an eating area, 19 parking spaces, circulation, landscaping, and several onsite and off-site signs. The project is tentatively scheduled for a hearing on November 28, 2018. Please have your comments back by November 12, 2018. Let me know if you have any questions.

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: November 11, 2018
SUBJECT: CUP 18-02/SP 18-05 - Engineering Comments

Engineering has reviewed the above project and has the following comments:

1. Private water and sewer lines to each vendor site require a plumbing permit and inspection by Linn County. If utilities are already installed, provide evidence that they were permitted and inspected. If they were not permitted and inspected, applicant must contact Linn County to determine a path to compliance.
2. System Development Charges (SDCs) for water and sewer are due at the time of connection. Commercial SDC charges are based on equivalent dwelling units.
3. Sewer connections require oil/water separator(s).
4. Applicant must submit a plan showing stormwater runoff patterns and impacts to adjacent properties. Stormwater detention may be required.
5. The 18' wide driveway must be removed and reconstructed with standard curb.
6. The gravel drive area between the 30' wide access off of Old Salem Road and the paved parking area should be paved with asphalt cement or concrete.
7. Applicant must construct a sidewalk along the Old Salem Road frontage, from the western limit of the property to connect to the existing sidewalk east of the property.
8. Construction within Linn County right-of-way must conform to Linn County construction standards and requires a Linn County right-of-way permit.
9. Landscaping, meeting the requirements of Section 5.134(8) of the Land Use Development Code is required between the 30' driveway and the existing decorative gravel/river rock area.
10. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.



NOTICE OF PUBLIC REVIEW
November 28, 2018, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a Hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment. Failure of an issue to be raised or failure to provide sufficient specificity to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven (7) days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

- APPLICANTS:** THE Headrick Properties, Lorri Headrick
- LOCATION:** 6435 Old Salem Road
- TAX LOT:** Township 10 South; Range 3 West; Section 16; Tax Lot 02100.
- PARCEL SIZE:** 2.48 acres (only a portion of the property is to be used for this permit)
- ZONING:** Limited Industrial (LI)
- REQUEST:** The applicant is proposing a Conditional Use Permit (CUP 18-02) and Site Plan Review (SP 18-05) for food truck court for up to six mobile food vendors. The site features portable restrooms, a shipping container turned into an eating area, 24 shared parking spaces, circulation, landscaping, and several onsite and off-site signs.
- CRITERIA:** Millersburg Development Code; Section 2.400(2) and 2.500(2).
- FILE No.:** CUP 18-02 and SP 18-05

The location of the meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify City Hall twenty-four (24) hours before the meeting. For further information, please contact City Hall at (541) 928-4523.

Vicinity Map



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.