

**CITY OF HUBBARD PLANNING COMMISSION
STAFF REPORT**

REPORT: April 16, 2021

HEARING: April 20, 2021

FILE No.: Site Development Review, file #DR 2021-01

APPLICANT: Taylor Hanson, Mama Bears Espresso

OWNER: JB & IB LLC

ADDRESS: 3081 J Street, Hubbard, Oregon 97032 (TL #041W33DA01600)

ZONE: RC – Residential Commercial, with Highway 99E Overlay

REQUEST: Site Development Review approval to install a permanent coffee food cart with a drive-through window, to be located on the rear portion of the subject property which is currently developed with a paved parking lot used for outdoor vehicle sales display and a dog washing facility. Drive-through entrance would be from J Street, and exit would be onto Highway 99E through the shared driveway with the adjacent carwash.

CRITERIA: Hubbard Development Code (HDC) Section 2.104 RC – Residential Commercial District, Section 2.111 Highway 99E Overlay Zone, Section 2.200 General Development Standards, and Section 3.105 Site Development Review. Hubbard Municipal Code Chapter 5.15 Food Carts.

EXHIBITS A: Request for comments, City department and partner agency responses combined
B: SDR Application submitted by applicant
C: City of Hubbard Municipal Code 5.15 Food Cart Standards

I. PROCEDURE & AUTHORITY

A Site Development Review is a Type II Action. A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. The final decision is made by the Planning Commission, followed by a 12-day appeal period. Public notice and a public hearing are provided. An appeal of a Type II decision is to the City Council.

II. BACKGROUND

A. VICINITY MAP



B. FILE HISTORY

The subject property is addressed as 3081 J Street (TL 1600). An adjacent property is addressed as 3092 1st Street (TL 2700). The two properties are held by different property owners, who are family members (parents and son). There have been several land use actions approved for one or both of the properties. Some are listed below for reference.

- *DR 1997-02: Site Development Review for a paint contractor shop.*
- *VAR 1999-04: Related to the conditions of approval from paint contractor shop.*
- *DR 2007-04, VAR 2007-03: No structures, Site Development Review for vehicle storage, two containers.*
- *DR 2009-01, VAR 2009-02, CUP 2009-01: Site Development Review for the car wash.*
- *LLA 2009-01: Lot Line Adjustment between the two properties (TL 1600 and TL 2700).*
- *VAR 2012-03: Variance to rear setback of dog wash station.*
- *ZC 2016-01, DR 2016-03: TL 2700 Rezoned RC to C. Site Development Review for auto detailing shop.*

A majority of the files listed above applied to TL 2700, but there have been associated lot line adjustments and easements between the properties. Further, the two properties share an access driveway onto Pacific Highway 99E. The dog wash station and auto self-serve vacuums installed by the carwash development on TL 2700 are located on TL 1600. The applicant's approved food cart permit lists the sponsoring business which has committed to providing restrooms for employees and customers as the auto detailing shop on TL 2700. For these reasons, the property at 3092 1st Street is referenced in this staff report.

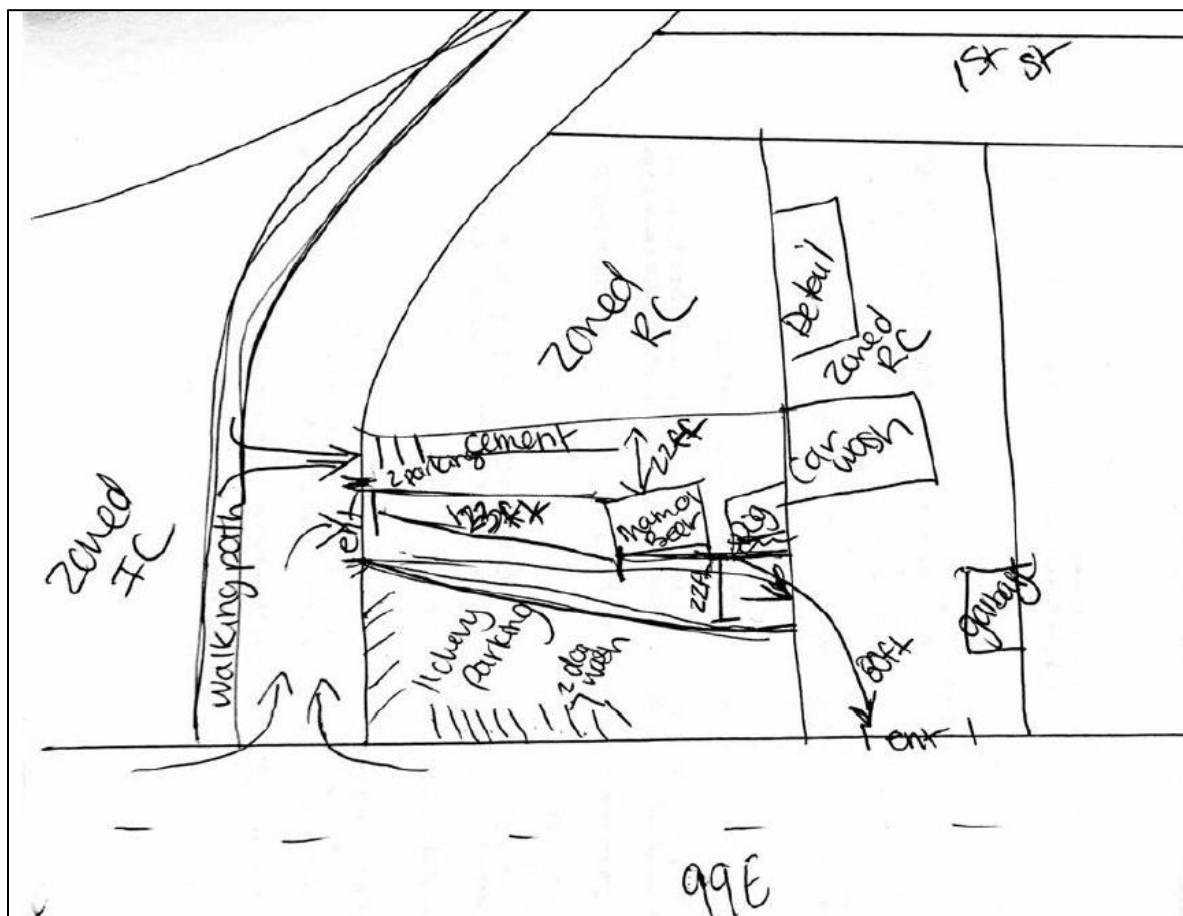
C. EXISTING CONDITIONS: Streetview & Aerial Photos Source Google



PROPOSED SITE OF DRIVE-THROUGH DRIVEWAY FROM 1ST STREET
(Outdated Google image dated 2013 shows former portable office unit at the proposed location)



D. PROPOSED SITE PLAN: (Provided by the applicant)



III. REVIEW STANDARDS/CRITERIA

The submitted Site Development was reviewed by the following standards and criteria from the Hubbard Development Code (HDC). Department and Agency responses are attached in Exhibit A. The full application package is attached as Exhibit B. Hubbard Food Cart Rules are attached in Exhibit C.

3.105 SITE DEVELOPMENT REVIEW

Section 3.105.06 Evaluation of Site Development Plan

The review of a Site Development Plan shall be based upon consideration of the following:

A. Characteristics of adjoining and surrounding uses;

FINDINGS: The subject property 3081 J Street is located at the corner of Pacific Highway 99E and J Street in Hubbard. The Highway 99E strip is generally developed with commercial and industrial-commercial land uses. The subject property is zoned RC-Residential Commercial with the Highway 99E Overlay. The overlay grants RC-zoned properties abutting 99E the same commercial uses as permitted in C – Commercial zone.

As described above in the background section, the subject property is adjacent to a family-owned property addressed as 3092 1st Street which is zoned Commercial. Together, these two properties are developed with an auto-sales display parking lot, self-service dog wash facility, self-serve auto vacuums, car wash, and auto-detailing shop. There is a neighboring property to the north on 1st Street zoned RC – Residential Commercial, developed with a commercial building. The rear of the subject property near the proposed coffee drive-through is screened from that property by a tall hedge.

The City of Hubbard adopted Food Cart Standards in the Municipal Code as Title 5.15, attached to this report as Exhibit C. Pursuant to HMC 5.15, drive-throughs are not allowed with an annual food cart permit; a site development review is required. The applicant was approved for an annual food cart permit in early 2021, but opted to secure the drive-through approval before opening for business.

HDC Section 2.104.02 states that “Restaurants except those with drive-through facilities” are an outright permitted use in the RC Zone. However, HDC 2.111.03 99E Overlay Zone Permitted Uses states “the uses permitted in the Highway 99E Overlay Zone shall be the same as those permitted in the Commercial General (CG) Zone, in addition to those permitted in the underlying RC Zone.” The C Zone does not prohibit drive-throughs. Staff finds that the drive-through coffee food cart is permitted at this location.

Similar to another permanent drive-through coffee food cart in town, approval of this drive-through coffee cart would be a permanent approval for as long as the food cart is located on this site. The applicant would not need to reapply on an annual basis for a food cart permit from the City.

No outdoor seating area is proposed with this application. The City Engineer states that if outdoor seating were provided, the applicant would be required to provide a restroom facility. Porta-potties would not be allowed.

All development is subject to the minimum landscaping area requirements of HDC Section 2.207.03. Commercial developments are required to provide a minimum of 10% of the gross land area. The applicant proposes to place the food cart on the existing paved parking lot. No additional impervious area is proposed. The existing parking lot is bordered by the large hedge on the rear property boundary and bark mulch along the front property boundary. No additional landscaping is either proposed or required with this application.

Staff recommends a condition of approval that the existing hedge is maintained in compliance with the HDC Section 2.401.09 Fences, Walls and Hedges, and consistent with the Clear Vision Area guidelines, for visibility along the 1st Street driveway.

No lighting is shown in the submitted plan set. The Hubbard Police Department generally recommends perimeter lighting as well as monitored security systems, to aid nighttime patrol and crime deterrence. If the applicant decides to erect lighting on site, any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use, and shall not cast a glare or reflection onto moving vehicles on public rights-of-way. Any new lighting plans for review and approval by Public Works, to include fixture catalogue cuts showing illumination patterns.

No signage is shown on the site plan. Staff recommends a condition of approval requiring sign review and permitting for all future signs on this property, consistent with HDC 2.206.

In consideration of the proposed development, the characteristics of surrounding uses, and conditions, staff concludes the proposed use can be made compatible with other uses in the vicinity. This standard can be met through compliance with the recommended conditions of approval.

B. drainage and erosion control needs;

STAFF FINDINGS: The HDC Section 2.204 addresses storm drainage requirements. The proposed food cart does not change the amount of impervious surface on the site, which is already a paved parking lot. As such, the applicant was not required to submit a storm water drainage plan or report. Staff finds that this criterion does not apply.

C. public health factors;

STAFF FINDINGS: Public health factors pertain to proposed connections to city water and sewer utilities. As reported by Public Works staff, existing water and sewer service connections are already located on the site from a prior portable office building which was previously at this location (visible in the photo above). The City Engineer reviewed the applicant's submitted plan set and had no concerns related to water or sewer capacity. The connections are appropriately sized. Staff finds that the applicant can meet the public health factors criterion through connection to the existing utilities.

D. traffic safety, internal circulation and parking;

STAFF FINDINGS: Oregon's Pacific Highway 99E is classified as an arterial street in the adopted 2012 Hubbard Transportation System Plan (TSP). The public street right-of-way is 80 feet wide. The 99E right-of-way should be widened, but a right-of-way dedication is not proportional to the scale of the proposed use. No dedication is required at this time.

The applicant's site plan sketch indicates that food cart traffic would enter the property using the existing driveway on 1st Street, and exit from the existing driveway onto Pacific Highway 99E. Access points onto 99E are the jurisdiction of the Oregon Department of Transportation (ODOT). ODOT staff reviewed the proposed coffee food cart drive-through proposal and commented:

The site is adjacent to Pacific Highway East, No. 081 (OR-99E), and is subject to state laws administered by ODOT. The site currently has one highway approach at MP 29.53, which was permitted in 1978 for a used car lot. (Permit #24230 is attached.) The proposal will not trigger a change of use and the permit is still valid.

ODOT staff also asked about a 2009 land use decision they have on file which required the construction of sidewalks along the frontage of this property, noting that none had been constructed. Staff researched this condition and determined that a subsequent variance application modified that land use decision, removing that condition of approval. While sidewalks are generally required with a Site Development Review application, this public improvement would not be proportional to the scale of the proposed land use. Dedication and sidewalk will both be required upon future redevelopment of the subject property.

The applicant's submitted site plan indicates that the drive-through lane would be 123 feet long and a total of 984 square feet, resulting in a width of 8 feet. The City Engineer has reviewed the proposal and believes that the stacking distance is sufficient length for the food cart. There were no comments received about the lane width to date, however, the City's standard for a parking space is 8 ½ feet in width.

The site sketch submitted is not to scale. In order to confirm that the driveway, drive-through lane, parking spaces, bike rack location, and the backing distances meet the minimum dimensions, the City Engineer requires the applicant to submit a site plan drawn to scale which demonstrates the layout of the site, with all dimensions labeled.

There is concern about the pedestrian access indicated crossing 1st Street at midblock. Pedestrians should use the permitted and striped crosswalks. No new crosswalk is approved at this location.

The HDC section 2.203.07 addresses parking and loading area development requirements. Section (A) states that all driveways, parking, maneuvering, and loading areas shall have a durable hard surface. The site is paved.

HDC section 2.203.05 establishes off-street parking ratios required by development type. Eating and drinking establishments are required to have 1 space per 250 square feet of gross floor area. The applicant is proposing to provide at least two parking spaces for the coffee food cart use. While there is

no off-street parking standard established for a drive-through coffee food cart, staff supports the two proposed spaces; one space for the employee, and one for a customer. Additional parking is available nearby on the same property.

HDC Section 2.203.06 Off-Street Loading Requirement. No loading zone is required.

HDC Section 2.203.09 Parking of Bicycles. "Restaurants including drive-ins" are required to provide one bicycle parking space per every 1,000 SF of gross floor area. Staff recommends the provision of one bicycle parking space in a corresponding condition of approval.

The Public Works Superintendent and the City Engineer expressed concern about the potential for vehicle conflict as customers exiting the food cart pass by the blind corner at the dog wash facility, joining traffic from the car wash to exit the property onto 99E. The recommended solution is a stop sign at the corner of the dog wash. The applicant should clearly show this on the site plan drawn to scale. This is a recommended condition of approval.

Also related to site safety, the City Engineer requires that the food cart unit have and display an address, per HDC 2.401.14 and Police Department requirements.

Staff finds the proposed drive-through food cart can meet all traffic safety, internal circulation, and parking requirements through compliance with the recommended condition of approval.

E. provision for adequate noise and/or visual buffering from non-compatible uses;

STAFF FINDINGS:

The HDC states the following about screening:

2.207.05 Screening and Buffering

A. Screening shall be used to eliminate or reduce the visual impacts of the following:

- 1. service areas and facilities, including garbage and waste disposal containers, recycling bins and loading areas;*
- 2. outdoor storage and outdoor display areas;*
- 3. parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses;*
- 4. at and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners; and*
- 5. any other area or use as required by this Ordinance.*

B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

As previously discussed, the existing parking lot is screened from the RC-Zoned property to the north by a tall evergreen hedge. The applicant states that no new outdoor storage areas are proposed. The applicant has identified the trash and recycling bin location shared by the car wash development at the northeast corner of the site, which is already screened. Staff finds this criterion is met as proposed.

F. retention of existing natural features on site;

STAFF FINDING: The subject property is already developed. No significant natural features have been identified on site. Staff finds this criterion does not apply.

G. connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities; and

STAFF FINDING: Traffic circulation was addressed above. Staff finds the submitted site plan does not demonstrate an internal pedestrian connection to the sidewalk in the public right-of-way. Staff has included a recommended condition of approval that the applicant demonstrate pedestrian access to the food cart on the revised site plan. This standard can be met through compliance with the recommended conditions of approval.

H. problems that may arise due to development within potential hazard areas.

STAFF FINDING: No hazard areas are identified. Staff finds that this criterion does not apply.

IV. STAFF CONCLUSIONS & RECOMMENDATION

Based on the findings contained in this report, Staff concludes that the application (File DR 2021-01) can be found to comply with the applicable criteria, subject to compliance with the recommended conditions of approval listed below. Staff recommends APPROVAL of the application, subject to the following conditions of approval.

V. RECOMMENDED CONDITIONS OF APPROVAL

A. It is the responsibility of the applicant to obtain copies of and be familiar with all applicable codes and standards. Conformance to City of Hubbard Design and Construction standards is required. Compliance with Conditions of Approval shall be the sole responsibility of the applicant.

B. Applicant shall be responsible for all costs of public and private infrastructure improvements associated with the development.

C. REVISED SITE PLAN: Prior to final approval of food cart, the applicant shall submit a final site plan which demonstrates compliance with these conditions of approval. Site plan shall include the dimensions of all drive aisles, parking spaces, ADA-compatible pedestrian walkway, setbacks, bike parking, and stop sign. Minimum setback required from the dog-wash structure is 6-feet by the food cart standards HMC 5.15. Minimum parking stall dimensions are 8 ½ feet by 20 feet.

D. STOP SIGN: Prior to final approval of food cart, applicant shall install a stop sign to control vehicle traffic at the dog wash prior to merging with traffic from the car wash. Public Works and the City Engineer shall approve the size and location prior to installation.

E. ADDRESS: Prior to final approval of food cart, unit shall have and display address.

F. PARKING: At all times, required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. WHEEL STOPS: Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

H. BICYCLE PARKING: Prior to final approval of food cart, applicant shall demonstrate provision of the one bicycle parking space, as required by the HDC Section 2.203.

I. CLEAR VISION AREAS. At all times, clear vision areas shall be maintained in accordance with HDC 2.209.07.

J. HEDGE: At all times, existing hedge along rear property line shall be maintained in compliance with the HDC 2.401.09 Fences, Walls, and Hedges.

K. LIGHTING: If lighting is proposed, applicant shall submit a lighting plan for review and approval by Public Works. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way. The applicant shall provide fixture catalogue cuts showing illumination patterns.

L. FIRE DEPARTMENT APPROVAL: Consistent with the provisions of HMC 5.15, food cart shall secure Fire Department inspection and approval prior to operation.

M. SIGNS: The applicant is advised that signs must comply with Section 2.206, and may require a building permit prior to installation. Applicant shall submit renderings and plans for all signs to the City, and must receive all applicable approvals prior to installation.

N. NON-TRANSFERABLE: Planning Commission approval of a permanent Drive-through coffee food cart is not transferable to either a different food cart or a different location without additional city review.

O. EXPIRATION OF APPROVAL: Site Development Review approvals shall be effective for a period of two (2) years from the date of written approval. If substantial construction of the approved plan has not begun within the two (2) year period, the approval shall expire. The applicant may request an extension of the approval for a period of one (1) year. A request for an extension of approval shall be submitted in writing at least thirty (30) days prior to the expiration date of the approval period. The project shall be constructed according to all approved plans. The approval shall be voided immediately if construction is a departure from the approved plan.

VI. PLANNING COMMISSION OPTIONS

- A. Motion to APPROVE Site Development Review file #DR 2021-01, and adopt the recommended findings and conditions of approval contained in the Staff Report dated April 16, 2021, as presented.
- B. Motion to APPROVE Site Development Review file #DR 2021-01, and adopt the recommended findings and conditions of approval contained in the Staff Report dated April 16, 2021, as REVISED by the Planning Commission (stating those revisions).
- C. DENY Site Development Review file #DR 2021-01 with amended findings that the application does not meet the applicable approval criteria.
- D. CONTINUE the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are sufficiently addressed.

**EXHIBIT A:
RFC COMMENTS COMBINED**

1. City Engineer Matt Wadlington, Civil West Engineering Services:

I agree with Mike, I would recommend adding a STOP sign at the point where vehicles will be pulling out into the carwash lane. Is the carwash owned by the same party that owns the car lot? Is an access easement necessary? Question for Mike; Is lighting required for this?

After review of the comments issued to other coffee carts, I have the following comments:

- 1. Unit should have and display address per HDC 2.401.14 and Police Department requirements.*
- 2. Bicycle parking should be provided. (HDC 2.203)*
- 3. If the coffee shop serves pedestrian customers, ADA access is required.*
- 4. Applicant shall provide dimensioned parking/access plan for review by the City which clearly shows drive aisles and dedicated parking for the shop.*
- 5. Applicant is advised that signs must comply with Section 2.206 and may require a permit from the City prior to installation.*
- 6. Applicant is advised that the inclusion of any sitting area will require restroom facilities.*
- 7. Although only shown schematically on the application, the pedestrian crossing of J street as shown is not acceptable as it is on a corner and mid-block.*

2. Public Works Superintendent Mike Krebs:

The only difference I can see between this new proposed coffee cart and the one at Hubbard Market, is the Dog Wash will create a blind spot for the cars leaving the coffee cart, not seeing the cars leaving the car wash.

3. Casey Knecht, ODOT Region 2 Permits

The site is adjacent to Pacific Highway East, No. 081 (OR-99E), and is subject to state laws administered by ODOT. The site currently has one highway approach at MP 29.53, which was permitted in 1978 for a used car lot. (Permit #24230 is attached.) The proposal will not trigger a change of use and the permit is still valid.

Concerning frontage improvements, a notice of decision from the city of Hubbard in 2009 for the car wash includes a condition of approval:

Prior to occupancy, the applicant shall construct a sidewalk along the Pacific Highway 99E property frontage in accordance with ODOT construction standards. (See attached NOD, Condition I)

It's unclear if the condition was later removed, or if the applicant did not proceed with their land use action, or if it was simply not completed. Regardless, ODOT defers to the city for the current status of the condition in the 2009 decision, as well as any frontage improvement requirements for the current proposal. If the applicant is required to perform any work in the state right-of-way, please have them contact me to begin the process.

EXHIBIT B:

APPLICATION MATERIALS SUBMITTED BY APPLICANT

SITE DEVELOPMENT REVIEW APPLICATION

CITY OF HUBBARD

3720 2nd Street (P.O. Box 380)
Hubbard, OR 97032
Phone: (503) 981-9633; Fax: (503) 981-8743
<http://www.cityofhubbard.org>

To Be Filled Out by Staff:

FILE: _____
DATE: _____
FEE: _____
RECEIPT NO: _____

APPLICANT: Taylor Hanson - mama Bears Espresso

MAILING ADDRESS: 706 E 5th St Molalla OR 97038

PHONE: 503 358 3144 EMAIL: _____
ADDRESS: mamabearsespresso@gmail.com

OWNER(S) (If different from above): Eric Berkey

PHONE: 503-310-8004 EMAIL: _____
ADDRESS: _____

ADDRESS: _____

PROPOSED STRUCTURE/IMPROVEMENT: making coffee cart a drive thru/
instead of just a walk up.

SQUARE FOOTAGE: Drive thru lane of 984 ft²

ESTIMATED VALUE OF STRUCTURE/IMPROVEMENT: \$200

PROPERTY DESCRIPTION:

ADDRESS: 3081 J. St. Hubbard OR 97032

MAP PAGE AND TAX LOT NO: 041W33DA01600 ZONE: RC99E

CURRENT USE/STRUCTURES: car lot ^{cherry dealer} SQUARE FOOTAGE OF SITE: Tax lot # 041W33DA01600

ZONE: RC99E - commercial

SUBMITTAL REQUIREMENTS:

Please submit one (1) legible copy, drawn to scale on 8 1/2 x 11 or 11 x 17 inch paper and one (1) electronic copy (PDF format preferred); OR eight (8) full-size copies (typically 18 x 24-inch or larger paper), one (1) reduced-size copy (8 1/2 x 11 or 11 x 17-inch), and one (1) electronic copy (PDF format preferred) of the following application materials:

Revised: 9/19/08

1. Site Analysis

- ☒ Existing site topography; *attached*
- ☒ Identification of areas exceeding 10% slopes; *none*
- ☒ Site drainage, areas of potential flooding; *none*
- ☒ Areas with significant natural vegetation; *none*
- ☒ Classification of soil types; *no soil*
- ☒ Existing structures, roadway access and utilities; and *shown*
- ☒ Existing and proposed streets, bikeways, and pedestrian facilities within 200 feet. *shown*

2. Site Plan

- ☒ Proposed grading and topographical changes; *none*
- ☒ All proposed structures including finished floor elevations and setbacks;
- ☒ Vehicular and pedestrian circulation patterns, parking, loading and service areas; *shown*
- ☒ Proposed access to public roads and highways, railroads or other commercial or industrial transportation systems;
- ☒ Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Inverse elevations may be required for all underground transmission lines; *shown*
- ☒ Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses; *none*
- ☒ Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks; and *none*
- ☒ A schedule of expected development. *shown*

EVALUATION CRITERIA

In addition to compliance with the standards of the Development Code, the review of a Site Development Plan shall be based upon consideration of the following:

1. Characteristics of adjoining and surrounding uses; *shown*
2. Drainage and erosion control needs; *none*
3. Public health factors; *none*
4. Traffic safety, internal circulation and parking; *shown*
5. Provision for adequate noise and/or visual buffering from non-compatible uses; *none*
6. Retention of existing natural features on site; and *none*
7. Problems that may arise due to development within potential hazard areas. *none*

I HEREBY CERTIFY THAT ALL STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT; AND THAT THE REQUEST DOES NOT VIOLATE ANY DEED RESTRICTIONS THAT MAY BE ATTACHED OR IMPOSED UPON THE SUBJECT PROPERTY. (NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT LETTERS OF CONSENT. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE APPROVAL PROCESS.)

3/1/21

Date

3/1/21

Date

Date

[Signature]

Applicant

Owner(s)

Owner(s)

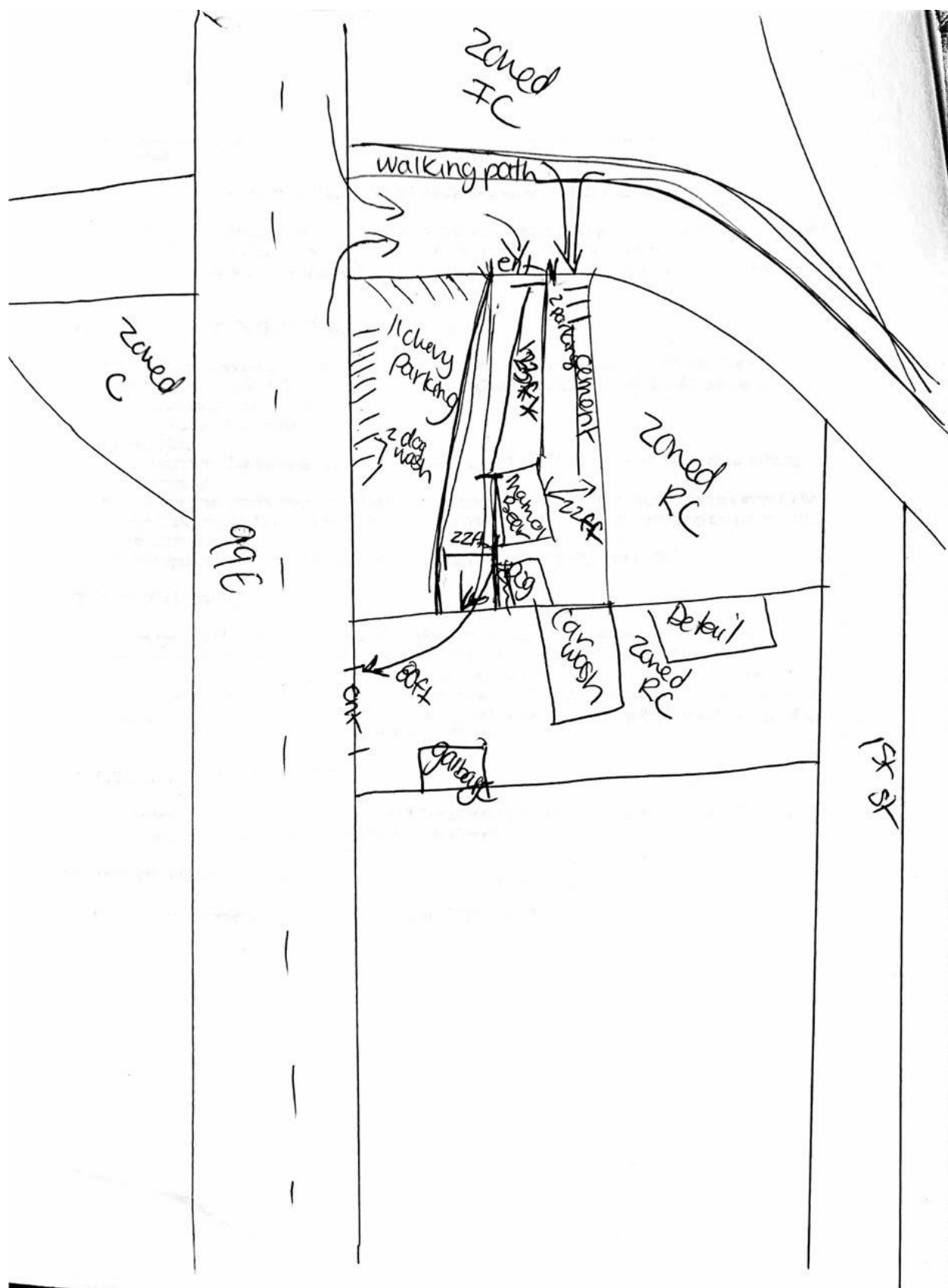


EXHIBIT A

LAND USE FEE SCHEDULE ACKNOWLEDGMENT

as of 2/11/2020 (attachment to Resolution No. 686-2020)

Resolution No. 685-2020 requires land use applications to reimburse the City for the actual costs associated with the applications. The City requires a deposit for land use application as required in section 3.206.03 in the Hub Development Code. Staff collects the deposit at the time of application.

Costs and time are paid out of the deposit. If it appears the costs exceed the initial deposit, the Director Administration/City Recorder may require an additional deposit for costs that may be incurred to complete the project. At the end of the project a final bill will be prepared, and the City will either request additional funds or issue a refund check.

The following are examples of the most common types of charges and amounts per hour that will be incurred for land use projects in the City. These rates are provided for example purposes only, and you will be charged the actual costs incurred by the City as required by Resolution 685-2020. These example rates will therefore be reviewed annually and updated as necessary. You may request a copy of the most recent example rates at any time by contacting the Director Administration/City Recorder.

City Planner **\$85.00**
(The City Planner prepares staff reports, final actions, and makes presentations at Planning Commission and Council meetings.)

City Engineer **\$165.00**
(The City Engineer may be requested to investigate or review plans submitted by the applicant, and may make presentations at required meetings)

Director of Admin/Recorder **\$90.00**
Admin Assistant **\$45.00**
(The Planning Secretary prepares applicants files, prepares comments for other departments, prepares public hearing notices, posts and mails notices, answers applicants questions and attends all meetings)

Public Works Director/Superintendent **\$84.00**
Public Works Admin Manager **\$68.00**
Utility Worker II **\$58.00**
Utility Worker I **\$37.00**
Admin Assistant **\$20.00**
(The Public Works personnel reviews applications and comments regarding water, sewer, streets, backflow devices, and storm drain issues)

Police Chief **\$83.00**
(The Police Chief reviews plans and looks into safety concerns such as lighting and addressing issues)

City Attorney **\$235.00**
(Review of documents, negotiation of conflicts, litigation and enforcement issues)

Office Copies
(Black & White 8 1/2 X 11) .25 per page
Color .35 per page
(Black & White 11X 17) .50 per page
Color .70 per page

Long Distance Phone Calls **\$3.00 per call**
Fax **\$2.00 per fax + .50 per page**

I have read this information and understand that the land use fee is a deposit and the application may cost more or less.

Applicant's Signature

Date

Date

Owner(s)

SITE DEVELOPMENT REVIEW INFORMATION SHEET

The purpose of the site development review process is to guide future growth and development in accordance with the Hubbard Comprehensive Plan and Development Code, provide an efficient process and framework to review development proposals, and resolve potential conflicts that may arise between proposed developments and adjacent uses.

☒ SITE DEVELOPMENT REVIEW REGULATION

Site development review is required for all new developments, major remodeling of existing developments, and change of occupancy, as defined by the Uniform Building Code, and/or change of use for commercial and industrial developments, except:

- 1) single-family detached dwellings;
- 2) a duplex;
- 3) any commercial or industrial remodel that does not exceed 25% of the total square footage of the existing structure, or
- 4) any new development, change of occupancy, or commercial or industrial remodel, that does not intensify the use of the property by increasing the number of customers, vehicle or pedestrian traffic to the site, parking requirements, etc.

Site development review procedures are listed in Section 3.105 of the Development Code.

☒ APPLICATION PROCESSING

Once an application is submitted, along with all pertinent filing information, City staff will review it for completeness, and if additional material is necessary, you will be contacted. Once the application is determined to be complete, a public hearing at the Planning Commission will be scheduled. Staff will prepare a report for Planning Commission review. The staff report is available seven days prior to the Planning Commission meeting. You will have the opportunity to testify on behalf of your application at the Planning Commission meeting. The Planning Commission decision can be appealed to the City Council.

☒ EFFECTIVE DATE OF APPROVAL

The site development review shall be effective 12 days after the date of the notice of the decision by the Planning Commission unless the decision is appealed to the City Council.

☒ ADDITIONAL INFORMATION

For additional information, call Hubbard City Hall at (503) 981-9633.

Site Development Review Application

There are no areas of significant vegetation, potential flooding areas or soil.

We have not seen any area exceeding 10% slope.

I have attached layout with existing structures near by as well as the only walking path near by as well.

Picture attached of the Site Topography

Site plan:

There are no grading or topography proposals

No structures being proposed.

Layout shows vehicular and pedestrian paths.

I have shown on the layout where vehicles and pedestrians will come on to the property.

I have attached photo showing the sewer port for the stand and the water. It has hookups to be continuous to have no effect on sewer drainage.

There are no noise or visual issues with the coffee stand that would effect any properties near by and I have noted the zones of the properties to the N,W, E and S.

No proposed on premise signage.

The only thing being proposed is a drive thru lane, which we would paint lines for easy visual for vehicles coming in and out. The timeline for this would be 1 week.

Evaluation Criteria:

We have shown the characteristics of the surrounding uses. This Coffee stand will be location next to a car wash /auto detailing business. There will be chevrolet dealership cars parked for show near the 99E side of the property that will have no effect on the drive thru lane.

There are no draining/erosion or public health factors that we could find.

I have shown traffic circulation.

No changes to any natural features on site.

We do not foresee any potential hazards on the development of the drive thru lane.





EXHIBIT C:
HMC CHAPTER 5.15 FOOD CARTS

Chapter 5.15
FOOD CARTS

Sections:

- 5.15.010 Definitions.**
- 5.15.020 Food carts prohibited.**
- 5.15.030 Food cart standards.**
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5.15.010 Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context requires otherwise:

- (1) “Food cart” means a mobile vending unit, either towed by trailer hitch or self-propelled, used to sell food and beverages intended for consumption on site or to be carried off site by the customer.
- (2) “Food and beverages” sold by food carts shall not include any substance regulated by the Oregon Liquor Control Commission (OLCC), nor does it include fresh produce similar to a farm stand.
- (3) “Footprint” means the entire area occupied by a food cart’s operations, including but not limited to food cart, seating area, trash cans, temporary fencing, planters, etc. (Ord. 361-2019 § 1 (Exh. A))

5.15.020 Food carts prohibited.

No food cart shall operate in the city of Hubbard unless permitted herein, or as otherwise exempted under Chapter [5.10](#) HMC, Outdoor Merchandising and Outdoor Entertainment. (Ord. 361-2019 § 1 (Exh. A))

5.15.030 Food cart standards.

The following standards shall apply to all food carts permitted herein:

- (1) Individual food carts shall be permitted for one calendar year on a specific property.

(2) Food carts shall only be permitted on a developed private property. No portion of a food cart's footprint shall be located in public right-of-way, unless authorized to do so through a city-permitted event under Chapter [5.10](#) HMC.

(3) Food carts shall only be permitted in city zones where restaurants are permitted, which are the RC – Residential Commercial, C – General Commercial, and IC – Industrial Commercial zones, unless otherwise authorized through a city-permitted event under Chapter [5.10](#) HMC.

(4) No more than two food carts shall be permitted on the same property simultaneously. For the purposes of this section, separate but contiguous tax lots may be considered one property when previously developed under the same site development review approval.

(5) No part of the food cart footprint shall impede vehicular or pedestrian circulation, ingress, egress, or clear vision areas, as defined by the city.

(6) Food carts shall not be required to provide additional off-street parking. The total food cart footprint shall not occupy more than 15 percent of a developed business' required off-street parking, as approved in the development's site development review, or as determined by the parking ratios provided in the Hubbard Development Code Section 2.203, if no land use approval record is available.

(7) Food carts shall be set back from all property lines a minimum of one-half the setback distance of the underlying zone district, but never less than five feet from any property boundary.

(8) Food carts shall be set back a minimum of six feet from all structures.

(9) Food carts shall be operated on fully inflated wheels, and shall be mobile at all times.

(10) Drive-throughs shall not be permitted.

(11) Parking and pedestrian circulation for customers of the food cart shall be located on a paved surface. The food cart itself may be permitted to be located on a graveled surface adjacent to the paved surface.

(12) Food carts shall provide sufficient trash and recycling receptacles on site. Food cart owners and operators shall be responsible for the disposal of trash and general site cleanup, daily (HMC [8.15.020\(2\)](#)).

(13) Food carts may provide seating for up to 12 people, if the footprint size limit allows for it.

(14) Portable storage structures shall not be permitted on site in support of the food cart operation.

(15) Extension cords to the food cart shall be appropriately sized for the power supply. Generators shall not be permitted.

(16) Food carts shall have a written agreement with the property owner, guaranteeing access to restroom and hand-washing facilities for food cart employees and customers, for the full duration of the food cart operating hours. No portable toilet facilities shall be permitted on site in support of the food cart operation (HMC [8.15.020](#)(1)).

(17) A host business shall only supply water to a food cart with a valid food cart permit issued for the same property (HMC [13.15.080](#)).

(18) Food carts shall carry at all times a fire extinguisher appropriate for the specific equipment and operation of the business. Other requirements of the Oregon Fire Code may apply.

(19) Food cart wastewater shall be contained on the mobile unit and shall be disposed of by a licensed disposal vendor. Food cart wastewater shall not be permitted to enter the city of Hubbard wastewater or storm drain system, nor shall it be released onto any property within the city of Hubbard.

(20) Temporary fencing erected as a component of the food cart footprint shall not be taller than three feet in height, and shall be subject to the city's clear vision standards (HDC 2.209.07).

(21) Any temporary canopy or tent structure provided by the food cart operator for customer seating areas shall be the responsibility of the food cart operator. The city shall not be responsible for inspecting the anchoring of such structures. Tents and canopies shall be capable of being moved at any time. Propane and natural gas heaters shall not be allowed under a tent structure.

(22) Food cart signage is only permitted when affixed to the cart structure, or located on the interior of a food cart window. Signage attached to a mobile food cart shall not count toward the total commercial signage size allocation of the host property. Portable signs and sandwich board signs shall not be permitted for food carts. In no case shall a private sign, sign structure, or portion thereof be located within the Pacific Highway 99E road right-of-way or within a public right-of-way under the jurisdiction of the city of Hubbard (HDC 2.206).

(23) Permitted hours of operation for a food cart shall coincide with the business hours of the host business providing the restrooms and hand-washing facilities. Otherwise, the permitted hours of operation shall be 6:00 a.m. to 10:00 p.m.

(24) Food carts and all related amenities shall be removed from the site if out of operation for more than two weeks for any reason. (Ord. 361-2019 § 1 (Exh. A))

5.15.040 Permits, application materials, and fees.

(1) Except as exempted under the provisions of HMC [5.10.030](#), all persons shall apply for and be granted a food cart permit by the city recorder before operating a food cart within the city of Hubbard.

- (2) A copy of a valid food cart permit shall be available in the food cart at all times.
- (3) A permit shall be issued to a specific food cart, on a specified property location, for each calendar year. A food cart may be approved for more than one site-specific food cart permit simultaneously.
- (4) The food cart permit fee shall be \$250.00 for one calendar year for a specific food cart, at each approved location. The fee shall be the same for both new and renewal applications. The fee shall not be prorated.
- (5) Complete permit applications and renewals shall be submitted to the city not less than 15 days prior to planned beginning operation of a food cart. Incomplete applications shall not be processed by the city until all required information is received by the city.
- (6) No land use review shall be required for the operation of one or two food carts on a property. Food cart permit applications shall be processed administratively by the city recorder in consultation with other city departments as appropriate.
- (7) Clusters or pod developments of three or more food carts shall require site development review approval by the city, subject to the procedures and standards of pertinent sections of the Hubbard Development Code. Such land use review approvals shall be secured and satisfied prior to making food cart permit application to the city for the subject property.
- (8) A complete food cart permit application shall include:
- (a) Food cart permit application form signed by the food cart owner, the food cart operator (if different than the food cart owner), the host business owner, and the host property owner (if different than the business owner).
 - (b) Signed agreement with authorized representative of host business regarding access and hours of shared restrooms and hand-washing facility, water hook-ups, power hook-ups, and dumpster access where applicable.
 - (c) Basic site plan indicating the following: property dimensions, location of food cart footprint including all site amenities (benches, tables, chairs, lighting, fencing, etc.), location and size of water and power hook-ups, setbacks from nearby property boundaries, setbacks from nearby structures, number of paved parking spaces occupied by the food cart footprint.
 - (d) Photo of subject food cart.
 - (e) Photo or description of proposed signage.

(f) Description of proposed operation: cooking equipment, number and size of propane tanks, method of storing extra propane tanks, size of extension cord(s), etc.

(g) Copies of all other related permits, including but not limited to: Marion County environmental health, Oregon Department of Motor Vehicles (DMV) registration, etc.

(9) No person shall operate a business within the city without first obtaining business registration and paying the fee prescribed. The annual \$50.00 business registration fee shall be in addition to the annual food cart permit fee and any other requirements imposed by the city of Hubbard (Chapter [5.01](#) HMC).

(10) A food cart permit shall only be valid with a final inspection signature by a representative of the Hubbard fire district within one week of opening for operation at each permitted location, each calendar year.

(11) The approved food cart operator shall be responsible for notifying the city of any changes to the information submitted with the food cart permit application package, including but not limited to: primary contact information, hours of operation, site amenities, etc. (Ord. 361-2019 § 1 (Exh. A))

5.15.050 Renewals, transfers.

(1) Food cart permits may be renewed each calendar year with the city for as long as the business remains in compliance and in good standing with the city.

(2) Renewal applications shall be submitted at least 15 days prior to the expiration of the previous year's permit.

(3) A valid renewal application shall be signed by all parties each calendar year. Renewal applications shall be accompanied by copies of all updated permits, and the associated fee. Renewal applications shall not be required to include all other supportive application materials required of a new application in HMC [5.15.040](#) if no changes are proposed from the previous year.

(4) Food cart permits are not transferable. A change of food cart unit, food cart owner, food cart location, property location, or host business shall require a new application accompanied by all the supportive materials and fee. (Ord. 361-2019 § 1 (Exh. A))

5.15.060 Violations, appeals, penalty.

(1) Any person violating any of the provisions of this chapter shall be served by the city of Hubbard with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Notice shall be in written form, personally delivered, or mailed and accepted, certified, return receipt requested, by the person to be charged. The person to be charged or notified may be the owner or the occupant of the premises.

(2) Permits may be denied or revoked by any authorized representative of the city of Hubbard upon the issuance of a complaint or citation by the authorized representative of the city alleging a violation of city codes and ordinances occurring as a result of the food cart operation.

(3) Denied or revoked permits may be appealed to the city council.

(4) Any person who shall continue any violation beyond the time limit stated in such notice shall be guilty of a Class I civil infraction and on conviction thereof shall be fined in an amount not to exceed \$500.00 for each violation. However, if a violation of a provision is identical to a state statute with a lesser penalty, punishment shall be limited to the lesser penalty prescribed by state law. Each day in which such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this chapter shall become liable to the city of Hubbard for any expenses, loss or damage occasioned by the city by reason of such violation. (Ord. 361-2019 § 1 (Exh. A))

5.15.070 Pilot program.

Repealed by Ord. 363-2019. (Ord. 361-2019 § 1 (Exh. A))