

FINDINGS OF FACT and FINAL ORDER TYPE I LAND USE DECISION

DATE: March 24, 2021

FILE NO.: 21-010 TEMP

PROJECT NAME: Timber Lake Job Corp Mobile Kitchen

APPLICANT: Timber Lake Job Corp. (TLJC)

PROPERTY OWNER: Jabez Properties

PROPERTY ADDRESS: 39050 Pioneer Blvd

LEGAL DESCRIPTION: T2S R4E Section 13CA Tax Lot 00800

DECISION: Approved subject to conditions of approval

EXHIBITS:

Applicant's Submission

- A. Land Use Application (*received 3/17/21*)
- B. Jabez Properties (*property owner*) written approval (*received email 3/10/21*)
- C. Aerial Map (*received 3/17/21*)
- D. Clackamas County Health Department License **temporary (1 day)** approval (*received 3/23/21*)
- E. Sandy Fire Districts Fire Marshal Approval - Email (*received 3/22/21*)

FINDINGS OF FACT

General

1. The applicant submitted a Temporary Use Permit application on March 17, 2021 requesting temporary use permit approval to set up a mobile kitchen unit, generator, banquet tents, tables, food service equipment, dumpster, porta john and water tank at 39050 Pioneer Blvd for training their Job Corp students on a new kitchen trailer and to hold a one-time event to pass out free food to the public. The applicant also proposes to store all their equipment on-site from Wednesday March 17, 2021 to Friday April 2, 2021 with clean-up on Saturday April 3rd and Sunday April 4th 2021.
2. The students will train on the mobile kitchen from Wednesday March 17, 2021 to Friday April 2, 2021 from 8am - 4:30pm.
3. The actual event will take place on Wednesday March 31, 2021 from noon to 1pm with set-up proposed on Tuesday March 30, 2021 and breakdown by April 4, 2021. During the event, students of the Timber Lake Job

Corp (TLJC) will be cooking and handing out free hamburgers and hotdogs served in a closed container to the public, while learning how to operate a mobile kitchen.

4. The location of the mobile kitchen will be in a closed parking lot and will not interfere with maneuvering for vehicles. **The walkway in front of 39050 Pioneer Blvd (US Forest Service rented office space) shall be clear of obstructions and provide a clear path per ADA requirements.**
5. The applicant has provided documentation from property owner Ernie Brache with Jabez Properties who has approved this event to take place at this location (Exhibit B).
6. Per Clackamas County Environmental Health (Exhibit D) the public health license has been temporarily approved for a one-time basis.
7. Per City of Sandy Fire Marshal Gary Boyles (Exhibit E) approval to operate has been granted.
8. The site is located west of Meinig Ave. (Hwy 211) and south of the existing AEC building.
9. The parcel has a Plan Map designation of Commercial and a Zoning Map designation of Central Business District, C-1.
10. Chapter 17.10 defines a temporary use as, "a use, intended for limited duration, to be located in a zoning district not permitting such use and not constituting or continuing a nonconforming use or building." **The proposed use is determined to be a temporary use as defined.**
11. Section 17.74.60 contains requirements related to temporary uses and structures. Section 17.74.60(A) specifies that temporary uses may be permitted for a period not to exceed 90 days. As specified above the applicant proposes to have this event one day on March 31, 2021 for a total of one event and therefore is in general compliance with the temporary use standards. Also stated above, the applicant proposes to store all their equipment on-site from March 17th - April 2nd 2021, with cleanup on Saturday April 3rd and 4th. This also is in general compliance with the temporary use standards.
12. The application is reviewed as a Type I Temporary Permit. Notice of the proposal is not required.
13. The applicant has also proposed a food cart at the event. Section 17.74.90(B) states that food carts are not permitted to operate from a motorized vehicle or be a drive-through. The applicant proposes a non-motorized trailer with no drive-through, therefore is in general compliance with Section 17.74.90(B). Section 17.74.90(E)(2) contains standards related to the size of a food cart. The mobile kitchen is 53 feet long, 8 feet wide and 14 feet high for a total of 424 sq. feet. The proposed use is not in compliance with Section 17.74.90(E)(2), which states food carts must not exceed 20 feet in length or be greater than 200 square feet. However, the proposal is not for a permanent food cart but rather a temporary, one-time event; therefore, the larger size is permitted.
14. Section 17.74.90 (E)(3) requires all carts to be placed on a paved surface. **The TLJC mobile kitchen shall be located on a paved surface.**
15. Section 17.74.90 (E)(4, 5, and 6) requires carts to be located at least three feet from the public right-of-way or back of sidewalk, and not located within 25 feet of an active driveway. **The TLJC mobile kitchen shall meet all required setbacks.**

16. Section 17.74.90 (E)(7) specifies that food carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. **The TLJC mobile kitchen shall not be located in fire lanes or drive aisles.**
17. Section 17.74.90 (E)(12) states the exterior surface of the cart shall be clean and free of dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. The TLJC mobile kitchen is white in color, brand new and is in mint condition.
18. Section 17.74.90 (E)(13) requires that each cart shall provide an awning to shelter customers with a minimum clearance of seven feet between the ground and the awning. The food cart awning on the TLJC mobile kitchen is seven feet in height.
19. Section 17.74.90(E)(14) states tents, and canopies must be free of tears, mold, or broken or non-functioning supports and shall be securely anchored. **The applicant's tents, generators, porta johns, and tables shall be properly secured at all times to prevent being blown by the wind. The securing system used shall not penetrate into the parking lot surface.**
20. Sections 17.74.90(E)(19-23) contain standards related to Food Cart Fire Safety. City of Sandy Fire Marshal Gary Boyles reviewed, inspected and approved the applicant's mobile kitchen and tents on Monday March 22nd 2021 as noted above.
21. Section 17.74.90(E)(25) of the food and beverage cart standards requires restrooms with handwashing facilities to be on-site or within one-quarter mile or a five-minute walk. Since the applicant is proposing a food cart, they are also proposing a porta-john with handwashing facility on-site at 39050 Pioneer Blvd.
22. Signage is regulated by Chapter 15.32, Sign Code regulations. **All signage requires approval of a City sign permit in compliance with the requirements of Chapter 15.32, Sign Code. Per Section 15.32.080 roof signs are prohibited.**

DECISION

The proposed Temporary Use is in general conformance with the temporary use standards of the Sandy Development Code, Chapter 17.74.60(A). **The Temporary Use of this mobile kitchen is allowed on a one-time basis.** The following conditions of approval shall be required in order to ensure compliance with all applicable regulations of the Sandy Municipal Code.

CONDITIONS OF APPROVAL

1. The applicant is permitted to use the parking lot located at 39050 Pioneer Blvd for the proposed special event on Wednesday March 31, 2021 from 12:00 PM to 1:00 PM. The applicant is permitted to use the space at 39050 Pioneer Blvd for training the Timber Lake Job Corp students on the mobile kitchen from March 30, 2021 to April 2, 2021 from 8am to 4:30pm. They are also permitted to store equipment for this event on-site from March 17, 2021 - April 2, 2021 with clean-up on April 3rd and April 4, 2021.
2. The TLJC mobile kitchen shall be placed on a paved surface.

3. All tents, generators, porta johns, and tables shall be properly secured at all times to prevent being blown by the wind. The securing system used shall not penetrate into the parking lot surface.
4. The walkway in front of 39050 Pioneer Blvd. shall be clear of obstructions and provide a clear path per ADA requirements.
5. The proposed temporary use shall be monitored to ensure there is no disruption of traffic and does not have adverse impacts to adjoining properties.
6. The TLJC mobile kitchen shall meet all required setbacks.
7. The TLJC mobile kitchen shall not be located in fire lanes or drive aisles.
8. Carts shall comply with all applicable Oregon Electrical, Mechanical, Plumbing and Structural Codes.
9. The proposed event shall comply with Section 8.20 of the Municipal Code regarding noise and amplified music.
10. The applicant is responsible for complying with signage regulations and applying for sign permits. Obtain a sign permit for any requested signage in compliance with the requirements of Chapter 15.32, Sign Code. Per Section 15.32.080 roof signs are prohibited.
11. The applicant shall remove the mobile kitchen and other mentioned items from the site no later than Sunday April 4, 2021.
12. This Temporary Use Permit may be revoked by the City if conditions of approval are not met. Approval of this Temporary Use does not grant authority for the unrestricted use of the site.
13. Any other conditions or regulations required by Clackamas County, Fire District No. 72, and the Oregon Department of Transportation, or County, State or Federal agencies are hereby made a part of this permit and any violation of the conditions of this approval will result in the review of this permit and/or revocation.
14. Approval of this use may be revoked if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site. Any use of the site may be prohibited until such time as all required improvements are completed.

Rebecca Casey

Rebecca Casey
Administrative Assistant
(Signed on behalf of Kelly O'Neill Jr., Development Services Director)

March 24, 2021

Date

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 12 calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, "*Notice of Appeal*", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.