



Land of Cheese, Trees and Ocean Breeze

**CONDITIONAL USE REQUEST 851-23-000101-PLNG:
KUHN - Temporary Mobile Kitchen Unit
ADMINISTRATIVE DECISION & STAFF REPORT**

Decision Date: July 21, 2023

**Decision: APPROVED WITH CONDITIONS
(This is not Building or Placement Permit Approval)**

Report Prepared by: Sheila Shoemaker, Land Use Planner

I. GENERAL INFORMATION

- Request:** A Conditional Use Request for a Temporary Mobile Kitchen Unit (Exhibit B).
- Location:** 34775 Brooten Road, a county road, Tillamook, OR 97135 and designated as Tax Lot 7900 of Section 19CD, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A).
- Zone:** Pacific City / Woods Commercial One Zone (PCW-C1) (Exhibit A).
- Project Applicant:** Tyler Kuhn, 34775 Brooten Road, Pacific City, OR 97135
- Property Owner:** Tyler Kuhn, 34775 Brooten Road, Pacific City, OR 97135

Property Description: The property is located at 34775 Brooten Road, Pacific City, OR 97135, on Tax Lot 7900 of Section 19CD, Township 4 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon (Exhibit A). The subject property is a rectangular lot, 0.13 acres in size and is relatively flat (Exhibit A). The property is improved with an existing dwelling, existing utility services and a large gravel driveway (Exhibit A & B). The property has legal access off Brooten Road, a paved road maintained by the Tillamook County Public Works Department (Exhibit A & B). The neighboring properties are also located in the PCW-C1 zone and the Pacific City /Woods Medium Density Residential (PCW-R2) zone (Exhibit A). Surrounding uses consist of mixed of residential, commercial, and public uses including a county library, and public recreation opportunities (Exhibits A & B).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS

- TCLUO SECTION 3.337: PACIFIC CITY/WOODS COMMERCIAL ONE (PCW-C1) ZONE
- TCLUO SECTION 3.510: FLOOD HAZARD OVERLAY (FH) ZONE
- TCLUO SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS
- TCLUO SECTION 4.030: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS
- TCLUO SECTION 6.040: REVIEW CRITERIA FOR CONDITIONAL USE

III. ANALYSIS:

A. **TCLUO SECTION 3.337: PACIFIC CITY/WOODS COMMERCIAL ONE ZONE (PCW-C1):**

The purpose of the PCW-C1 zone is to permit a moderate level of commercial activities to serve the commercial needs of neighborhoods, rural areas, and tourist areas. Commercial uses in the PCW-C1 zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas. Land is suitable for the PCW-C1 zone because it: (a) Is needed; (b) Is physically capable of being developed; (c) Can obtain access to a public road without causing traffic hazards or congestion; (d) Will not cause significant conflicts with nearby residential uses; and (e) Has sufficient land area to accommodate off-street parking.

1. **TCLUO Section 3.337(3)(i)** lists a temporary mobile kitchen unit as a use which may be permitted conditionally subject to the provisions of Article 6 and the requirements of all applicable supplementary regulations contained in the TCLUO.

Findings: TCLUO Section 11.030: GENERALLY APPLIED DEFINITIONS defines a temporary mobile kitchen unit as ‘A vehicle in which food is prepared, processed, or converted, or which is used in selling and dispensing of food to the ultimate consumer.’ The Applicant is proposing to place a temporary mobile kitchen unit on the subject property for the purpose of selling take-away food to the end customer (Exhibit B). Staff finds that the proposed use of the property conforms to the definition of a temporary mobile kitchen unit and that the use may be permitted conditionally within the zone.

2. **TCLUO Section 3.337(4)** provides standards for property size, dimensions, setbacks and building height in the PCW-C-1 zone.

3.337(4)(g) *For commercial or combined commercial-residential structures, structures shall be either constructed on the property line or setback at least 3 feet or as required in Section 3.348 (4) (b).*

Findings: Preliminary site plan depicts setbacks for siting of the temporary mobile food unit and are further discussed in this report. Staff finds that this requirement can be met through compliance with the Conditions of Approval.

3.348(4)(e) *All uses shall meet off-street parking requirements as provided in Section 4.030.*

Findings: The Applicant is proposing that parking will be located on an adjoining lot leased by his current business as depicted on the submitted site plan (Exhibit B). Parking standards are further discussed in this report.

3.337(4)(k) *The maximum building height shall be 35 feet, except on ocean or bay front lots, it shall be 24 feet. Bay frontage lots are defined as those bay/river frontage lots located downstream from the Beachy Bridge (Pacific Avenue).*

Findings: Staff finds that this requirement can be met through compliance with the Conditions of Approval.

3.337(4)(a) *Commercial use shall occur in a building or buildings not exceeding 8,000 square feet except for the following uses: (A) Grocery Store (B) Hardware Store*

Findings: The Applicant is proposing to place a temporary mobile kitchen unit utilizing a 10 foot by 24 foot area on the subject property for the purpose of selling take-away food to the end customer (Exhibit B). Staff finds that the

temporary mobile kitchen unit is less than 8,000 square feet. As a Condition of Approval, any future development shall adhere to the development standards outlined in TCLUO Section 3.337(4)(a).

B. TCLUO SECTION 3.510: FLOOD HAZARD OVERLAY (FH) ZONE

Findings: As indicated on FEMA FIRM 41057C0855F dated September 28, 2018, the subject property is located in an 'AE' Special Flood Hazard Area (SFHA) (Exhibit A). The Applicant is proposing to locate a temporary mobile kitchen unit within the 'AE Zone' (Exhibit B). Staff finds that, as a Condition of Approval, the proposed development within Special flood Hazard Areas on the subject property is subject to TCLUO Section 3.510 and will require a Floodplain Development Permit.

C. TCLUO SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

Findings: The subject property is located within an area of known geologic hazard. The temporary mobile kitchen unit is proposed to be sited in a developed area that is relatively flat and where ground disturbance is minimal. Staff also finds this area has been cleared of vegetation and impacts on undisturbed regions of the subject property are minimal. Given the size of the property and relatively flat location for siting the temporary mobile kitchen unit, staff finds a Geologic Hazard Assessment is not required as per the provisions outlined in TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. A Condition of Approval has been made to ensure development adheres to the applicable standards of TCLUO Section 4.130.

D. TCLUO 4.030: OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

The purpose of requirements for off-street parking and loading areas is to relieve traffic congestion; to ensure customer convenience and safety; to provide safe access to parked vehicles; and to help ensure safe and timely response of emergency vehicles.

(2) PARKING SPACES: A single parking space shall be at least 8 feet by 20 feet in size.

(6) DRAINAGE: Areas used for standing and maneuvering of vehicles shall have a surface that is suitable for all-weather use, and shall be drained so as to avoid the flow of water across public sidewalks and streets

(7) BUFFERING NON-RESIDENTIAL PARKING AREAS: Non-residential parking and loading areas adjacent to a residential use shall be enclosed along the residential use by a sight-obscuring fence that is from five to six feet in height, except where vision clearance is required.

(8) CURBING: Parking spaces along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.

(9) LIGHTING: Artificial lighting shall not create or reflect substantial glare into any adjacent residential zone or use.

(10) PROXIMITY TO TRAFFIC: Parking areas for four or more vehicles shall be of sufficient size to allow the backing and maneuvering of vehicles entirely out of the flow of traffic.

(12) OFF-STREET LOADING AREAS: Activities that receive or distribute materials or merchandise by truck shall install and utilize loading docks in sufficient numbers and size to accommodate loading requirements without the disruption of nearby traffic. Parking areas required by this Ordinance may only be used for loading operations during periods of the day when not required for patron or customer parking.

(13) PARKING SPACE REQUIREMENTS: Requirements for types of building and uses not specifically listed herein shall be determined by the Department, based upon the requirements for comparable uses either listed below or active elsewhere in the county.

(j) EATING AND DRINKING ESTABLISHMENT: One space for every 150 square feet of floor area.

Findings: TCLUO Section 4.030 requires one 8 foot by 20 foot parking space for every 150 square feet of floor area and two 8 foot by 20 foot parking spaces for the existing dwelling. County records indicate that the dwelling has a 288 square feet garage which is sufficient for the existing dwelling parking requirements (Exhibit A and Exhibit B). The temporary mobile kitchen unit is proposed to occupy a 10 foot by 24 foot square foot area at the front property line on tax lot 7900.

The applicant is proposing to add parking spaces to be used in conjunction with the temporary mobile kitchen unit on an adjacent property leased by the applicant's current business (Exhibit B). Evidence of a long-term lease for use of the adjacent property was not included in the applicant's submittal. Staff finds that the off-street parking requirements can be met provided the applicant submits to the Department a copy of the lease agreement confirming availability

parking in accordance with the applicable standards of Section 4.030. A Condition of Approval has been made to require the applicant provide a copy of the lease agreement at the time of zoning permit application submittal.

E. TCLUO Article VI: Conditional Use Procedures and Criteria

Article VI of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a conditional use request. These criteria, along with Staff's findings and conclusions are indicated below.

Section 6.020 Procedure requires notification of the request to be mailed to landowners within 250-feet of the subject property and agencies, to allow 14 days for written comment, and requires staff to consider comments received in making the decision.

Findings: Notice was mailed to property owners and agencies on May 22, 2023. Written comments were received by Jamie Craig, Environmental Health Program Manager. Comments conclude that the temporary mobile kitchen unit must meet all the current code and regulations of the 2020 mobile food unit rules defined by the State. Comment included as "Exhibit C" of this report. No other comments were received.

(1) The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.

Findings: The applicant is seeking approval to allow a temporary mobile kitchen unit to be sited on a developed property in the PCW-C1 zone. The proposed use is listed as a conditional use in the underlying zone (TCLUO 3.337(3)(j)). This criterion has been met.

(2) The use is consistent with the applicable goals and policies of the comprehensive plan.

Findings: Staff finds that the Land Use Ordinance is an implementing document of the Comprehensive Plan. In the absence of evidence to the contrary, uses allowed conditionally in the Land Use Ordinance are presumed to be consistent with the Comprehensive Plan.

(3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

Findings:

- The subject property is rectangular in shape, 0.13 acres in size and is relatively flat (Exhibit A).
- The property currently is improved with a dwelling, attached garage and a large gravel driveway (Exhibit B).
- The property appears to have adequate setbacks for the proposed location of the temporary mobile kitchen unit and the applicant is not proposing any outside seating or structures other than the temporary mobile kitchen unit (Exhibit B).
- The property has legal, commercial access on Brooten Road, a paved road maintained by Tillamook County Public Works Department with no pedestrian sidewalks (Exhibit A).
- Parking is proposed to be on the adjacent property leased by the applicant's current business (Exhibit B). The parking plan identifies ingress and egress to both the subject property where the temporary mobile kitchen unit is proposed to be sited and the adjacent property where parking is proposed to satisfy off-street parking requirements contained in TCLUO Section 4.030. The applicant states there is adequate room for parking (Exhibit B). A Condition of Approval has been made to require a copy of the lease agreement to be submitted at the time of zoning permit application submittal.
- The submitted site plan depicts the location and dimension of the existing road approach, and approach that provides shared access off Brooten Road to the subject property and adjacent property where off-street parking is to be located (Exhibit B). Staff recognizes additional improvements to the existing approach may be required to accommodate the added use of a temporary mobile kitchen unit and associated parking spaces. A Condition of Approval has also been made to require conformance with requirements set forth by the Tillamook County Public Works Department that necessitate improvements to the existing road approach to accommodate the added proposed use and parking spaces.
- The US Fish and Wildlife Service National Wetland Inventory Map indicate wetlands are not present on the subject property. No creeks, streams or other natural water features are present on the property (Exhibit A and Exhibit B).

- Staff finds that the subject property is suitable for a temporary mobile kitchen unit based on its size, shape, location in a commercially zoned area, flat topography, existence of commercial improvements and services, and lack of natural features. Staff finds that this criterion has been met, or specifically in relation to compliance with applicable parking standards outlined in TCLUO Section 4.030, can be met through the Conditions of Approval.

(4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

Findings: PCW-C1 zone (Exhibit A).

- Neighboring properties are also located in the PCW-C1 zone and the Pacific City /Woods Medium Density Residential (PCW-R2) zone (Exhibit A). Surrounding uses include a mix of residential, commercial, and public uses including a county library, and public recreation opportunities (Exhibits A & B).
- Based upon the submitted site plan (Exhibit B) all activities and parking requirements can be accommodated on the subject property and an adjoining property. A Conditional of Approval to ensure parking is available on adjacent property.
- Staff finds that the proposal for siting of a temporary mobile kitchen unit on the subject property with off-street parking located nearby on the adjacent property demonstrates all uses associated with operation of the temporary mobile kitchen unit can occur in a manner that does not limit, impair or prevent use of nearby commercial, public and residential properties. Conditions of Approval have been made to ensure compliance with applicable parking requirements outlined in TCLUO Section 4.030 as well as compliance with requirements for road approach improvements as deemed necessary for operation of the temporary mobile kitchen unit and added parking. Staff finds this criterion can be met through Conditions of Approval.

(5) The proposed use will not have a detrimental effect on existing solar energy systems, wind energy conversion systems or wind mills.

Findings: None such systems are known to exist in the area. Staff concludes this criterion has been met.

(6) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

Findings:

- The property is accessed by an existing driveway off of Brooten Road, a County Road. The existing road approach serves as access to the existing dwelling on the subject property and the adjacent property where off-street parking is proposed (Exhibit A & B). Brooten Road is a paved County Road maintained by the Tillamook County Public Works Department with no pedestrian sidewalks.
- The property is currently served by Pacific City Joint Water-Sanitary Authority, Nestucca Rural Fire District, Tillamook Public Utility District ('TPUD') and the Tillamook County Sheriff's Office.
- Fire protection is provided by the Nestucca Rural Fire District.
- A Condition of Approval has been made to require updated service provider letters at the time of zoning permit application submittal. Proposed road approach must comply with Tillamook County Public Works Conditions of Approval. This criterion has been met and can be met through the Conditions of Approval.

III. DECISION AND CONCLUSION

Based on the findings shown above, Staff concludes that the applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, the Department approves this request subject to the Conditions of Approval in section V of this report.

Appeal of this decision. This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. The forms and fees must be filed in the office of this Department before **4:00 PM on August 2, 2023**.

IV. CONDITIONS OF APPROVAL

Sections 6.070: COMPLIANCE WITH CONDITIONS, and 6.080: TIME LIMIT requires compliance with approved plans and conditions of this decision, and all other ordinance provisions. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

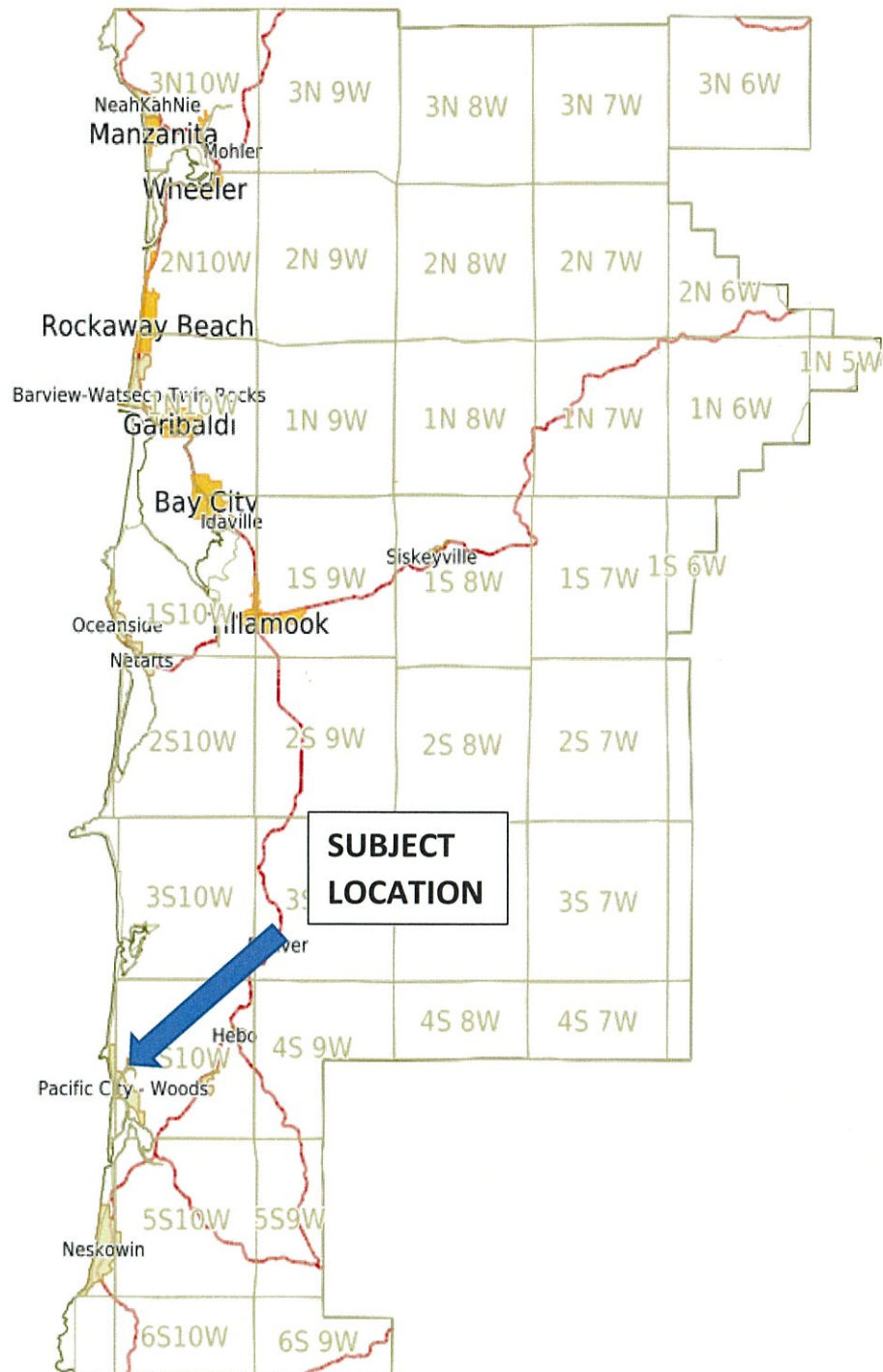
1. The applicant shall obtain all required permits from the Federal, State and local agencies prior to development, including obtaining any required building, placement, mechanical, plumbing or electrical permits for improvements needed for operation of the temporary mobile kitchen unit.
2. The applicant shall obtain all necessary permits and licenses from the Tillamook County Department of Environmental Health. Documentation of licensing and permitting shall be submitted to the Department prior to operation of the temporary mobile kitchen unit.
3. The applicant/property owner shall adhere to the applicable development standards outlined in TCLUO Section 4.030 Off-Street Parking and Off-Street Loading Requirements. A minimum of two (2) 8-foot by 20-foot parking spaces are required for the operation of the temporary mobile kitchen unit. Parking spaces located along the boundaries of a lot shall be contained by a curb or bumper rail that is at least four inches high and is set back at least four and one-half feet from the property line.
4. A site plan, drawn to scale, illustrating the proposed development and required setbacks, shall be provided at the time of Zoning Permit application submittal. The site plan shall accurately depict the location and dimensions of required parking spaces and shall demonstrate conformance with the applicable standards of TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Requirements.
5. A copy of the lease agreement between the applicant and adjacent property owner confirming use of the adjacent property for off-street parking in conjunction with the temporary mobile kitchen unit shall be submitted at the time of Zoning Permit application submittal.
6. The applicant/property owner shall submit updated letters from Pacific City Joint Water-Sanitary Authority and Nestucca Rural Fire District confirming service availability at time of Zoning Permit application submittal.
7. Documentation of a valid Road Approach Permit from the Tillamook County Public Works Department shall be submitted at the time of Zoning Permit application submittal. Road approach improvements required by the Tillamook County Public Works Department for use of the temporary mobile kitchen unit and associated parking shall be installed prior to operation of the temporary mobile kitchen unit. Confirmation from the Tillamook County Public Works Department that the improvements were satisfactorily installed shall be submitted to the Department prior to operation of the temporary mobile kitchen unit.
8. A Floodplain Development Permit is required for development within the Area of Special Flood Hazard. Applicant shall obtain an approved Floodplain Development Permit demonstrating compliance with the applicable requirements of TCLUO Section 3.510 Flood Hazard Overlay (FH) zone prior to or at the time of Zoning Permit application submittal.
9. The applicant/property owner shall adhere to the development standards outlined in TCLUO Section 3.337: Pacific City/Woods Commercial One (PCW-C1) Zone. Expansion of use, including development of outdoor seating shall not be developed without prior land use review and approval.
10. Signage shall conform to the applicable standards of TCLUO Section 4.020: Signs.
11. Any future development, including vegetation removal, shall conform to the applicable requirements of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas.
12. This approval shall be null and void on **July 21, 2025**, unless all Conditions are met, or an 'Extension of Time' is requested from, and approved by, this Department.

IV. EXHIBITS

- A. Location Map, Assessor's Map, Zoning Map
- B. Applicant submittal
- C. Written commentary received

EXHIBIT A

VICINITY MAP



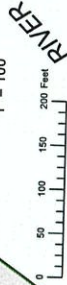
#851-23-000101-PLNG:
Kuhn

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

S.E. 1/4 S.W. 1/4 SEC. 19 T.4S. R. 10W. W.M.

TILLAMOOK COUNTY

04S10W19CD
PACIFIC CITY



NESTUCA
SEE MAP 4S 10W 19

BIG

CANCELLED
1200
2707
2900
4900
4500
4600
5500
5600
6000

SEE MAP 4S 10W 19

SEE MAP 4S 10W 19CC

SEE MAP 4S 10W 30BA

04S10W19CD
PACIFIC CITY
Revised 5/11/22, WS



22-2

WILSON ROAD
STRAPE

PARTITION PLAT

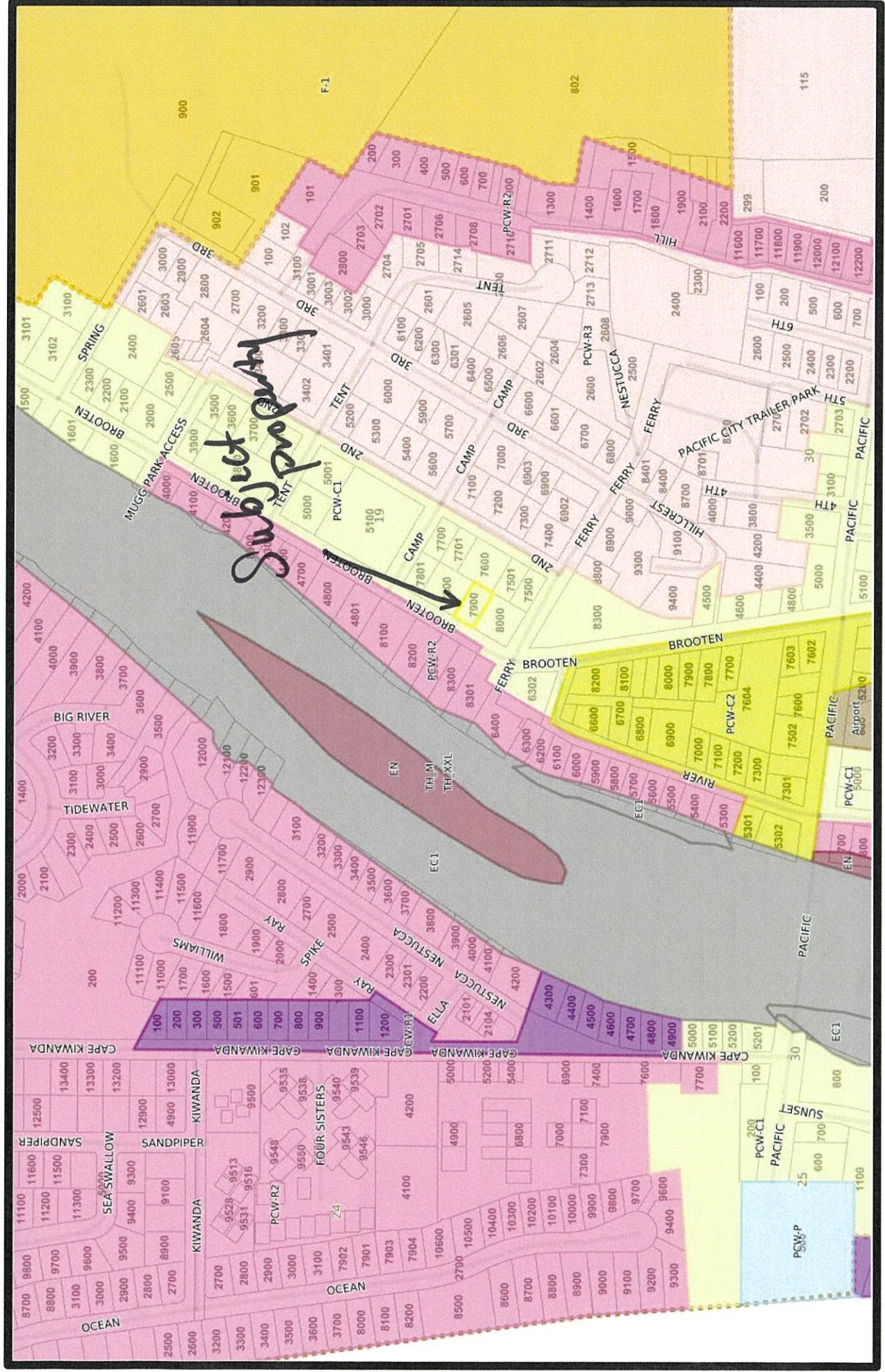
NESTUCA

FIFTH ST

HILLCREST ST

SEE MAP 4S 10W 30BA

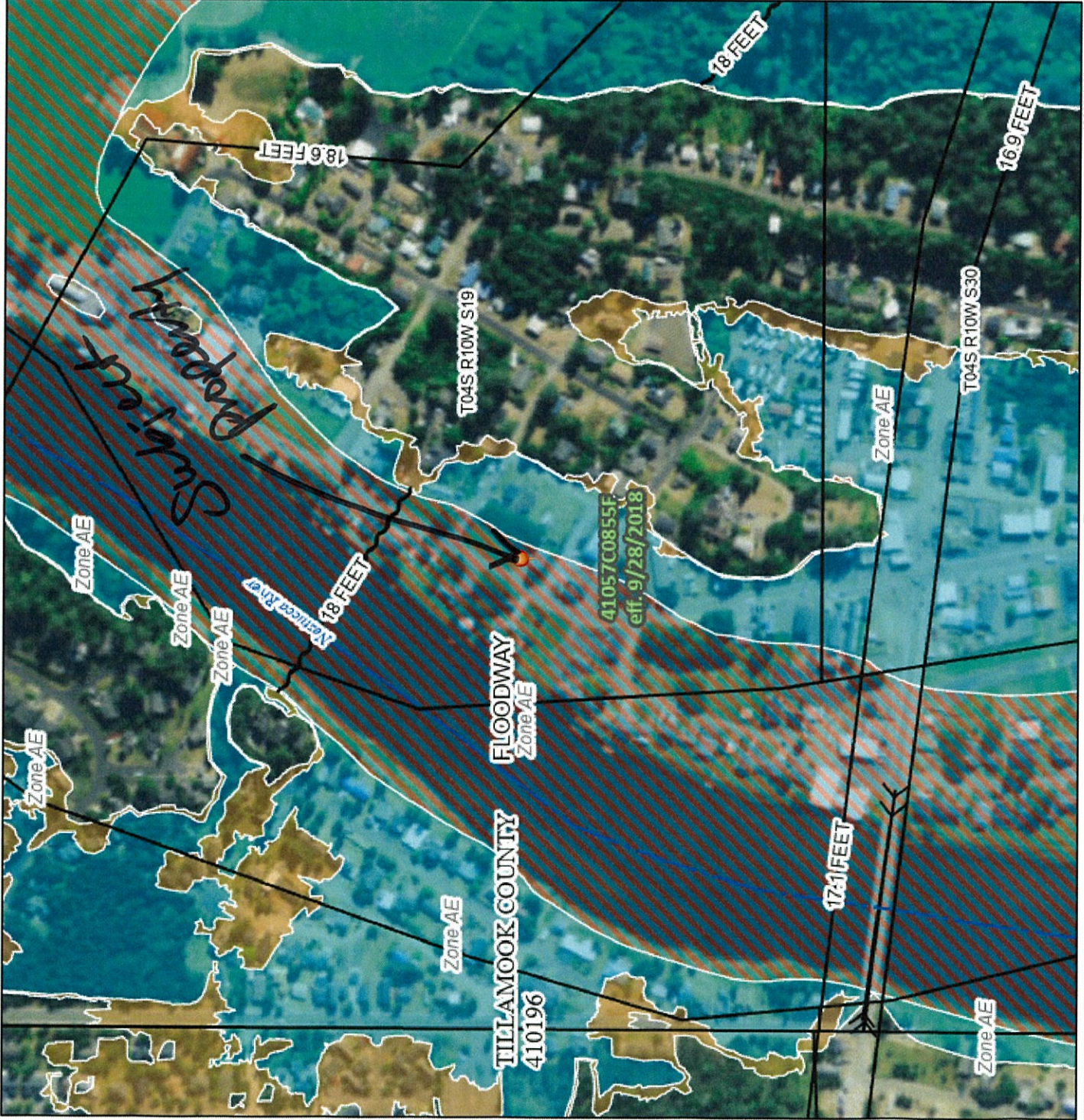
Map



National Flood Hazard Layer FIRMette



123°58'W 45°12'28"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone L

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone R

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

















The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/3/2023 at 2:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

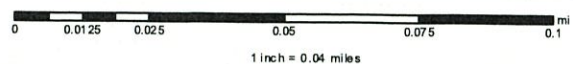
123°57'23"W 45°12'31"N

Statewide Wetlands Inventory



-  Townships
-  LWI Study Area
-  NHD Springs/Seeps
- NHD Streams and Rivers**
 -  Perennial
 -  Intermittent
 -  Ephemeral
 -  Unknown
 -  Canal/Ditch
- NHD Area**
 -  NHD Area
 -  NHD Waterbody
- Wetlands**
 -  Estuarine and Marine Deepwater
 -  Estuarine and Marine Wetland
 -  Freshwater Emergent Wetland
 -  Freshwater Forested/Shrub Wetland
 -  Freshwater Pond
 -  Lake
 -  Riverine
 -  SWI Pre dominantly Hydric Soil Map Units
 -  SWI Agate-Winko Soils

R. Souinhen, Department of State Lands, Esri, HERE, Garmin, (c) OpenStreetM contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, R. Souinhen 2018



Date: 7/3/2

N



Geologic Hazard Area

← ↻ 🏠 🔒 https://www.coastalatlant.net/tillamook/map/#on=sketch/default;oregoncoastalatlant/Tillamook_Taxlots_2022;Ad

📄 Tillamook Hazards... 🔍 Sign in - Google Ac... 📄 Tillamook Hazards... 🌐 Tillamook County... 📄 RingCentral - Resou...

🗨️ Zoom to Full Extent 📏 Measure 🖨️ Print 📍 Find Me 🔄 Start Over

Catalog Favorites Visible Results

Search catalog

Map Extras

Administrative Boundaries

Tax lots

County Boundaries

Non-Regulatory Planning

Physical

Debris Flow fans

Deep Landslide Susceptibility

Shallow Landslide Susceptibility

Rapidly Moving Landslides

Beaches and Dunes Overlay Zone

Elevation

Highest Hit, OLC, 2008-19

Bare Earth, OLC, 2008-19

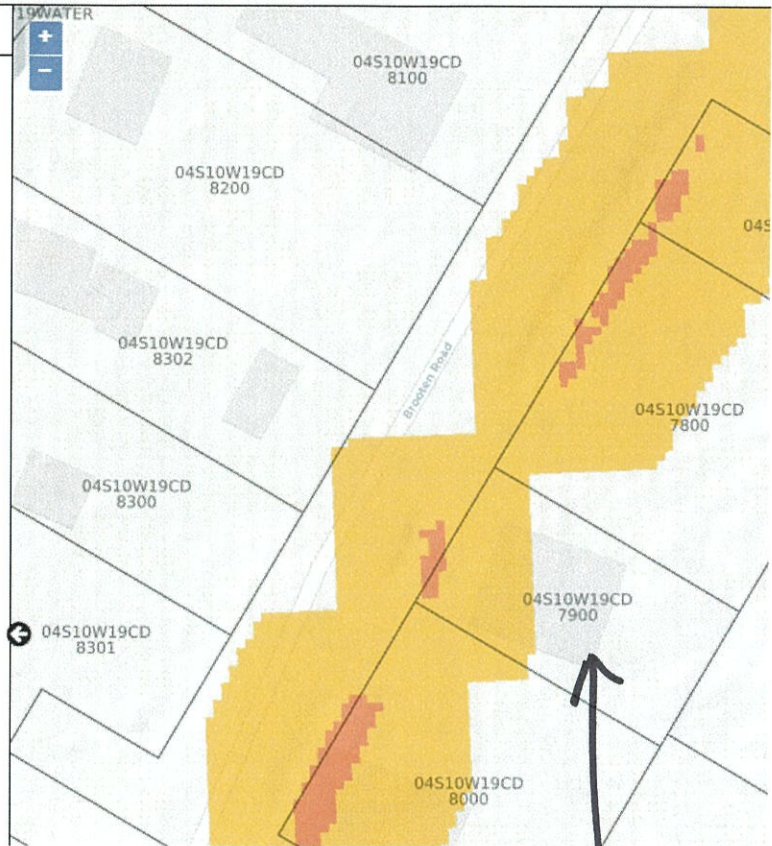
Aerial Photos

▶ State Imagery

▶ World Imagery

Basemaps

▼ Carto



Subject property

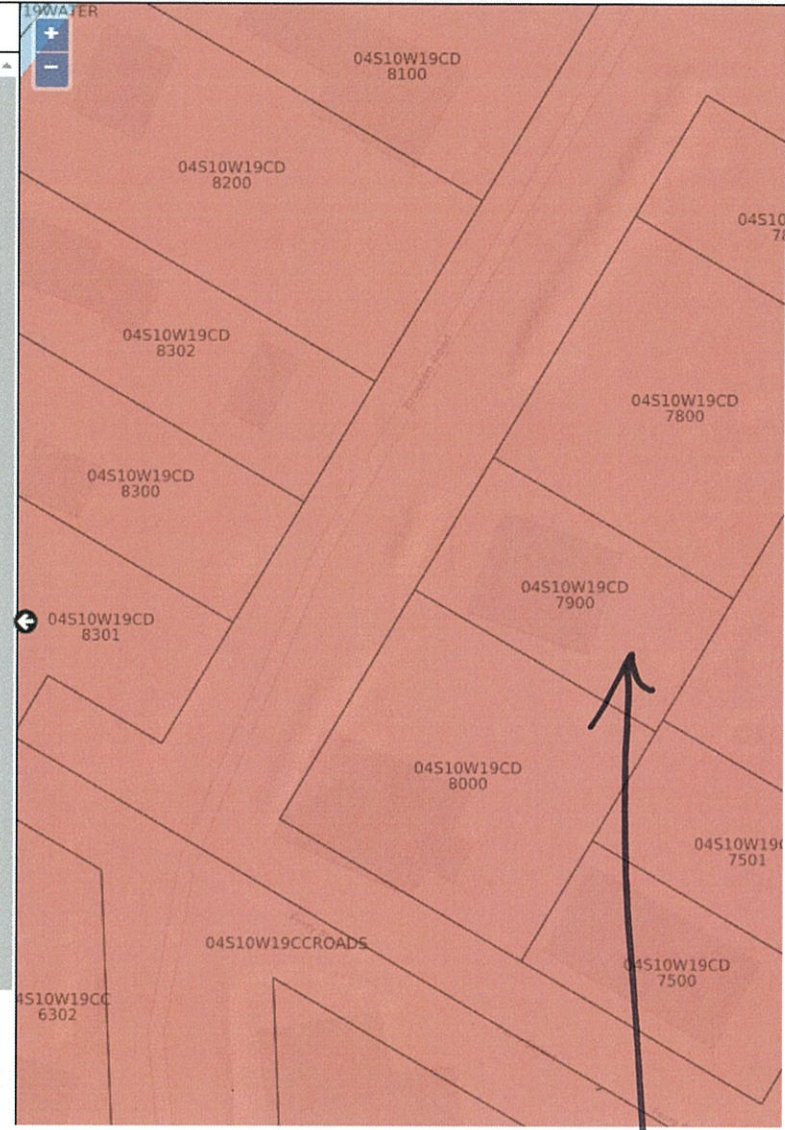
Beach and Dune Overlay (wet flood plain)

← ↻ 🏠 🔒 https://www.coastalatlant.net/tillamook/map/#on=sketch/default;oregoncoastalatlant/Tillamook_Taxlots_2022;Adm
📄 Tillamook Hazards... 🔍 Sign in - Google Ac... 📄 Tillamook Hazards... 🌐 Tillamook County... 📄 RingCentral - Resou...

🔍 Zoom to Full Extent ↔ Measure 🖨️ Print ↶ Find Me ↻ Start Over

Catalog Favorites Visible Results
Search catalog

- Map Extras**
- Administrative Boundaries
 - Tax lots
 - County Boundaries
 - Non-Regulatory Planning
 - Physical
 - Debris Flow fans
 - Deep Landslide Susceptibility
 - Shallow Landslide Susceptibility
 - Rapidly Moving Landslides
 - Beaches and Dunes Overlay Zone
 - B - Beach
 - FDA - Active foredune
 - AFDA - Artificial dune
 - FD (W) - Reactivated, erosion/flooding
 - H - Hummocks, active
 - FD - Stabilized foredune
 - IFD - Inland foredune
 - DC - Dune complex
 - DC (W) - wet
 - DS - Dune, younger stabilized
 - ODS - Dune, older stabilized
 - OS - Open sand
 - W - Interdune
 - WMF - Wet mountain front
 - WDP - Wet deflation plan
 - WL - Wetland
 - WSP - Wet surge plain
 - WFP - Wet flood plain
 - LK - Lake
 - CT - Coastal terrace
 - LD - Landslide
 - FED - Fluvial, estuary deposit



Subject Property

Improvement Summary

TILLAMOOK County

For Assessment Year 2021

Account ID 236346
 Map 4S1019CD07900 Situs 34775 BROOTEN RD COUNTY OR
 Mailing KUHN, TYLER CHASEN
 PO BOX 131
 PACIFIC CITY OR 97135

Bldg	Code Area	Stat Class	Year Built	Comp %	Description	Sqft
2	2202	138	1963	100	138 - Unique (Octagon, Dome, or A-frame)	1,440

Rooms: 3 - BD, 1 - FB, 1 - U, 1 - LR, 1 - KT, 1 - FP

Floors

Description	Class	Comp %	OR %	Sqft
First Floor	3 +	100		1008
Attic	3 +	100		576
Garage	3 +	100		288

Improvement Inventory

Description	Qty/Size	Description	Qty/Size
CABINETS - SOFTWOOD	1	KITCHEN SINK SS DOUBLE	1
EXT COV - SHAKE WOOD	1	ROOF - GABLE ROOF	1
EXT COV - SHINGLE WOOD	1	ROOF COV - BE METAL	1008
FND - CONCRETE / MASONRY	1008	ROOF COV - BE METAL	288
FULL BATH	1	SINGLE FIREPLACE	1
H&C - ZONAL UNITS	1008	WALLS - CONVENTIONAL WOODFRAME	1
H&C - ZONAL UNITS	432	WATER HEATER - STANDARD	1
HF/DW/GD/MW	1		

Accessories

Description	Size	Qty
FENCE - FIR / CEDAR	142	
SHED - PREFAB GARDEN	80	
DECK	291	
DECK W/RAILING	48	
DECK	240	

Total RMV \$225,670

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
Date Stamp	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by:	
Receipt #: 1316205	
Fees: 1500.00	
Permit No: 851-23-000101-PLNG	

Applicant (Check Box if Same as Property Owner)

Name: TYLER Phone: (805) 585-0337
 Address: 34775 BROOKEN ROAD
 City: PACIFIC CITY State: OR Zip: 97135
 Email: TYLER.KUHNSIS@GMAIL.COM

Property Owner

Name: Phone:
 Address:
 City: State: Zip:
 Email:

Request: MOBILE FOOD CART

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 34775 BROOKEN ROAD PACIFIC CITY
 Map Number: 4510 19CD 7900
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

 Property Owner Signature (Required) 4-11-23
Date

 Applicant Signature Date

- 1) The use is listed as a CONDITIONAL USE in the underlying zone, or in an applicable overlying zone.

I am applying for Conditional Use in our underlying zone. I am applying with the belief that my Taco Truck will have no negative affect on the surrounding community. The property is located right next to the Greatful Bread and Bakery. The farmers market, River house, Sportsman, and many other local business are on the same street all within a quarter mile it makes sense to add another pure local business to the area.

- 2) The use is consistent with the applicable goals and policies of the comprehensive plan.

The operation of my taco truck could not fit into the goals and policies of the comprehensive plan more precisely. For many generations Pacific City took pride in its commercial dory fleet. A cannery was right across the street from this property until the late 70s. Myself and a handful of others have been keeping the commercial dory fleet alive. This taco truck would serve my catch as well as many other dory fishermen potentially growing the ports dwindling fleet. This leap over the middle man directly from the sea to the public enable's visitors and locals the freshest fish possible and also allows us to give these local fishermen the highest value for their catch. I know that this will be a welcomed addition to the community for historic and monetary reasons.

- 3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.

My property is flat and located on Brooten Road which is the main commercial hub in Pacific City. My lot has no water run-off issues and little to no changes will be necessary. The Mobile unit will have plenty of room for parking and will be more than adequate for the safe entering and exiting of traffic. I have attached a sketch of the properties boundaries as well as the leased property adjacent to the property by both my current business West Fish Company and the future taco truck business for parking and traffic flow. The diagram is drawn to scale. The Greatful Bread and Bakery already have an abundance of customers entering and exiting right next door with little to no issue. There is ample room for cars to pull in and do a 3 point turn in space provided and not have to back onto Brooten road.

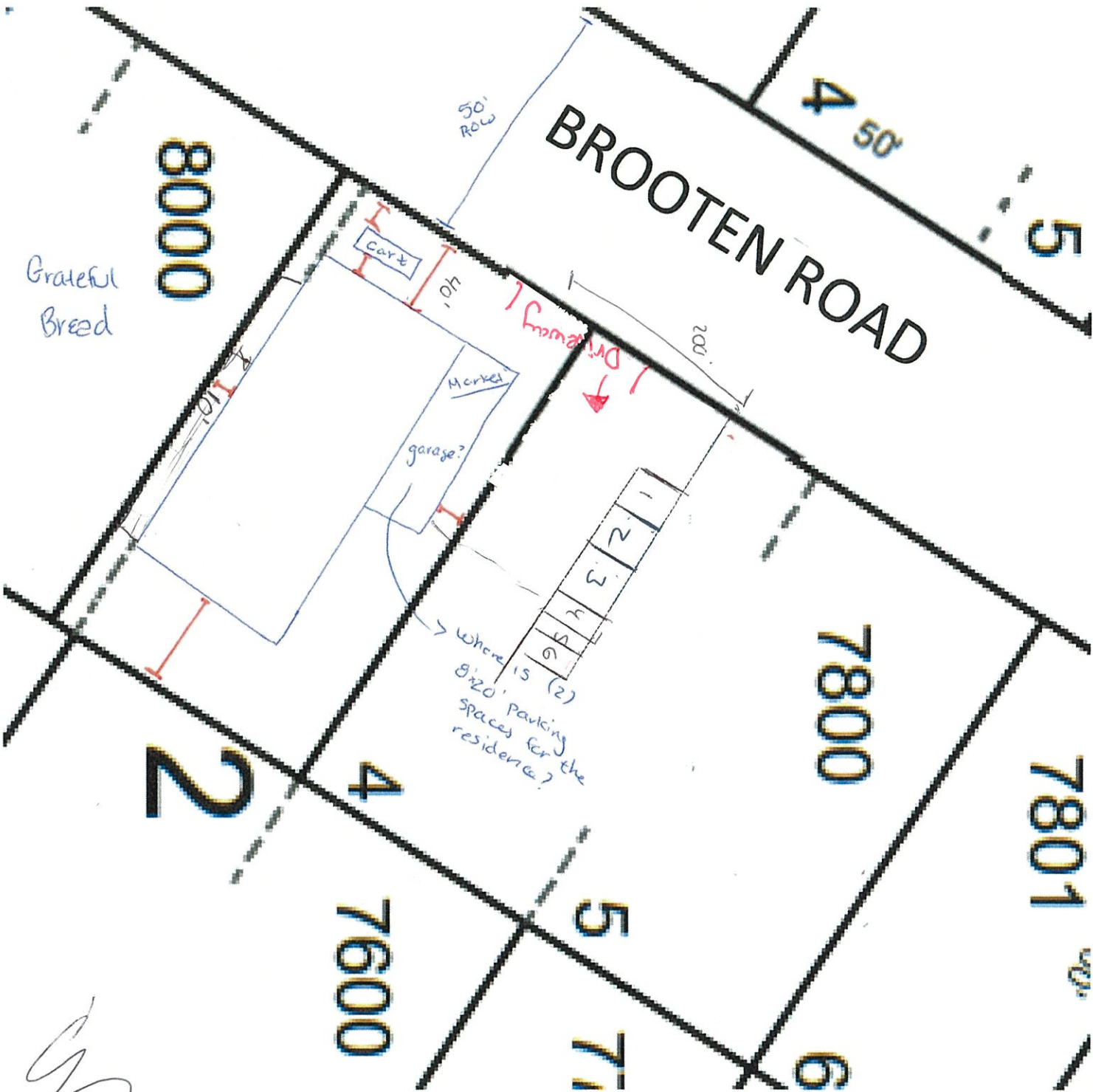
- 4)The Proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.

If anything, the dory caught taco stand will improve the character of the surrounding area. All neighbors love what we are doing with the fish market and are on board with the taco truck. The property next door is a vacant lot and on the other side of me is a bakery and restaurant. Across the street are two houses on the river that are set so far back that they can't even see operations, it would be impossible for anyone to block neighboring driveways due to limited space on the side of the road. My intention is to be open a few days a week in the spring, summer and fall. I will only serve fresh local caught fish. We will open and sell until we are out of product. Dory boats will deliver through the week at all times of the day we can coordinate with our fishermen when the best times and delivery methods would be according to traffic at the market and the taco truck. Other supplies will be purchased by myself.

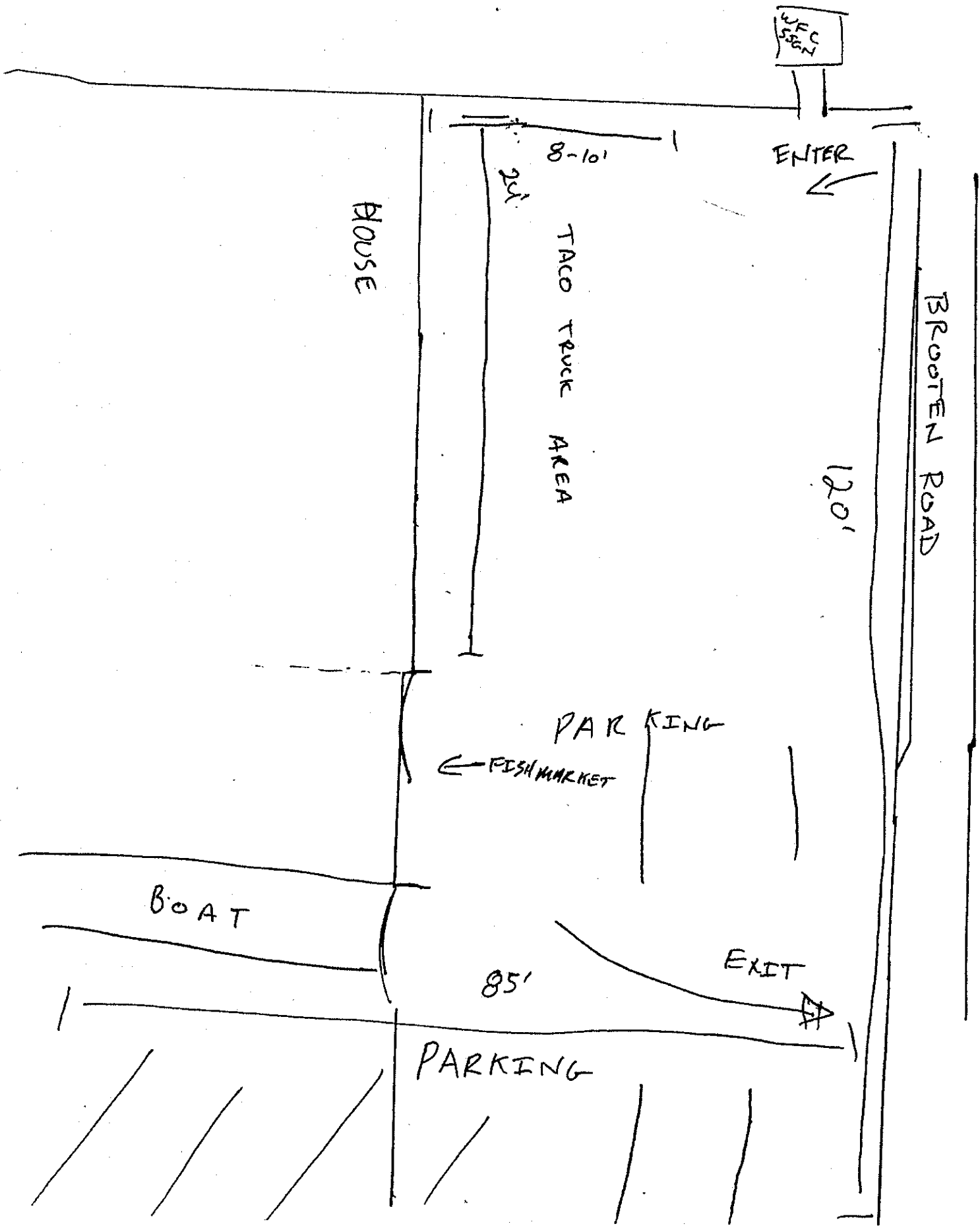
- 5) N/A

6) The proposed use is timely, considering the adequacy of public facilities and services existing

Public facilities will not be overwhelmed by the to-go only taco truck only open a few hours a day a couple days a week seasonally. Most to all customers will not be foot traffic local facilities at the cape will provide ample relief for customers.



Handwritten signature or initials.





Tillamook County Public Works

503 Marolf Loop Road, Tillamook, OR 97141

County Road Phone: 503-842-3419

Solid Waste Phone: 503-815-3975

Fax: 503-842-6473

Email: pubwks@co.tillamook.or.us

TTY Oregon Relay Service

Land of Trees, Cheese, and Ocean Breeze

April 4th, 2023

Tyler Kuhn & Gerald Branch
PO Box 131
Pacific City, OR 97135

RE: Road Approach Permit #6594
Brooten Road - City; Tillamook County Road #887
T04S R10W Sec. 19CD, Tax Lot #7800

Dear Tyler & Gerald:

Tillamook County Engineering staff review of your Road Approach Permit Application and a field site evaluation is complete with the following conclusion.

This permit is issued to authorize the construction of one new road approach to access the tax lot as identified on the above noted Tillamook County Assessor's map, a copy of which is marked up and included as part of this permit. The road approach approved under this permit is a preliminary to any permanent construction or installation which will be required to be reviewed and appropriate land use and development permits issued by the Tillamook County Department of Community Development.

No portion of the right of way of Brooten Road is to be used for overnight or weekend storage of materials, equipment or extended daytime staging. Any material staged is required to be processed onto the subject parcel in a timely manner subject to condition #2 below.

This commercial access straddles the shared property line for tax lots #7900 and #7800. The owner of #7900 has provided documentation of a lease allowing for access and use of a portion of lot #7800 as an overflow parking area for their business and a future food cart endeavor.

The full width of this approach will have to be paved from the existing road surface to the private property line in accordance with Ord#44.VIII.K.2.a. The paved approach must slope down from the existing road surface at a grade of 2% until it reaches the centerline of the existing culvert, after which it should rise again. The transition between grades may not exceed a difference greater than 8%.

By this reference, your signed application and proposed road approach plan are incorporated into this permit.

Road Approach permit #6594 is **Approved** with the following conditions:

1. With the issuance of this Road Approach Permit it is the sole responsibility of the applicant to verify and comply with all local, state, and federal land use regulations and related permit requirements. The issuing of this Road Approach Permit in no way relieves the applicant from applicable land use laws or regulations that may pertain to the lands accessed by the construction of the herein approved road approach.
2. Blocking any road under Tillamook County Jurisdiction for more than 30 minutes is considered a road closure that must be authorized by the Public Works Department preceded by appropriate residential and emergency service notification. As the permit holder you are required to receive prior authorization from public works for any road closure.

3. A pre-construction site meeting is required to be scheduled between myself and the contractor to finalize driveway grade and alignment.
4. Road Approach construction materials and geometry are defined on the attached specification sheet and should be followed carefully. Storm water control as depicted on the submitted site plan is approved by the public works department for construction.
5. FINISHED grade of the approach from the existing edge of the County Road to the Right of Way line is to be -2%.
6. No concrete work or landscaping is allowed in the county right of way without prior approval.

IT IS THE RESPONSIBILITY OF THE PERMIT HOLDER TO ARRANGE FOR ANY NECESSARY UTILITY LOCATES PRIOR TO EXCAVATION.

ATTENTION: 2007 Oregon Revised Statutes Chapter 757, requires you to follow rules adopted by the Oregon Utility Notification Center (OUNC). Those rules are set forth in Oregon Administration Rules Chapter 952, Division 1. You may obtain copies of the rules by calling 811 or logging on to the O.U.N.C. website at <http://www.digsafelyoregon.com/>

Before commercial use of the road approach, all improvements of the road approach shall be completed, except paving. [As stated in Ordinance #44 on page 6 & 7, Section V-E.]

Applicant or their contractor shall contact this office with a 48-hour advance notice for inspections as required prior to accessing the structure.

- A. Phase I inspection is for sub-grade prior to rock base and verification of the sight distance.
- B. Phase II inspection of completed rock base and approach grade.
- C. Final Completion of all requirements by 18 months from date of issue.

No structures, fencing, concrete, masonry, brickwork, landscaping, nor roadside hazards are permitted within the road right-of-way. All mailboxes must meet approved "break-a-way" standards for impact by vehicles.

If you have any questions, please feel free to contact or leave a message for Tillamook County Public Works at the above number between the hours of 8:00 a.m. and 4:30 p.m. Monday thru Thursday.

Sincerely,



Jasper J. Lind
Engineering Technician

Cc: Sheila Shoemaker, Department of Community Development, by email

Residential Road Approach Permit #6594

The road approach covered by this permit shall be built in accordance with Tillamook County Ordinance #44 & constructed with the following dimensions and specifications

Public Road Broton Road
 Road Number 887
 Paved X Rocked
 Mile Post n/a Eng. Station n/a
 Side of Road West
 Ditch Flow: Ahead N/A Back N/A

Applicant Tyler Kuhn / Gerald Branch
 Contractor OWNER'S CHOICE
 T = 4S R = 10W
 Section = 19 CD
 Tax Lot = 7800

Ordinance #44 Plan View Dimensions

W = <30' R1 = 15'
 A ° = 90° Dd = N/A
 Drw = ± 15' R2 = 15'

Public Right of Way Width = 50'

Posted Traffic Speed 25 MPH
 Intersection Distance 165' NE
 Required Sight Distance N/A FEET
 Observed Sight Distances
 Right N/A Left N/A

Culvert Exst'g / Req'd Existing

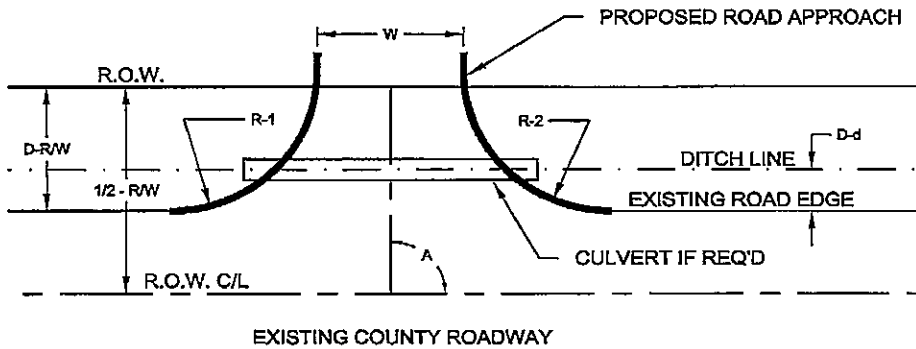
Culvert: N/A Concrete
N/A Corrugated Galvanized Metal
N/A Corrugated HDPE Dual Wall
 Length N/A Diameter N/A

PHASE INSPECTION (subgrade)
 Date _____ BY _____
 FINAL INSPECTION (culvert & rock placement)
 Date _____ BY _____
 PAVING INSPECTION (if required)
 Date _____ BY _____

Base Fabric Required N (Y / N)
 ROCK BASE: Size & Type 3" - 0"
 Compacted Depth 9"
 FINISH ROCK: Size & Type 3/4"-0"
 Compacted Depth 3"
ASPHALT CEMENT PAVEMENT
 Compacted Depth N/A
 Number of Lifts N/A

NOTE: All placed aggregates are to be free of bio-mass and compacted to 95% Dry Density

ROAD APPROACH PLAN VIEW





Road Approach shall be paved where it is within the public right of way.



2023. 3. 22 10:56



2023. 3. 22 10:57



2023. 3. 22 10:56



2023. 3. 22 10:55



2023. 3. 22 10:55



2023. 3. 22 10:55

Application Permit No. RA 6594 Road No. 887

ROAD APPROACH APPLICATION AND CONSTRUCTION PERMIT

NOTICE

Applicant must be the person, representative of the firm or corporation having the legal ownership of the property to apply for a Road Approach Permit. Such legal right is vested only in the owner of the property abutting the highway or the holder of an easement or similar right to construct and use an approach road upon the abutting property.

PROPOSED USE: SINGLE FAMILY RESIDENCE COMMERCIAL

TOWNSHIP 4S RANGE 10 WEST, W.M. SECTION 19 CD TAX LOT NO. 7800

TYLER KUHN / GERALD BRANCH

(NAME OF APPLICANT/PROPERTY OWNER)

P.O. Box 131 BROOTEEN ROAD PACIFIC CITY OR. 97135

(MAILING ADDRESS AND PHONE NUMBER)

WESTFISHCO@GMAIL.COM

(EMAIL ADDRESS)

(NAME OF STREET OR ROAD TO BE ACCESSED)

NO CONSTRUCTION SHALL BE ALLOWED ON THE APPROACH ROAD UNTIL THIS APPLICATION HAS BEEN ISSUED BY THE DEPARTMENT OF PUBLIC WORKS.

This application is made pursuant to O.R.S. Chapter 374 and Tillamook County Ordinance #44 (see Ordinance #44 for detailed information).

The APPLICANT SHALL PROVIDE A MAP accompanying this application showing the following information:

- The road right-of-way lines;
- The location of the traveled road in the road right-of-way;
- All existing and proposed road approaches;
- All existing and proposed structures;
- The existing and proposed drainage ditching and culverts
- The distance from the center of the road approach to the nearest property corner.

THE PROPOSED APPROACH ROAD LOCATION MUST BE STAKED AND FLAGGED ON THE SITE. A \$583.00 fee will be required at the time of application. **DOUBLE FEES SHALL BE ASSESSED FOR ANY APPLICATION RECEIVED AFTER CONSTRUCTION HAS ALREADY STARTED.** If additional trips are required because the site is not staked or flagged an additional fee of \$25.00 for each trip can be assessed.

PRIOR TO ISSUING THE PERMIT THE PUBLIC WORKS DEPARTMENT OF THE COUNTY WILL INSPECT THE SITE for proper drainage, traffic hazards and general acceptability.

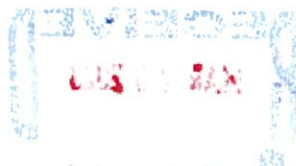
REVISED 01/2017



WILSONVILLE OUTDOOR ENTERPRISES INC
PROFITSHARING PLAN'S TRUST

Gerald Branch Gerald Branch

This is the signature of lot #7800 landowner.



THE APPROACH ROAD CONSTRUCTION SHALL COMMENCE BY THE APPLICANT AS DIRECTED BY THE COUNTY AND INSPECTED FOR COMPLETION IN THE FOLLOWING PHASES:

PHASE I: Clearing of the site, ditch excavation and subgrade of the approach. The applicant **shall request an inspection for approval**, prior to proceeding with Phase II construction.

PHASE II: Installing the culvert, placing all rock base. The applicant **shall request an inspection for approval**. **PHASE II MUST BE COMPLETED PRIOR TO CONSTRUCTION ACCESS.**

FINAL PHASE: Paving. After the paving, the applicant **shall request a final inspection for approval**.

In consideration of the applicant's agreement to comply in all respects with the regulation of Tillamook County, permission is hereby granted for construction described in the above application and in the instructions attached hereto and by this reference made a part hereof to same extent as if set forth in full. The applicant shall make all corrections as directed. Applicant agrees to save and hold harmless the County from any and all liability of whatever kind or nature arising or to arise by reason of issuance of this construction permit, the issuance thereof being for the sole benefit of applicant. Applicant is responsible to obtain all approvals or permits from other government agencies having jurisdiction affected by the proposed road approach construction site, i.e., wetlands; urban growth; riparian areas; access to county road within city.

The entire expense of maintaining said approach road shall be borne by applicant. If in the event of the reconstruction or widening of any highway, it becomes necessary to remove, alter or reconstruct the approach road constructed under authority of this permit, the cost of such removal or replacement to a like width and condition will be borne by the County. Any widening or other improvement of the approach road at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.

 3-20-23

APPLICANT (PROPERTY OWNER ONLY) DATE

FOR DEPARTMENT USE ONLY

APPLICATION APPROVED:  04/03/2023
PUBLIC WORKS DEPARTMENT DATE

PHASE II COMPLETION REQUIRED BY: _____ COMPLETED: _____

(Phase II must be completed prior to construction access)

FINAL COMPLETION REQUIRED BY: _____

PERMIT NUMBER: RA 6594

FINAL COMPLETION INSPECTED AND APPROVED: _____

EXHIBIT C

Sheila Shoemaker

From: Jaime Craig
Sent: Wednesday, June 14, 2023 4:24 PM
To: Sheila Shoemaker
Subject: RE: Conditional Use Review Request 851-23-000101-PLNG KUHN
Attachments: 101.PDF

Hi Shiela,

Comments:

What does a temporary use mean. Can he not keep the cart in place full time?

Mobile food unit must meet all the current code and regulations of the 2020 mobile food unit rules defined by the State. Fresh water hose will have to be food grade and white.

Tanks on cart will be determined by size of 3 compartment sink measurements with drainboards. The sinks will need to fit the largest piece of cooking equipment to be fully submerged.

If the cart is not large enough to safely store all aspects of the operation a commissary or warehouse may be required.

A plumbed bathroom for staff and guests (if seating is provided) will need to be within 500 ft of the cart.

Gray water will need to be disposed of in an approved manor.

If the cart is connected to water, it will need to be connected to sewer.

A grease interceptor may be required per the wastewater district.

Depending on menu, a type 1 hood may be required by the State Fire Marshal and distance that the cart needs to be from the building may be determined by the State fire Marshal.

This is not an exhaustive list.

If there are questions, please contact Jaime Craig 503-842-3909



Jaime Craig (she/her/hers) | REHS

TILLAMOOK COUNTY | Environmental Health Program Manager

801 Pacific Avenue | PO Box 489

Tillamook, OR 97141

Phone (503) 842-3909

Fax (503) 842-3983

Jcraig@co.tillamook.or.us

www.tillamookchc.org

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Although our office is open, staffing availability may limit when our office door is open. If you need to schedule time to speak with Environmental Health, please call 503-842-3909 to schedule an in-person appointment. Thank you. Our office hours are from 8:30 to 4:30 with a lunch from 12-1pm.

I worked with Melissa on most of my comments for this one.

Jaime

From: Lynn Tone <ltone@co.tillamook.or.us>
Sent: Monday, May 22, 2023 4:29 PM
To: Sheila Shoemaker <sshoemak@co.tillamook.or.us>
Subject: Conditional Use Review Request 851-23-000101-PLNG KUHN

Please see attached for Notice of Administrative Review.



Lynn Tone | Office Specialist II
TILLAMOOK COUNTY | Surveyor's Office/Community Development
1510 3rd Street Ste C
Tillamook, OR 97141
Phone (503) 842-3423
ltone@co.tillamook.or.us

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