



Community Development Department
Current Planning Division
12725 SW Millikan Way/PO Box 4755
Beaverton, OR 97076
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties

From: City of Beaverton Planning Division

Date: April 12, 2017

Subject: **FCP2017-0001 – Garage Sale Warehouse Food Cart Pod**

Please find attached the notice of decision for **FCP2017-0001 – Garage Sale Warehouse Food Cart Pod**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for FCP2017-0001 (Garage Sale Warehouse Food Cart Pod), is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for FCP2017-0001 – Garage Sale Warehouse Food Cart Pod, is 4:30 p.m., Monday, April 24, 2017.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building/City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Jason T., Assistant Planner, at (503) 350-4038.



NOTICE OF DECISION

DECISION DATE: April 12, 2017

TO: All Interested Parties

FROM: Jason T., Assistant Planner

PROPOSAL: **FCP2017-0001 – Garage Sale Warehouse Food Cart Pod**

LOCATION: The address of the site is 4810 SW Western Avenue, also described as tax lot 00100 of Washington County's Tax Assessors tax map 1S1-15AD.

SUMMARY: The applicant is seeking Food Cart Pod approval to locate six (6) individual food carts with associated utilities, tables/chairs and refuse/recycling facilities, within the existing parking lot of The Garage Sale Warehouse establishment.

PROPERTY OWNER: GOS Associates
Attn: Gabe Genauer
650 S Orcas Street
Seattle, WA 98108

APPLICANT: The Garage Sale Warehouse
Attn: Kent Drangsholt
4810 SW Western Avenue
Beaverton, OR 97008

APPLICABLE CRITERIA: Food Cart Pod Section 40.32.15.2.C

RECOMMENDATION: APPROVAL of FCP2017-0001 – Garage Sale Warehouse Food Cart Pod subject to Conditions of Approval identified in Attachment B at the end of this report.

Zoning/Vicinity/Aerial Map



BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day Deadline</u>	<u>240-Day Deadline</u>
FCP2017-0001	February 1, 2017	February 28, 2017	June 22, 2017	October 20, 2017

* Pursuant to Section 50.25.8 of the Beaverton Development Code, the City will reach a final decision on an application within 120 calendar days from the date that the application was determined to be complete or deemed complete unless the applicant agrees to extend the 120 calendar day time line pursuant to subsection 9 or unless State law provides otherwise.

* Pursuant to Section 50.25.9 of the Beaverton Development Code, the total of all extensions may not to exceed 240 calendar days from the date the application was deemed complete. This is the latest date by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	CS (Community Service)	
Current Development	Retail/Recreation/Commercial School	
Site Size	Approximately 6.22 Acres	
NAC	Raleigh West NAC	
Surrounding Uses	<u>Zoning:</u>	<u>Uses:</u>
	North: CS (Community Service)	North: Office/Retail
	South: <i>OI (Office Industrial)</i>	South: Industrial
	East: R1 (High Density Residential)	East: Multi-Family Residential
	West: CS (Community Service)	West: Office/Retail

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Exhibit 2. Agency Comments	
• Exhibit 2.1 Conditions of Approval from Jeremy Foster with TVF&R dated March 15, 2017	
• Exhibit 2.2 Building Code Considerations for Food Carts from Brad Roast, City of Beaverton Building Division	
Public Comment	
• No public comments received	

**ANALYSIS AND FINDINGS FOR
GARAGE SALE WAREHOUSE FOOD CART POD
FCP2017-0001**

Section 40.32.05. Food Cart Pod Application; Purpose

The purpose of food cart pods are to encourage a variety of eating and drinking establishments within specified zoning districts of the City. It is recognized that food cart pods have unique challenges that other businesses may not face due to being an interim use of the property. The following provisions allow food cart pods in a manner which is appropriate and well regulated. This Section is carried out by the approval criteria listed herein.

Section 40.32.15.2.C Approval Criteria

In order to approve a Food Cart Pod application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. ***The proposal satisfies the threshold requirements for a Food Cart Pod application.***

Facts and Findings:

Section 40.32.15.2.A.1 Threshold: *An application for a Food Cart Pod shall be required when the following threshold applies:*

“Placement of one or more food carts on private property selling food and/or beverages.”

The applicant has proposed the placement of six (6) food carts on the subject lot.

Therefore, staff finds the proposal meets the criterion for approval.

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The City of Beaverton received the appropriate fee for a Food Cart Pod application.

Therefore, staff finds the proposal meets the criterion for approval.

3. ***The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.***

Facts and Findings:

The City of Beaverton received all the applicable submittal requirements for a Food Cart Pod application.

Therefore, staff finds the proposal meets the criterion for approval.

4. The proposal meets the applicable standards specified in Chapter 20 of the Development Code.

Facts and Findings:

The applicant states that the proposal meets all applicable standards in Chapter 20 as summarized in the table below.

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.10.15			
Permitted Uses	Food Cart Pods, Eating and Drinking Establishments	The applicant proposes six (6) individual food carts.	Yes
Development Code Sections 20.10.20			
Minimum Lot Area	7,000 square feet	No land division is proposed with this application.	Yes
Yard Setbacks Minimums:	Front: 6-feet Interior Side: 10-feet Corner Side: 20-feet Rear: 20-feet	The applicant states that the food carts meet the required setbacks, as shown on the submitted site plan. Proposed Yard Setbacks Minimums: Front: 6-feet Interior Side: 10-feet Corner Side: 20-feet Rear: 20-feet	Yes
Maximum Building Height	60 feet	Proposed food carts are not more than 15-feet in height.	Yes

Therefore, staff finds the proposal meets the criterion for approval.

5. ***The proposal meets the standards specified in Section 60.11 of the Development Code.***

Facts and Findings:

Refer to the table herein for specific findings in regard to this criterion. The applicant states that pedestrian and vehicular movement are not significantly changing. Pedestrian connections near the proposed food carts are providing adequate weather protection under an existing covered walkway and do not impact vehicular movement. The proposal removes parking stalls for the carts, but does not change the traffic circulation through the subject site.

Therefore, staff finds the proposal meets the criterion for approval.

6. ***There are safe and efficient pedestrian circulation patterns within the boundaries of the development.***

Facts and Findings:

The applicant states that adequate space is proposed in and around the food carts and seating areas to allow for safe pedestrian circulation patterns, as shown on the submitted site plan.

Therefore, staff finds the proposal meets the criterion for approval.

7. ***The development's on-site vehicular and pedestrian circulation systems connect to the surrounding circulation system in a safe, efficient, and direct manner.***

Facts and Findings:

The applicant states that the existing on-site circulation connects to adequately to the existing public sidewalks surrounding the site.

Therefore, staff finds the proposal meets the criterion for approval.

8. ***Any Grading and contouring of the development site is designed to accommodate the proposed use and to mitigate adverse effect(s) on neighboring properties, public right-of-way, surface drainage, water storage facilities, and the public storm drainage system.***

Facts and Findings:

No grading or contouring of the site is proposed. The applicant states that each food cart will be connected to the permanent water supply in a manner that will be screened from the public. The applicant will contract with a licensed, third party service to drain the proposed black water and grease disposal tank serving the six (6) food carts. The tank shall be screened from view from the public right-of-way.

Therefore, staff finds the proposal, as conditioned, meets the criterion for approval.

9. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Facts and Findings:

The applicant has submitted the required documents for this Food Cart Pod application. No other applications are required of the applicant for this stage of City approvals.

Therefore, staff finds the proposal meets the criterion for approval.

Chapter 60 Special Requirements

Section 60.11.10 - Site Design Standards for Food Cart Pods

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.11.10 - Site Design Standards for Food Cart Pods			
60.11.10.1. A	Food carts and amenities shall be located on a paved or concrete surface. Applicant proposes to place all food carts on an existing paved parking lot.	Applicant proposes to locate all food carts on an existing paved parking lot.	Yes
60.11.10.1. B	Food cart pods shall not occupy pedestrian walkways or required landscaping.	Applicant proposes to locate all food carts on an existing paved parking lot.	Yes
60.11.10.1. C	Food cart pods shall not occupy or obstruct bicycle or vehicle parking required for an existing use.	All proposed food carts, tables and chairs will be located underneath the covered walkway.	Yes
60.11.10.1. D	Carts and/or objects associated with the food cart use shall not occupy fire lanes or other emergency vehicle access areas.	Applicant states that the proposed food cart pod will not occupy any required fire or emergency areas. Tualatin Valley Fire and Rescue has reviewed the proposed site plan and did not identify any conflicting cart placement.	Yes
60.11.10.1. E	Front yard setbacks for food carts shall be a minimum of 6 feet.	The applicant's site plan provides for the minimum 6-foot front setback.	Yes
60.11.10.1.F	Rear and side yard setbacks for food carts and amenities shall be the same as the zone in which it is located, except when a side or rear yard abuts a residential zoning district. Any side or rear yard	Proposed locations of all six food carts meet the required setbacks for the CS zone. The subject site does not abut a residential zone.	Yes

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
	abutting a residential zoning district must meet the setbacks 60.11.10.1.G below.		
60.11.10.1.G	Rear and/or side yards abutting residentially zoned property shall have a minimum setback of 20 feet...	The subject site does not abut a residential zone.	N/A
60.11.10.1.H	Carts shall not be located or oriented in a way that requires customers to queue in a driveway.	The applicant states that there is adequate vehicle queuing area to accommodate all customers on-site.	Yes
60.11.10.1.I	Uses shall not create tripping hazards in pedestrian and vehicular circulation areas with items including, but not limited to, cords, hoses, pipes, cables, or similar materials.	The applicant states that all cords, hoses, pipes and cabling will be screened with a decorative fascia to avoid any tripping hazards.	Yes with Condition of Approval
60.11.10.1.J	Where more than one cart is located on a site, carts shall be separated by a minimum of 6 feet.	The applicant's proposed site plan shows a proposed cart separation of approximately 8-feet.	Yes
60.11.10.1.K	Food carts shall not be located in the Vision Clearance Area as described in the Engineering Design Manual.	The proposed carts are located up near the existing building approximately 110-feet from the nearest driveway.	Yes
60.11.10.1.L	Fences shall be constructed consistent with Section 60.05.25.9.	The applicant has proposed fencing for screening purposes of the waste water, trash and recycling areas.	Yes with Condition of Approval
60.11.10.2 - Standards for Amenities Within a Food Cart Pod			
60.11.10.2.A	All food cart pods which provide seating for customers shall have restrooms with hand washing facilities available...	The applicant states that existing restrooms inside the adjacent Garage Sale Warehouse building, will be available for customers of the proposed food cart pod.	Yes

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.11.10.2. B	Required restrooms shall be available during Food Cart Pod operating hours.	The applicant states that restrooms will be available during all food cart pod operating hours.	Yes with Condition of Approval
60.11.10.2. C	All food carts and customer amenities within a food cart pod shall be served by a minimum 5 foot wide hard surface walkway.	The applicant states that the existing covered walkway, a minimum of 5-feet in width, for the Garage Sale Warehouse will also serve all six food carts.	Yes
60.11.10.2. D	Waste and recycling receptacles shall be provided for customer and business waste. Receptacles shall be screened from view of the right of way and abutting residentially zoned properties and serviceable by the applicable waste-hauler.	The applicant states that trash and recycling containers for customer use will be readily available. An existing screened trash, recycling, grease and waste water disposal area is available at the rear of the Garage Sale Warehouse.	Yes
60.11.10.2. E	Storage structures accessory to food carts shall be less than 120 square feet in size and no greater than 15 feet in height. Storage structures shall be set back a minimum of 20 feet from public rights-of-way.	One existing storage structure/customer ordering counter is proposed. The applicant states that this structure is less than 120 square feet in size.	Yes
60.11.10.2.F	Structures used to provide shelter to customers may be membrane structures such as tents, canopies or permanent structures.	The applicant states that the existing, permanent covered walkway will serve to provide shelter for food cart customers.	Yes
60.11.15 - Individual Food Cart Design Standards			
60.11.15.1 A-I	All Food carts shall be subject to the design standards listed in the Development Code.	The applicant is responsible for enforcing individual food cart design standards. The applicant has provided a draft food cart owner lease that identifies the required individual food cart design standards.	Yes with Condition of Approval

DESIGN STANDARD	PROJECT PROPOSAL	MEETS STANDARD?	
60.11.20 - Utilities			
60.11.20.1	<p>Wastewater shall be addressed in one of the following two ways:</p> <p>A. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, and will include an approved grease separator for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited.</p> <p>B. Food carts shall connect to individual or community wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited.</p>	<p>The applicant proposes a community wastewater holding tank owned and serviced by an Oregon Department of Environmental Quality licensed pumper.</p> <p>As a condition of approval, the applicant shall provide a signed contract to provide these services to the cart owners.</p>	Yes with Condition of Approval

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.11.20.2	<p>Potable water shall be addressed in one of the following two ways:</p> <p>A. Food carts shall connect to a permanent water source in conformance with applicable state plumbing codes...</p>	<p>The applicant states that each individual food cart shall be permanently connected to the water line that serves the Garage Sale Warehouse, and be in conformance with State of Oregon plumbing codes. Additionally the applicant states that all water lines shall be screened from the public right-of-way with a decorative fascia.</p>	Yes with Condition of Approval
60.11.20.3	<p>Food carts and amenities shall connect to a permanent power source.</p> <p>Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited.</p>	<p>The applicant states that each individual food cart shall be permanently connected to a permanent power source in conformance with State of Oregon electrical codes. Additionally the applicant states that all power lines shall be screened from the public right-of-way with a decorative fascia.</p> <p>No generators are proposed.</p>	Yes with Condition of Approval
60.11.20.4	<p>All utilities shall be placed or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.</p>	<p>The applicant states that all utility lines shall be screened from the public right-of-way with a decorative fascia.</p>	Yes with Condition of Approval
60.11.25 - Parking			
60.11.25.1	<p>Food Cart Pods in Commercial and Industrial zoning districts must provide a minimum of one (1) parking space per approved food cart. Food Cart Pods in Multiple Use Zoning districts are exempt from parking requirements.</p>	<p>The subject site of the Food Cart Pod is located within a Commercial zoning district. The applicant has designated six (6) parking spaces for the use of food cart customers.</p>	Yes

DESIGN STANDARD		PROJECT PROPOSAL	MEETS STANDARD?
60.11.30 - Signs			
60.11.30.1	Signage on individual food carts shall be limited to signs on the face of the food cart.	There are no proposed signs associated with this application.	N/A
60.11.30.1	Freestanding signs for food cart pods are subject to provisions of Chapter 60.40.35.3.	There are no proposed freestanding signs associated with this application.	N/A
60.11.35 - Lighting			
60.11.35.1	<p>Food cart pods shall have lighting to ensure safe environment for customers and employees that complies with the following:</p> <p>A. At minimum, areas to be occupied by customers shall be illuminated when carts operate during hours of darkness.</p> <p>B. No direct light source shall be visible from the property line.</p> <p>C. Lighting fixtures shall be oriented and/or shielded to prevent glare on abutting properties.</p>	Existing pedestrian scale lighting is installed on the underside of the covered walkway. The applicant proposes decorative string lighting.	Yes with Condition of Approval

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **FCP2017-0001 – Garage Sale Warehouse Food Cart Pod** subject to the applicable conditions identified in Attachment B of this staff report.

**CONDITIONS OF APPROVAL
GARAGE SALE WAREHOUSE FOOD CART POD
FCP2017-0001**

1. Carts and/or objects associated with the Food Cart Pod use shall not occupy fire lanes or other emergency vehicle access areas. (Planning Division/JST)
2. Carts shall not be located or oriented in a way that require customers to queue in a driveway. (Planning Division/JST)
3. Food carts shall be separated by a minimum of 6-feet. (Planning Division/JST)
4. The applicant is responsible for ensuring that all Individual food carts adhere to the Individual Food Cart Design Standards found in Section 60.11.16.1 of the Development Code. (Planning Division/JST)
5. All utility lines, cords, hoses, pipes, cables, or similar materials shall be placed or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions, as described in the applicant's narrative. (Planning Division/JST)
6. No overhead power lines are permitted. (Planning Division/JST)
7. All individual food carts shall be connected to permanent water, power, and waste water and grease disposal tanks. (Planning Division/JST)
8. Food carts shall connect directly to individual or community waste water holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. Holding tanks shall be screened from view of the right-of-way by full sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited. (Planning Division/JST)
9. Proposed fencing for waste water, trash and recycling area screening, shall not be chain link. (Planning Division/JST)
10. No signage is approved with this application. Signage on individual food carts shall be limited to signs on the face of the food cart and are limited to 32 square feet with no bare bulb illumination. (Planning Division/JST)
11. Freestanding signs for food cart pods are subject to provisions of Chapter 60.40.35.3. (Planning Division/JST)
12. Garbage and recycling containers for customers shall be readily available to each food cart. (Planning Division/JST)
13. Ensure construction of all buildings, retaining walls, fences and other structures are completed in accordance with the elevations and plans, except as modified by the decision making authority in conditions of approval on file at City Hall. (Planning Division/JST)

14. Ensure all exterior lighting fixtures are installed and operational. Public view of exterior light sources such as lamps and bulbs is not permitted from streets and abutting properties at the property line. (Planning Division/JST)
15. Required restrooms shall be available during all Food Cart Pod operating hours. (Planning Division/JST)
16. All food cart owners obtain a business license from the City of Beaverton prior to opening for business. (Planning Division/JST)
17. If bicycle racks are to be installed, they shall meet City design guidelines and must provide two locations in which a bicycle is able to lock to. (Planning Division/JST)

Prior to issuance of any building permits:

18. Provide a signed contract with an Oregon Department of Environmental Quality licensed pumper to provide waste water services to the food cart owners. (Planning/JST)
19. Pay all Washington County Transportation Development Taxes to the City of Beaverton Building Division. (Planning/KR)

**NOTIFICATION OF PROPOSED DEVELOPMENT
AND REQUEST FOR FACILITIES REVIEW**

EXHIBIT 2.1

ROUTED 3/8/2017

<input checked="" type="checkbox"/>	Jim Duggan	<input checked="" type="checkbox"/>	Naomi Vogel, Wash. Cnty.
<input checked="" type="checkbox"/>	Ken Rencher	<input checked="" type="checkbox"/>	ODOT R1 Development Review Program
<input checked="" type="checkbox"/>	Jeremy Foster, TVF&R	<input type="checkbox"/>	Gerry Uba, Metro
<input type="checkbox"/>	Steve Brennan, Operations	<input type="checkbox"/>	Gery Keck, THPRD
<input checked="" type="checkbox"/>	DaNeshia Barkley, Police	<input type="checkbox"/>	Robert McCracken, BSD
<input checked="" type="checkbox"/>	Brad Roast	<input checked="" type="checkbox"/>	Planner/Counter

DEADLINE DATE TO SUBMIT COMMENTS: March 22, 2017

FCP2017-0001 Garage Sale Warehouse Food Cart Pod

APPLICANT:	Wright Architecture	LOCATION:	4810 SW Western Ave
	John Wright		Beaverton OR 97005
ADDRESS	222 NE Oregon St #211	ZONE:	CS
	Portland OR 97232	MAP & TAX LOT:	1S115AD00100
		PLANNER/PHONE	Jason T 503.350-4038

PLEASE SUBMIT YOUR WORKING NOTES TO: Jason T
 FAX: 526-2550
 CITY OF BEAVERTON
 P. O. BOX 4755
 BEAVERTON, OR 97076
 -OR-
 e-mail: jasont@BeavertonOregon.gov
 Phone: (503) 526-2494

WORKING NOTES PREPARED BY: Basic access & water supplies
Comply with 2014 Oregon Fire Code
No additional comments

FACREV



3/15/2017

BUILDING CODE CONSIDERATIONS FOR FOOD CARTS

(Valid for 2016, Check for Annual Updates)

Food Cart businesses that are contemplating moving into the City of Beaverton need to be aware of a number of things. City staff are available to meet informally or through a pre-application meeting prior to design/construction in order to offer feedback, etc.

Business Assistance: If you would like assistance finding a location, starting your business, or learning about resources available to businesses in Beaverton, please contact the Economic Development Division 503-526-2456. <http://www.beavertonoregon.gov/EconomicDevelopment>

Land Use and Zoning: The first thing a business owner needs to do is verify their specific business is compatible with the zoning of the property. This can be done by contacting the Planning Division to verify the allowed business uses at the specific property. Food Carts Regulations for Land Use and Zoning are found in Section 60.11 of the Development Code. <http://www.beavertonoregon.gov/index.aspx?nid=463> for more information, please call 503-526-2420. <http://www.beavertonoregon.gov/Planning>

Contact County Health Department: Health regulations for food services are handled by the Washington County Health Department. Contact the County for information, please call 503-846-8722. <http://www.co.washington.or.us/HHS/EnvironmentalHealth/FoodSafety/index.cfm#>

City Business License: Each business is required to have a valid City Business License. Business licenses can be obtained through the City Finance Department. For more information, please call 503-536-2255. <http://www.beavertonoregon.gov/index.aspx?nid=353>

Building Plan Review and Permits: For information on building permit applications, plan review requirements and fees, etc., please call 503 526 2403. <http://www.beavertonoregon.gov/Building>

State Building Code: The current SBC includes: The 2014 edition of the Oregon Structural Specialty Code (OSSC); 2014 Oregon Mechanical Specialty Code (OMSC); the 2014 Oregon Plumbing Specialty Code (OPSC); the 2014 Oregon Electrical Specialty Code (OESC); and the 2014 Oregon Fire Code (OFC). To review these codes on-line, please go to: http://www.cbs.state.or.us/external/bcd/programs/online_codes.html

Prefabricated Food Carts: If the Food Cart trailer/vehicle is constructed off-site, it must bear the State of Oregon Prefabricated Structures approval label for use as a Group B Occupancy. For information on the permit and approval process for prefabricated trailers, please contact State of Oregon Prefabricated Structures at 503-378-3080. <http://www.cbs.state.or.us/external/bcd/programs/prefab/prefab.html>

BUILDING CODE INFORMATION

The information listed below are specific State Building Code (SBC) Requirements. For more information about how these requirements apply to a Food Cart business, please contact the Building Division, 503-526-2403.

Permanent Structures. Prefabricated trailers for coffee/food service or similar uses intended to be placed on a site and not be moved on a regular basis (moved off-site on a daily basis), must comply with the requirements for a Mobile Food Unit. The Food Cart must maintain its portability, which includes keeping the wheels and towing tongue on the unit. Skirting is allowed to be placed to cover the wheels and tongue. No permanent site-built Food Carts are allowed.

Building Permit Required. A building permit is required for the Food Cart set-up. Scaled drawings are required that indicates: the location of unit on the property (including distances from property lines and other food carts, buildings or structures); The size of the Food Cart (and the size of any other food carts on the property); details for the set-up/support of the unit; details for the skirting; details for how steps, landings, decks providing access to the unit are to be constructed; location of non-permanent electrical, water and sanitary sewer connections. Food Carts shall be located on a hard surface (such as asphalt or concrete) that drains storm water to an approved location (i.e., storm water catch basin), or the plans shall show how storm water runoff from the roofed or other impervious surface areas will be discharged to an approved location.

Location on Property. Food Carts shall be located not less than 10 feet from a property line. Food Carts shall be set back from other buildings on the same property as required by the State Building Code. Where a group of two or more Food Carts (Pod) are located on the same property, the total floor area of the Food Carts in the Pod, including canopies, awnings, and roofed areas cannot exceed 9,000 square feet.

Canopies, Awnings. Construction of canopies, awnings, roofed areas and other structures require a building permit. This includes fabric covered canopies that are in place for more than six-months.

Electrical Connection. The Food Cart shall be connected to an underground electrical system in an approved manner (see note below). The City Development Code Section 60.11 requires utilities serving a food cart to be installed underground. This is to mean that an approved electrical connection point adjacent to each food cart is required so the connecting electrical cord does not cross driveways, walkways, access points or create a tripping hazard.

No permanent connection to an electrical, water or sewer system is allowed. Electrical service to the Food Cart must be by an approved electrical cord/plug without use of extension cords, connecting to a circuit with the correct amperage to serve the trailer/vehicle. The electrical cord must be protected from physical damage. An electrical permit is required for installing an outlet.

Water Supply. The Food Cart shall be connected to an underground potable water system in an approved manner (see note below). The City Development Code Section 60.11 requires utilities serving a food cart to be installed underground. This is to mean that an approved potable water connection point adjacent to each food cart is required so the connecting piping does not cross driveways, walkways, access points or create a tripping hazard.

The potable water supply shall be by an approved fixture (such as a yard hydrant or hose bib) with an approved Double Check or RP backflow device. A plumbing permit is required for installing a fixture and/or backflow device. The water supply shall be by an approved potable water hose with a 'quick disconnect' type connection and protected from physical damage and freezing weather by an approved heat tape and insulation. If there are any additional plumbing fixtures (connected to the potable water supply), they need to be identified. Fixtures such as icemaker, soda drink dispensers, etc., will require individual backflow devices.

Sewage Disposal. The Food Cart shall be connected to an underground sanitary sewer system in an approved manner (see note below). Disposal cannot be to a storm catch basin or sewer cleanout. No grey-water or black-water holding tanks are allowed. The City Development Code Section 60.11 requires utilities serving a food cart to be installed underground. This is to mean that an approved sanitary sewer connection point adjacent to each food cart is required so the connecting piping does not cross driveways, walkways, access points or create a tripping hazard.

The connection of the food cart sanitary sewer outlet to the approved sanitary sewer system may be by a flexible or solid pipe that is approved for conveying sanitary waste. The connection to an approved sanitary sewer receptor must be in a non-permanent manner. The sewer pipe must be protected from physical damage. A plumbing permit is required for installing the sewer pipe and an approved sanitary sewer receptor.

Grease Interceptors: Food service areas are required to provide a method to collect fats, oils and grease from entering into the public sewer system. This is in the form of a grease interceptor as required by the State Plumbing Code. This requires a Plumbing Permit that is obtained through the Building Division. Food Carts connected to the sanitary sewer must be provide with an approved grease interceptor.

Number of Restrooms: The size of the food service business dictates how many toilets and lavatory sinks are required. Chapter 29 of the SBC allows a single (unisex) toilet and lavatory if the total occupant load of both customers and employees is thirty or less. Separate toilet facilities required for male and female if over 30 total occupants (employees and customers) or 'unisex'. The occupant load is determined by the square foot area of the spaces (kitchen, offices, seating area, etc...) divided by the occupant load factor from Chapter 10 of the SBC. If the occupant load exceeds fifteen, then separate toilet/lavatory facilities for males and females is required. The minimum number of toilets and lavatories is also based on the occupant load. See also 'Fees' for Sanitary Sewer fees. New fixtures may have System Development Charges (SDC Fees). The property shall be provided with access to a toilet and hand wash facilities on the same property where the Food Cart is located. If access to a toilet and hand wash facilities is in an adjacent building, proof of access from the property owner for use by employees during the Food Cart business hours is required.

Plumbing Fixtures: Every business must have access to a minimum number of plumbing fixtures (toilets and sinks). Chapter 29 of the SBC is used to determine the minimum number necessary. Depending on the nature of the business, additional fixtures may need to be added.

Propane/Fuels. Location and use of propane tanks or other fuels shall as required by the Tualatin Valley Fire and Rescue Fire Marshal. The contact number is (503) 649-8577 for further information.

Accessibility (Americans with Disabilities Act (ADA)): Any alterations to a building or space (new walls, rooms, doors, bathroom, etc...) will need to meet the accessibility code requirements from Chapter 11 of the SBC. In addition, Chapter 34 of the SBC requires any ADA barriers that exist elsewhere in the building to be removed at a cost not to exceed 25 % of the value of the overall project. For example: if a project has a cost of \$20,000 for the new work, up to an additional \$5,000 must be spent in removing ADA barriers. If it only costs \$1,000 to eliminate all the remaining barriers, the whole \$5,000 would need to be spent. If there are \$10,000 in costs to remove the barriers, only \$5,000 would need to be spent. If there are no remaining ADA barriers, then no additional money needs to be spent.

Fees: Aside from the various permit fees that will be required, new businesses must pay system impact fees or a SDC Fees. Oftentimes new businesses must pay system impact fees. Each Food Cart is required to pay a CleanWater Services sanitary sewer (SDC) fee based on the number and type of plumbing fixtures in the unit. Food service businesses typically have a large number of plumbing fixtures and the sanitary sewer SDC fees can be substantial. For example: a Food Cart with a three-compartment sink, dishwasher and ice maker would require payment of a \$4,600 sewer fee (Sewer SDC fee rates are subject to change). Other fees that may be applicable could be a transportation Development Tax (TDT), Park SDC, School Construction Excise Tax (CET), Storm SDC fees and Water SDC fees. For more information on SDC Fees, please see <http://www.beavertonoregon.gov/DocumentCenter/View/9327>

The information provided is not all inclusive. The details provided serve as an overview of common issues related to the proposed business type. For more information, please contact the appropriate entity noted above.