

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-03

Date:	April 22, 2022
Case File:	DEV REV 2022-03 Lim Mobile Food Unit Pod
Project Contact:	Jaime Lim
Property Owner:	Lincoln Beach Properties Jaime Lim 5416 N Michigan Ave Portland, OR 97217
Situs Address:	1843 and 1845 NW Hwy 101
Location:	Southwest corner of Hwy 101/NW 19 th St intersection
Tax Map and Lot:	07-11-10-DB-08700-00
Comprehensive Plan Designation:	Oceanlake Plan District
Zoning District:	Oceanlake Plan (OP) District – Main Street
Site Size:	4,588 square feet
Proposal:	Convert the west side of property to a mobile food unit pod
Surrounding Land Uses and Zones:	North: Businesses; OP-MSH South: Businesses; OP-MSH East: Businesses; OP-MSH West: Businesses; OP-IM
Authority:	Section 17.76.040.A of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review an application for development review for compliance with all requirements of LCMC Title 17, and approve with conditions or disapprove the application.
Procedure:	The application was received on March 4, 2022. The application was deemed complete on March 4, 2022. On March 8, 2022, pursuant to LCMC 17.76.040.E, city staff mailed a notice of receipt of application to property owners within 250 feet of the subject property. No comments were received.



Applicable	LCMC Chapter 17.50 Oceanlake Plan (OP) District
Substantive	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
Criteria:	LCMC Chapter 17.55 Landscaping Standards
	LCMC Chapter 17.56 Off-Street Parking and Loading
	LCMC Chapter 17.74 Design Standards
	LCMC Chapter 17.76 Procedures
	LCMC Chapter 17.77 Applications

BACKGROUND

The subject property (site) is a developed site with an existing building and a parking lot, addressed as 1843 and 1845 NW Hwy 101. Currently the building is vacant and not in use. The site is bordered by Hwy 101 to the east and NW 19th St to the north. The site does not contain any aesthetic resource, natural resource overlay zone, bluff erosion hazards, floodway, or flood hazard area. The site obtains access directly from NW 19th St.

The submitted application requests approval to convert the existing parking lot to a mobile food unit pod.

ANALYSIS

Chapter 17.50 Oceanlake Plan (OP) District
17.50.030 Permitted uses

Finding: Mobile food unit pods are a permitted use in the OP District, subject to the provisions of LCMC 17.80.170.

17.50.040 Development standards

Finding: The project does not propose the construction of any buildings or structures, so building coverage and height requirements are not applicable. The OP-MSH District does not have any setback requirements, except against an alley, and the site is not adjacent to an alley.

17.50.060 Landscaping
Landscaping shall be provided in accordance with Chapter 17.55 LCMC.

Finding: Compliance with landscaping standards is addressed later in this report under Chapter 17.55.

17.50.070 Signs
Signs shall be allowed subject to the provisions of Chapters 9.34 and 17.72 LCMC.

Finding: The application does not include any requests for signs.

17.50.080 Supplementary regulations and exceptions
Supplementary regulations and exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.

Finding: The project's compliance with supplementary regulations and exceptions is addressed later in this report under Chapter 17.52.

17.50.090 Off-street parking and loading

Finding: Compliance with off-street parking and loading requirements is addressed later in this report under Chapter 17.56.

17.50.100 Design standards

Finding: Compliance with design standards is discussed later in this report under Chapter 17.74.

17.50.110 Restrictions

No development shall occur in the OP district unless all city services (sewer and water) are available to serve such development.

Finding: The site contains an existing building that has sewer and water service.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.060 Clear-vision area requirements

Finding: The submitted site plan does not show the clear-vision areas. A revised site plan shall be submitted with the clear-vision areas clearly depicted and free from obstructions.

17.52.120 Utilities

- B. In all zones, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.*

Finding: The project does not propose any new construction of any building or structure.

17.52.150 Exterior lighting.

Finding: The project does not propose the installation or placement of any exterior lighting.

17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas.

All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that is at least 20 feet or more from any pedestrian space which screens the receptacle from the view of neighboring property, pedestrian space, or from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured dwelling.

Finding: The submitted site plan does not show any solid waste receptacle storage areas. No indication is given in the application materials of the handling of solid waste, garbage, trash, and recycling. A revised site plan shall be submitted that shows the location and screening method of the waste receptacles, along with approval of the location from North Lincoln Sanitary.

17.52.180 Placement and screening of mechanical equipment

- A. Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent properties, pedestrian spaces, and from public right-of-way, and shall not be located within 20 feet of pedestrian space.*
- B. Rooftop mechanical units shall not be visible from any public right-of-way and shall not exceed the allowable building height.*
- C. Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent properties and from public right-of-way.*
- D. Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist.*

Finding: The project does not involve or propose the installation or placement of any rooftop or ground-mounted mechanical units. The project does not propose the installation of any standpipes, meters, vaults, or similar.

17.52.220 Tree protection and removal

Finding: The project does not propose the removal of any trees.

17.52.230 Public infrastructure improvements

- A. *Infrastructure Easement and Improvement Requirements. The issuance of a structural permit for the addition, alteration, or repair, within any 12-month period, exceeding 50 percent of the assessed value of an existing building or structure, or for a new building or structure in connection with any permitted or conditional use within any zone as described in this title, or of a development review approval for development for which development review is required under LCMC 17.77.070, shall be subject to the following requirements.*

Finding: The mobile food unit pod project does not involve the issuance any structural permits; therefore, these requirements are not applicable.

17.52.300 Traffic impact study (TIS) requirements

A TIS shall accompany a land use application at the request of the city engineer, if the proposal involves one or more of the following:

1. *An amendment to the Lincoln City comprehensive plan or zoning map;*
2. *A new direct property approach road to US 101;*
3. *Likely generation of 50 or more p.m. peak-hour trips on US 101, or 100 or more p.m. peak-hour trips on the local transportation system, according to the Institute of Transportation Engineers (ITE) Trip Generation Manual;*
4. *If use on any street or direct property approach road intersecting with US 101 increases by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight;*
5. *An existing or proposed access driveway that does not meet minimum spacing or sight distance requirements, or a driveway located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard; or*
6. *A change in internal traffic patterns that may cause safety problems, such as back-up onto the highway or traffic crashes in the approach area.*

Finding: The mobile food unit pod project does not meet the thresholds for a TIS. The city engineer did not request a TIS for the project. A TIS is not required for this project.

Chapter 17.55 Landscaping

17.55.020 Applicability

The standards of this chapter shall apply to:

- A. *All Type II and Type III procedures*
- B. *New construction.*
- C. *Previously developed sites whenever improved by 50 percent or more of the assessed value of the existing improvements.*

Finding: The development review request is a Type II procedure, so the standards of this chapter shall apply.

17.55.040 Landscaping requirements for all development other than detached single-unit dwellings, attached single-unit dwellings, manufactured dwellings, and duplexes.

- A. Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.*

Finding: The site is completely covered with the existing building and asphalt paving. No landscaping is required.

Chapter 17.56 Off-street Parking and Loading Regulations

17.56.010 Applicability

The requirements of this chapter are applicable for all zoning districts, unless specifically stated otherwise, and shall be adhered to when:

- A. A new building is hereafter erected; or*
- B. An existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the improvement value of the building as shown on the Lincoln County Property Report from the Lincoln County assessor’s office or to the extent that the building’s capacity is increased by more than 50 percent in terms of units listed in LCMC 17.56.050; or*
- C. The occupancy classification of an existing building, or any portion thereof, is changed and the building enlarged; parking spaces shall be provided in proportion to the increase only, provided the increase is less than 50 percent of the existing building area. If the increase exceeds 50 percent, parking shall be provided for the entire structure in accordance with the requirements of this chapter. If the structure in which the change of use is to occur is not enlarged, no additional parking shall be r*

Finding: No new buildings are being erected, and the existing building is not being enlarged; therefore, the requirements of Chapter 17.56 are not applicable.

Chapter 17.74 Design Standards

17.74.020 Applicability

- A. Zoning Districts. The provisions of this chapter apply to the multiple-unit residential (R-M), recreation commercial (RC), general commercial (GC), Nelscott plan district (NP), Taft Village core (TVC), and Oceanlake plan district (OP) zones as follows:

 - 1. Article I, General Provisions.*
 - 2. Article II, Design Regulations for Mixed Uses and Uses Other Than Residential.*
 - 3. Article III, Design Regulations for Multi-Unit Structures and Developments.**
- B. Conflicting Regulations. Where conflicts occur between this chapter and other municipal code regulations or ordinances, the strictest requirement shall apply.*
- C. The provisions of this chapter apply to the development of undeveloped sites, the redevelopment of previously developed sites, and/or new construction of any building or structure.*

Finding: The site is in the OP district, but the project does not involve development of an undeveloped site, redevelopment of a previously-developed site, or new construction of any building or structure; therefore, Chapter 17.74 is not applicable.

Chapter 17.76 Procedures

17.76.040 Type II procedure

- A. General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval*

criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.

- B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. Application Requirements. Type II applications shall:*
 - 1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 - 2. Be accompanied by the required fee as adopted by city council resolution.*
 - 3. Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110.D and E.

- E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
 - 1. After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. The applicant and applicant's representative;*
 - b. The owners of record of the subject property;*
 - c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

Finding: The Planning and Community Development Department mailed the public notice of receipt of a complete application to the parties noted in LCMC 17.76.040.E.1.a through d.

- 2. The written public notice shall include the following:*
 - a. A brief description of the request;*
 - b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. The street address or other easily understood geographical reference to the subject property;*
 - d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
- 3. An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.*
- 4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice of receipt of a complete application that was mailed on March 8, 2022, contained all the information required in LCMC 17.76.040.E.2 and 4. The required affidavit of mailing was prepared, pursuant to LCMC 17.76.040.E.3. No comments were received in response to the mailing.

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in detail throughout this staff report. No written comments from the public were received during the 14-day comment period.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040.G.2.

3. *The notice of the decision shall include the following:*
 - a. *A brief description of the request;*
 - b. *A statement of the decision and the applicable approval criteria used in making the decision;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
 - e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
 - f. *A statement that the complete file is available for review; and*
 - g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

Finding: The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040.G.3.a through g.

Chapter 17.77 Applications

17.77.070 Development review

- A. *The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural permit applications, or in instances where structural permit application are not necessary prior to the commencement...*
- B. *Applicability. Except as exempted in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor*

storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NP, and OP zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone.

- C. *Exemptions. The activities, development and construction projects listed below are exempt from development review:*
- D. *Procedure. Development review applications are subject to the Type II procedure as described in...*
- E. *Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

Finding: The site contains a parking lot, but it is being repurposed for use as a mobile food unit pod. Accordingly, development review is required. The required documents were submitted by the property owner.

- F. *Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC shall be processed concurrently with the development review application.*

Finding: The application did not include any adjustment requests.

- G. *Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.*

Finding: Based on an analysis of the submitted application and accompanying materials against the requirements of this title and as detailed throughout this staff report, the project as submitted either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to the conditions of approval that ensure compliance with all requirements of this title.

- H. *Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.*

Finding: Conditions of approval have been imposed to ensure compliance with the requirements of this title.

17.80.170 Mobile food units and mobile food unit pods

- B. *Standards. Mobile food units are subject to the following standards:*
 - 1. *Except for approved parks concessions pursuant to LCMC 12.16.045, mobile food units must be located on private property. A written agreement with the property owner, wherein the property owner grants permission to locate a mobile food unit on the site, shall be submitted with the land use application.*

Finding: The site is under the private ownership of Lincoln Beach Properties, LLC. All mobile food unit applicants shall present a written agreement with Lincoln Beach Properties, LLC as part of their mobile food unit land use application.

- 2. *Mobile food units must be fully contained, and equipment must be integral to the unit. External generators are prohibited.*

Finding: All mobile food unit applicants must demonstrate that their mobile food units are fully contained, with equipment integral to the unit. The submitted site plan does not show or propose any external generators as part of the project.

3. *Mobile food units are exempt from the LCMC 5.04.030 requirement to operate from an enclosed building.*

Finding: The submitted site plan shows that all mobile food units are outdoors.

4. *The proposed location of mobile food units shall not interfere with pedestrian or vehicular traffic, use of required parking or other required features on the site. At least one access path to and from the unit and the public access way shall comply with ADA access requirements.*

Finding: It is not clear from the submitted site plan if any designated travel or fire lanes are being blocked. The entire parking lot is being repurposed as a mobile food unit pod with no accommodations for off-street parking. However, the site is in the OP district and there are no off-street parking requirements for commercial uses or commercial buildings in the OP district, per LCMC 17.56.030.B.1. A revised site plan shall be submitted that clearly depicts designated travel and fire lanes, and pedestrian access, and shall be signed and dated by the fire marshal.

5. *Mobile food units must meet state requirements for restroom and hand-washing facilities. Evidence of how the mobile food unit is meeting restroom and hand-washing facility requirements, in the form of the issued and valid license from the Environmental Health Department, shall be included with the land use application.*

Finding: Mobile food unit land use applications shall include the issued and valid license from the Environmental Health Department as evidence that the restroom and hand-washing facility requirements are being met.

6. *Special Setbacks.*
 - a. *Mobile food units must maintain 10 feet of clearance from any property line.*

Finding: The submitted site plan shows more than 10 feet of clearance between the mobile food units and the property lines, except mobile food unit #4. The northwest corner of mobile food unit #4 appears to be less than 10 feet from the north property line. A revised site plan shall be submitted that clearly shows no portion of any mobile food unit within 10 feet of any property line.

- b. *Mobile food units must maintain three feet of clearance around all exit paths from the occupiable unit.*

Finding: It is not clear from the submitted site plan where the exit paths are for each of the four units. A revised site plan shall be submitted that demarcates the exit area for each unit and the required three feet of clearance around the entire exit path.

7. *Parking and Vehicle Circulation. A mobile food unit must not block any designated travel or fire lane(s), pedestrian access, clear vision clearance areas as required in LCMC 17.52.060, and shall not occupy any parking space or required feature that is required for a use on the same site.*

Finding: It is not clear from the submitted site plan if any designated travel or fire lanes are being blocked. The entire parking lot is being repurposed as a mobile food unit pod with no accommodations for off-street parking. However, the site is in the OP district and there are no off-street parking requirements for commercial uses or commercial buildings in the OP district, per LCMC 17.56.030.B.1. A revised site plan

shall be submitted that clearly depicts designated travel and fire lanes, and pedestrian access, and shall be signed and dated by the fire marshal.

8. *No Drive-Through. No mobile food unit may provide or serve customers as a drive-through facility.*

Finding: The submitted site plan does not propose any drive-through service.

9. *Fire. All fire requirements must be met as evidenced by the mobile food unit passing an inspection by the fire marshal.*

Finding: The fire marshal shall inspect the site for compliance with water supply and access requirements prior to the placement of any mobile food units on the site. The fire marshal shall also inspect all mobile food units prior to their operation. All fire marshal inspections must be passed prior to the placement of any mobile food units on the site.

10. *Signs wholly applied to the surface of the mobile food unit are exempt from a sign permit and not regulated on the total area; all additional signage must conform to the standards outlined in Chapters 9.34 and 17.72 LCMC (Sign Regulations).*

Finding: This application does not include any requests for signs.

11. *State, County, City Requirements. Applicants must obtain any required state, county, and city licenses and permits including food handling, Serve Safe, and annual city mobile food unit license pursuant to Chapter 5.30 LCMC.*

Finding: The mobile food unit applicants shall submit the required food handler card and health department license with their mobile food unit land use application.

- C. *Pod Standards. Mobile food unit pods are subject to all applicable standards for mobile food units set forth in subsection (B) of this section, plus the following additional standards:*
1. *Mobile food pods may provide a shared dining area for customers. If so provided, such area must be provided on hard surfaces like asphalt or concrete and be ADA-accessible with at least one ADA-accessible path from the mobile food units to the ADA-accessible dining area.*

Finding: The submitted site plan shows three tables for shared dining. The site is covered in asphalt. It appears that one of the tables is possibly located in the NW 19th St right-of-way. A revised site plan shall be submitted that shows the surveyed northerly property line to ensure that no objects are being placed or encroaching in the right-of-way.

- D. *Application Requirements. Land use approval must be obtained prior to applying for the city mobile food unit license. The land use application submittal shall include the following:*
1. *Completed application form provided by the department, which includes the applicant's name, mailing address, phone number and signature, as well as the names, addresses, phone numbers, and signatures of all property owners of the subject site;*

Finding: The request is not for land use approval of a mobile food unit; rather, the request is for development review to establish a mobile food unit pod. After development review approval is received, and before any mobile food units are placed on the site, each mobile food unit operator shall submit the required completed application form that includes all required information and the signatures of the property owner of the site.

2. *Applicable fee for the land use application;*

Finding: When each mobile food unit land use application is submitted, it shall be accompanied with the applicable fee.

3. *Site plan containing at least the following:*
 - a. *North arrow, scale, and date of drawing;*

Finding: The submitted site contains a north arrow and was drawn on graph paper with one square equal to two feet. The drawing was submitted with the application on March 7, 2022.

- b. *Property boundaries and dimensions;*

Finding: The drawing includes lines depicting the property boundaries with the lengths of the lines identified.

- c. *Location of existing structures;*

Finding: The existing structure is drawn on the submitted site plan.

- d. *Proposed location of mobile food unit with distances from all property lines and all structures;*

Finding: The submitted site plan shows the proposed locations of the four proposed mobile food units that are eight feet wide.

- e. *Parking lot layout, drive aisles, access, and pedestrian and vehicular circulation pattern with dimensions;*

Finding: The site plan shows there will be no drive aisles. Access is shown from NW 19th St, but pedestrian and vehicular circulation patterns are not clearly depicted. There is a label of “parking” at the west end of the site, but if that is intended to be a parking space it is blocking the restroom facility. Additionally, it doesn’t appear that there is enough width to provide a standard-sized parking space on the site and still provide four mobile food units with the required distance between each unit.

The comments from North Lincoln Fire & Rescue District #1 state the following:

“The submitted proposal appears to meet 2019 OFC requirements for access and water supply.

HOWEVER, the submitted drawing appears to negate the exiting capacity for the west exit from 1843 NW Hwy 101. A legal exit must have access to an open public area, among other things.”

A revised site plan shall be submitted that clearly depicts the required distance between each unit, the required vehicular and pedestrian circulation on and through the site, and the means of egress, with a signature and date from the fire marshal signifying approval of the site plan.

4. *Explanations and/or pictures or other evidence of how all fire and life safety, state, and county requirements are being met;*

Finding: The submitted site plan states that appropriate permits shall be obtained and provides a preliminary water and sewer plan. Plumbing permits are obtained from Lincoln County. Electrical permits are obtained from Lincoln County. Mechanical permits are obtained from Lincoln City. Any changes in, connections to, or extensions of city water or city sanitary or storm sewer require approval from Lincoln City Public Works, including new services or changes to existing services.

5. *Explanations and/or pictures or other evidence of how the site will remain free of trash, litter, and food waste.*

Finding: The submitted materials provide no explanation or evidence of how the site will remain free of trash, litter, and food waste. A revised site plan shall be submitted that clearly depicts and explains how the site will remain free of trash, litter, and food waste.

DECISION AND CONDITIONS

Based upon an analysis of the submitted application and accompanying materials against the requirements of this title, the Director concludes that the project will comply with all of the requirements of this subject to conditions of approval, and thus **APPROVES WITH CONDITIONS** the development review request for a mobile food unit pod, subject to the following conditions:

1. The applicant/property owner/developer shall be responsible for full compliance with all city, state, and federal regulations, codes, rules, and standards, including obtaining all applicable and required permits prior to work taking place.
2. A revised site plan shall be submitted that shows the location and screening method of the waste receptacles, along with approval of their location from North Lincoln Sanitary.
3. A revised site plan shall be submitted that clearly depicts the required distance between each unit by North Lincoln Fire & Rescue District #1, any required vehicular and pedestrian circulation on and through the site, and the means of egress, with a signature and date from the fire marshal signifying approval of the site plan.
4. A revised site plan shall be submitted that clearly depicts and explains how the site will remain free of trash, litter, and food waste.
5. A revised site plan shall be submitted that clearly shows no portion of any mobile food unit within 10 feet of any property line.
6. A revised site plan shall be submitted that demarcates the exit area for each unit and the required three feet of clearance around the entire exit path.
7. A revised site plan shall be submitted that shows the surveyed northerly property line to ensure that no objects are being placed or encroaching in the right-of-way.
8. Plumbing permits shall be obtained from Lincoln County prior to any plumbing work.
9. Electrical permits shall be obtained from Lincoln County prior to any electrical work.
10. Mechanical permits shall be obtained from Lincoln City prior to any mechanical work.
11. Any changes in, connections to, or extensions of city water or city sanitary or storm sewer require approval from Lincoln City Public Works, including new services or changes to existing services, prior to any work being performed.
12. Any work in public right-of-way requires obtaining the appropriate right-of-way permit.
13. A revised site plan shall be submitted that shows all clear-vision areas and shows them free of obstructions.
14. No encroachments of any kind are allowed in public right-of-way.
15. Mobile food unit licenses shall be obtained prior to the placement of any mobile food units on the site.



Approved by: _____
Anne Marie Skinner, Director

April 22, 2022
Date