



Clatsop County
Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

NOTICE OF DECISION

TEMPORARY USE PERMIT #186-23-000368-PLNG

DATE: August 23, 2023

REQUEST: Temporary Use Permit per LAWDUC Section 2.8230(3), for a coffee stand/trailer in a commercial zone.

APPLICANTS: Mylene White and Courtney Carlson (Coffee Stand Owners)
PO Box 403, Clatskanie, OR 97016

PROPERTY OWNERS: Jacky and Mylene White
PO Box 403, Clatskanie, OR 97016

PROPERTY DESCRIPTION: T8N, R06W, SEC.36CA, TL03300
49279 HWY 30, Westport, OR 97016

ACTION: **APPROVAL** – with Conditions, Limited Time Period (one year)

Mylene White and Courtney Carlson,

The Community Development Department has completed review of the request cited above. This decision includes findings and conditions of approval, attached.

If you, or a party with standing, wish to appeal this decision, you may do so, up to the date and time appearing at the bottom of this letter. The appeal must comply with Section 2.2190 of the Clatsop County Land and Water Development and Use Code #20-03 (procedure for an appeal). This department will not issue development permits for any activities or structures until the 12-day appeal period has expired.

If you have any questions regarding this decision, appeal procedures or any of the conditions of approval, please contact me at (503) 325-8611.

Sincerely,

Gail Henrikson, Director
Community Development Department

Attachments: Conditions of Approval
Staff Report
Attachments

DEADLINE TO APPEAL: 4:00 P.M. Tuesday, September 5, 2023



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

CONDITIONS OF APPROVAL

TEMPORARY USE PERMIT #186-23-000368-PLNG

1. This temporary use authorization is granted for one year (356 days) from the date of this TUP.
 - a. **No extension shall be granted.**
2. The applicants shall create an updated site plan and submit it to the Community Development Department for review and approval **within 30 days** of the date of this TUP. The site plan shall be drawn to scale and indicate the areas and the number of parking spaces, location of the coffee stand, and accesses to Highway 30, and location of outdoor lighting. The plan shall demonstrate sufficient off-street parking, ingress and egress, and vehicular circulation is available in accordance with the standards established in Section 3.0060 and Section 3.0080.
 - a. The trailer shall meet the setbacks for the RCC zone per Section 4.1450(4).
3. The number of parking spaces required for the coffee stand shall be two spaces. The applicants shall show at least two spaces for the Commercial Building and two spaces for the Electric Vehicle Charging Station. A total of six parking spaces shall be shown on the final site plan/parking plan.
4. Per Section 3.0080 the applicants shall create an Off-Street Parking Plan. An Off-Street Parking Plan can be shown on the site plan or as separate parking plan. Additionally, the applicants shall have the required parking spaces available prior to obtaining final building permits and before opening the coffee stand to customers.
 - a. A parking plan shall indicate the following information:
 1. Delineation of individual parking spaces.
 2. Circulation area necessary to serve spaces.
 3. Access to streets, alleys, and properties to be served.
 4. Curb cuts.
 5. Dimensions, continuity and substance of screening.
 6. Grading, drainage, surfacing and subgrading details.
 7. Delineations of all structures or other obstacles to parking and circulation on the site.
 8. Specifications as to signs and bumper guards.
 9. Pedestrian access ways.
 - b. The parking plan shall meet the design requirements of Section 3.0100(1-5) and Section 3.0060.
 1. Parking spaces shall be a minimum of 9 feet by 19 feet in size.
 2. Up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly.
 3. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:
 - a. More than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
 4. More than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

-
- pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.
5. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.
 - c. Per Section 3.0100(4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
 5. The site plan shall be accompanied with a signed letter from the local fire protection jurisdiction that includes a statement of approval with any applicable conditions.
 6. As the coffee stand intends to provide food and drink, the standards and requirements of the Clatsop County Environmental Health Department shall be met.
 7. If the applicants wish to continue the use, they may explore the potential to apply through the Conditional Use process per LAWDUC Section 2.4000. Conditional Development and Use.
 8. All development and use must comply with all other applicable standards and procedures defined in the Clatsop County's Land and Water Development and Use Code (LAWDUC).
 9. Prior to placement of the trailer, the applicant shall obtain a Type I Development Permit from the Planning Division and all appropriate building permits from the Building Codes Division.
 10. Per Section 3.0100(5)(E) if artificial lights are installed they shall not shine directly into adjoining dwellings or other types of living units to not create a hazard to the public use of a street (Highway 30).
 11. The applicants shall remove the trailer for one month from November 1, 2023 to December 1, 2023.

REGULATION:

1. All development and use must comply with all other applicable standards and procedures defined in the Clatsop County's Land Water Development and Use Code 20-03 and all applicable Building Codes.



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

STAFF REPORT

TEMPORARY USE PERMIT #186-23-000368-PLNG

DATE: August 23, 2023

REQUEST: Temporary Use Permit per LAWDUC Section 2.8230(3), for a coffee stand/trailer in a commercial zone.

APPLICANTS: Mylene White and Courtney Carlson (Coffee Stand Owners)
PO Box 403, Clatskanie, OR 97016

PROPERTY OWNERS: Jacky and Mylene White
PO Box 403, Clatskanie, OR 97016

PROPERTY DESCRIPTION: T8N, R06W, SEC.36CA, TL03300
49279 HWY 30, Westport, OR 97016

ZONING DESIGNATION: **RCC:** Rural Community Commercial, lot size standards described in LAWDUC Section 4.1450(3) Density Provisions.

OVERLAYS/LAYERS: Peripheral Big Game Habitat

COUNTY STAFF REVIEWER: Jason Pollack, Planner

STAFF RECOMMENDATION: **APPROVAL** - with Conditions, Limited Time Period (one year)

ATTACHMENTS:

1. Site Plan
2. ODOT Road Approach Approval

APPLICATION SUMMARY

On July 14, 2023, Mylene White submitted to the Clatsop County Community Development Department an application for a Temporary Use Permit (TUP) to allow a coffee stand/trailer on a property she owns with Jacky White in the Rural Community Commercial (RCC) Zone. The coffee stand business would be owned and operated by Mylene White and Courtney Carlson. The Temporary Use Permit is intended as a means to allow time for the applicant to operate the coffee stand while seeking a more permanent Conditional Use Permit (CUP) application.

The applicants are proposing a coffee stand that would be based out of a trailer, similar to a food cart. It is expected that the coffee stand will be operated as a drive through with parking for walk up customers or customers that want to park after ordering coffee. As proposed, the coffee stand will sell coffee, espresso, baked goods, breakfast sandwiches, ice-cream, and drinks.

At the time of application, the applicants were hoping to open their coffee stand to test out the concept on the property. With the increased traffic in the summer months on Highway 30, the applicants were planning on being open Thursday through Monday from 9am to 3pm. The coffee stand would be situated on the property to provide the greatest visibility to passing motorists on the highway. If the coffee stand proves to be a success, the plan is to use the winter months to apply for a CUP and make the stand/trailer permanent.

PROPERTY HISTORY

The property is approximately 0.27 acres in size, directly off of Highway 30 in the rural community of Westport. According to County Assessor's records, the parcel includes a commercial store building, which is used as a food processing space. As of July 2023, the commercial store building doesn't have a commercial store front for sales to the public and is often referred to as a soup kitchen or commissary kitchen. The commercial building is 1,406 SF in size with a 204 SF outbuilding used as a fish cleaning station. The parcel also contains an electric vehicle charging station approved through a 2013 CUP application.

Over the years the property has been the subject of various CUP applications for different uses. A Development Permit (186-20040442) in 2004 created an espresso stand in the middle of the current parking lot. By 2015 the Google Streetview images do not include an espresso stand. Based on documentation from Clatsop County Assessment and Taxation, a Coffee Kiosk was removed sometime in 2012. An exact date when the espresso stand was removed is unknown, but a coffee stand doesn't currently exist on the property. The 2013 CUP for the construction of an electric vehicle charging station stated the charging station required two parking spaces and the commercial building (soup kitchen) required two parking spaces. An easement from 2021 for the Berry Patch, a restaurant on the property to the southeast, allows for the use and maintenance of nine parking spaces on the property. In total four parking spaces are required via land use approvals by the Clatsop County Planning Division. This private parking easement requires nine parking spaces between the current owner of the property and the previous property owner for use by the Berry Patch Restaurant to the southeast of the subject property. At the time of this TUP, TL3300, the subject property, is under the same ownership as TL 1100, the property with the Berry Patch Restaurant.

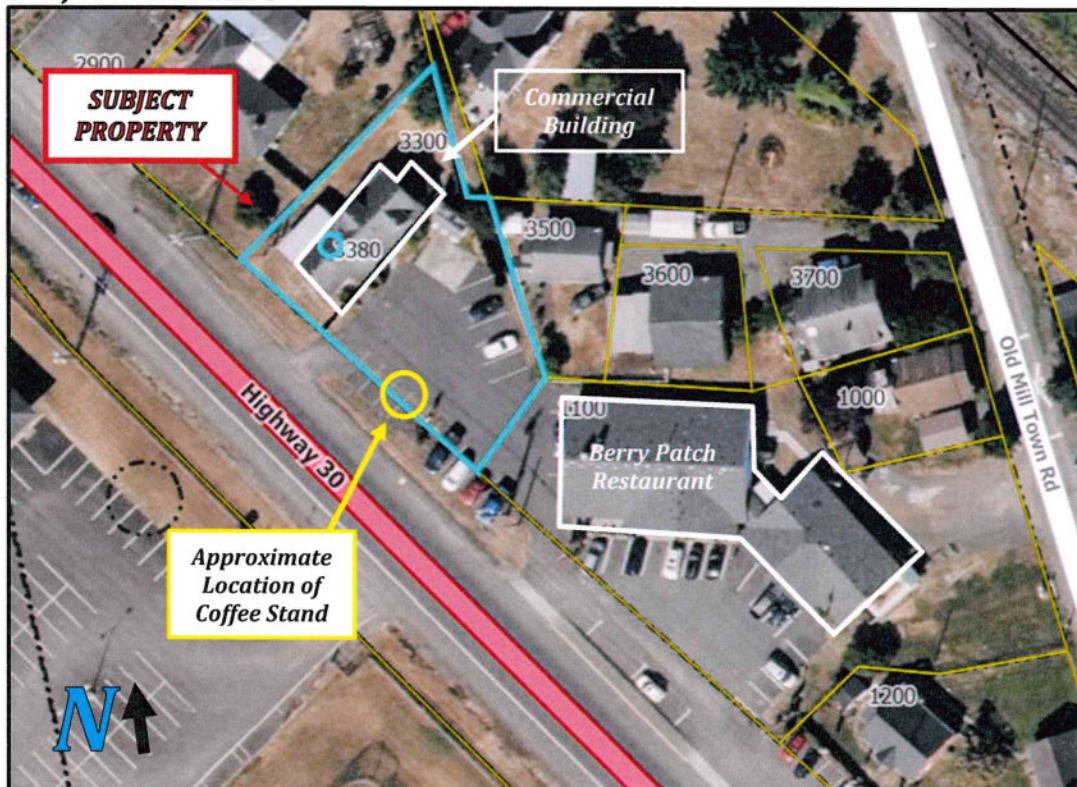
PROPERTY STATUS

Tax Lot 3300 (TL3300), was created by recording a Deed with the Clatsop County Clerk on June 8, 1956 (Clatsop County Book of Records, Book 236, Page 336), when Mike Jogtich and Vera Jogtich, husband and wife, sold the property to G.A. Heikkila and Hilma R. Heikkila, husband and wife. The parcel meets the county's definition of "lot of record" (LAWDUC Section 1.0500).

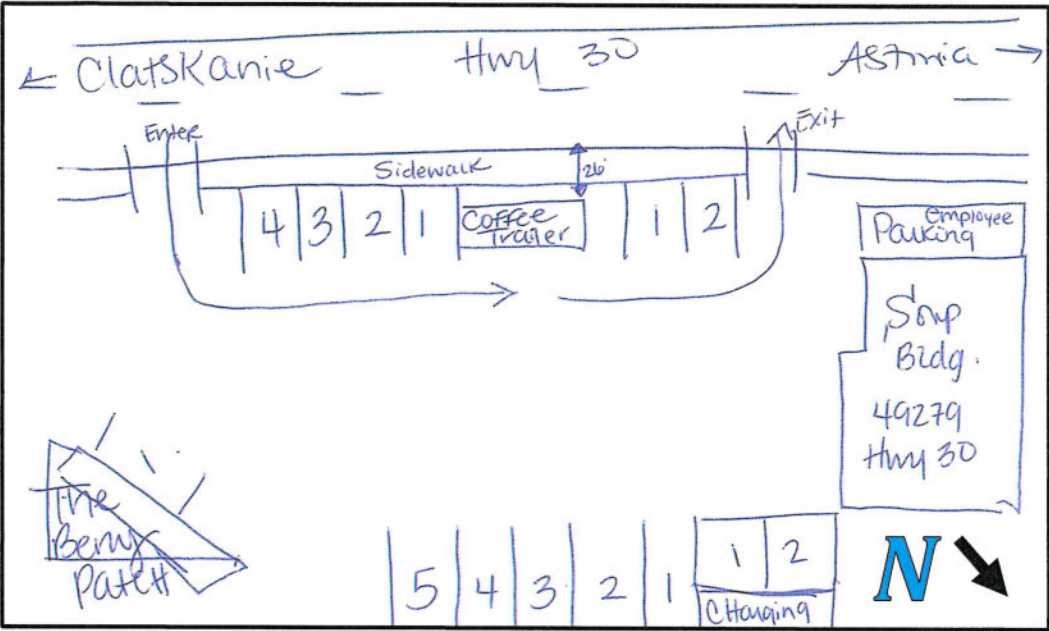
SUMMARY OF PERMITS FOR TAX LOT 3300

1. **2004 Development Permit (186-20040442):** Espresso Stand with two parking spaces [application put into the permitting system with an address of 49286 HWY 30, but the stand was on TL 3300 not TL1100.]
2. **2006 Development Permit (186-20060733):** Espresso Sign for an Espresso Stand
3. **2010 CUP (186-20100476):** **Application Voided** New Accessory Structure to Espresso Stand
4. **2013 CUP (186-20130124):** Electric Vehicle Charging Station
5. **2016 CUP (186-20160143):** Fish cleaning station to accompany a cannery building and cannery operation (Soup Kitchen).

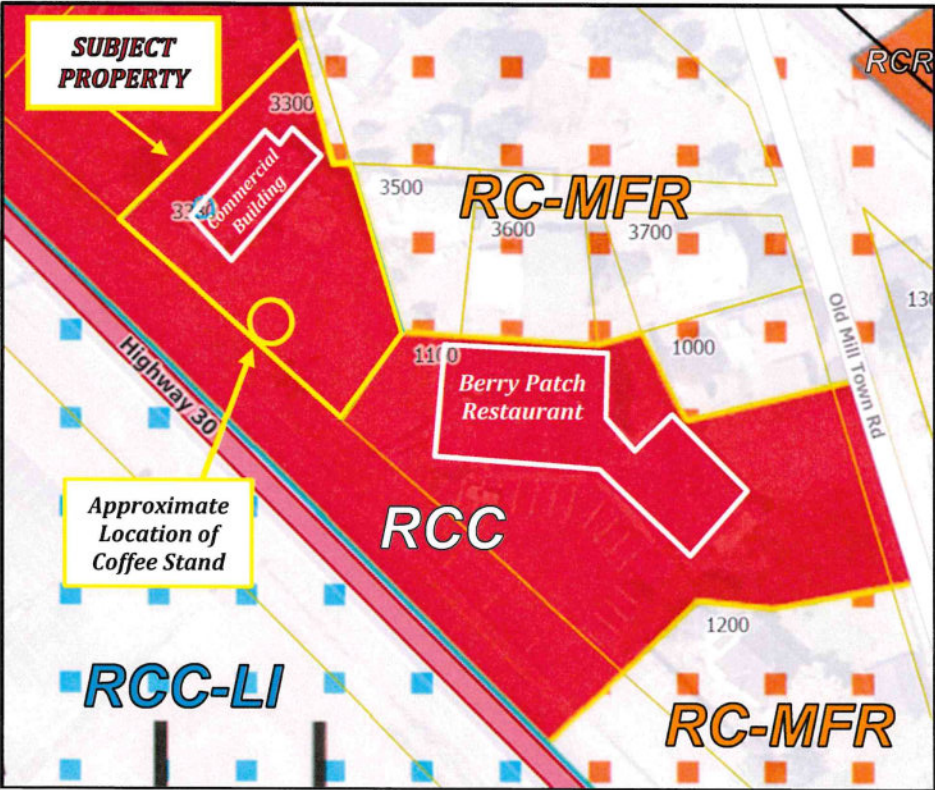
SUBJECT PROPERTY



PROPOSED SITE PLAN (provided by the applicants)



ZONING



ORIGINAL ESPRESSO STAND LOCATION - Google Streeview (image captured August 2012)



CURRENT SITE STATUS - Google Streeview (image captured July 2022)



I. APPLICABLE CRITERIA

The applicable criteria for this land use application are contained in:

Land and Water Development and Use Code 20-03 (LAWDUC):

- 1.0500 Definitions
- 2.8200 Temporary Use Permits
- 3.0000 Site Oriented Improvements
- 4.1400 Rural Community Commercial Zone (RCC)

II. APPLICATION EVALUATION

The following section examines the application versus the applicable criteria.

A. Clatsop County Land and Water Development and Use Code (20-03)

SECTION 1.0500. DEFINITIONS

COFFEE KIOSK -- Single-tenant coffee and donut restaurants with drive-through windows. Freshly brewed coffee and a variety of coffee-related accessories are the primary retail products sold at these sites. They may also sell other refreshment items, such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages.

LOT OF RECORD -- Any lot or parcel lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County. Development of a "lot of record" must meet all other applicable development standards, except for the minimum lot size or lot dimensions of the zone. Development standards include all applicable requirements of the zone, overlay district, the Land

and Water Development and Use Ordinance and the Standards Document, and state and federal statutes and administrative rules. Lot of record status does not authorize development of a lot or parcel without compliance with the requirements in Section 1.1020.

TEMPORARY STRUCTURE OR USE -- A non-permanent structure, use or activity involving minimal capital investment that does not result in the permanent alteration of the site and is removed from the site within one year. [Ord. 18-02]

SECTION 2.8200. TEMPORARY USE PERMITS

Section 2.8240. General Standards.

The following standards shall be utilized by the Community Development Director in reaching its decision on every application for a temporary use permit:

- (1) A proposed use shall be compatible with and will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
- (2) The proposed use will not be adversely affected by the permitted development of abutting properties and the surrounding vicinity.

Staff Finding:

1.) The property has an electric vehicle charging station and a commercial building currently in use as a food kitchen/processing facility. There have been no complaints from adjacent property owners. It appears there are no adverse effects on the abutting properties or the surrounding community as there are a number of commercial businesses along Highway 30 that serve food and drinks in the Westport area.

Staff believe that the biggest potential adverse effect could be the traffic impact to surrounding properties off of Highway 30. As Highway 30 is a state highway, Oregon Department of Transportation (ODOT) will review the access and traffic impact. In anticipation of this being a condition of approval, the applicants have provided documentation from ODOT that current vehicular ingress and egress from Highway 30 is appropriate for development of the coffee stand. The ODOT documentation is included as an attachment with this staff report, referred to as ODOT Road Approach Approval (ODOT Application Number 13386).

2.) The surrounding developments are other commercial uses and single-family dwellings. Staff do not have evidence of any potential adverse effects of these surrounding uses on the proposed coffee stand. The one exception is the parking demand of surrounding uses could create vehicle circulation issues for operation of the coffee stand. Parking requirements and vehicle circulation are reviewed separately in Section 3.0060 and Section 3.0080 of this staff report.

The proposal satisfies the criteria listed in Section 2.8240(1-2).

- (3) In applying specific temporary use criteria and limitations, these general standards, and determinations of appropriate conditions, consideration shall be given, but not limited to:
 - (A) The harmony and scale, bulk, coverage, and density;
 - (B) The availability of public facilities and utilities;
 - (C) The harmful effect, if any, upon a desirable neighborhood character;
 - (D) The generation of traffic and the capacity of surrounding streets and roads;
 - (E) The creation of noise, vibration, odors, or other similar nuisances;
 - (F) Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.
 - (G) No structural alterations may be made to a non-conforming use structure nor may new structures be placed upon premises to be utilized by a temporary use permit which materially prolongs the economic hardship by the discontinuance of such use and conformance with the provisions of the applicable zone.
 - (H) No temporary use permit shall be granted which is inconsistent with the purpose and intent set forth in subsection 2.8210 or is inconsistent with the goals set forth in subsection 2.8220.

Staff Finding: There are a number of commercial businesses along Highway 30 that serve food and drinks in Westport. The proposed trailer is 128 square feet in size. It is reasonable that the proposed coffee stand would fit into the commercial pattern of the RCC Zone with regard to scale, bulk, coverage, and density already found in Westport. The applicants have indicated that the trailer would be connected to electrical onsite from the previous coffee stand (espresso stand) utilizing a metal junction box near the center of the property. Mylene White has stated she will obtain an electrical permit if required by the Building Codes Division to make the appropriate connection. Water will be served by RV water hoses, filters and fittings from the soup kitchen/commissary kitchen or the Berry Patch Restaurant. Mylene, the applicant has indicated she will run the hoses only to fill up the water tanks in the coffee stand per requirements outlined by the Clatsop County Environmental Health Department. These hoses, per the applicants, will not be permanent installations in the parking lot. Additionally, as the coffee stand intends to provide food and drink, the standards and requirements of the Clatsop County Environmental Health Department shall be met.

Due to the additional commercial use on the property, the applicants have obtained documentation from ODOT that the current vehicular ingress and egress from Highway 30 is appropriate for the potential increase in traffic that would be created by the proposed development. This will insure that the property will not negatively impact traffic on the highway and other Westport businesses. The ODOT documentation is included in attachment number two with this staff report, referred to as ODOT Road Approach Approval.

The proposed use is expected to create an increase in idling vehicles' noise and exhaust gasses as patrons wait in line while drinks are being made. The increase in idling vehicle noise and exhaust gasses will not directly increase the hazards or nuisances in the RCC zone to an unsafe degree as Highway 30 runs directly through Westport. The increase in exhaust gasses would be insignificant when viewed against the number of vehicles transiting the highway each day and the coffee stand's proximity to Highway 30. Additionally, Highway 30 carries a significant amount of car and truck traffic and the coffee stand would support motorists as they transit through the area.

The criterion will be met with conditions of approval (Conditions of Approval 4-9).

Section 2.8210 Purpose and Intent.

It is the intent of the temporary use permit section to provide procedures and standards for land or structures which possess unique characteristics requiring special consideration for temporary usage. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a non-conforming use. Temporary use permits are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of Clatsop County's Comprehensive Plan or Ordinance regulations.

No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.

Section 2.8220. Goals.

The provisions of this section are designed to provide standards and criteria for temporary relief to hardship situations which result from strict Ordinance application. The reasons for the temporary relief shall be to provide an applicant an opportunity for a solution to a temporary land use problem or sufficient time to develop a permanent solution to the land use problem which will result in compliance with the relative zoning regulations.

The provisions of this Section are designed to provide criteria for granting and administering temporary use permits and to provide guidelines for the imposition of additional conditions. The temporary use should be as consistent with the intent and purpose of the zone as possible and comply with the requirements of the zone, except as may be additionally provided for under the provisions of Section 2.8200.

Staff Finding: The applicants have demonstrated efforts to comply with County regulations. A TUP will provide the applicants an opportunity to work toward a permanent CUP. At the time of application, the applicants were hoping to open their coffee stand to test out the concept, while then applying for a CUP. If the business appears to be feasible the TUP also provides the opportunity for the applicants to revise and refine a permanent conditional use permit application. The applicants are planning to be open in the fall and remove the trailer for one month from November 1, 2023 to December 1, 2023. The applicants expect to be open on and off in the winter and spring, being open for business mostly weekends (Friday through Sunday). The coffee stand will operate on a temporary basis until the applicants seek a permanent CUP.

The criteria will be met with conditions (Conditions of Approval 11).

The applicants shall have one year (365 days) from the date of this TUP to obtain a permanent solution through a CUP application. Staff have determined that one year is sufficient to obtaining a CUP. The temporary use application is compatible with the purpose and intent set forth in Section 2.8200.

The criteria will be met with conditions (Conditions of Approval 1-10).

SECTION 3.0000. SITE ORIENTED IMPROVEMENTS

Section 3.0050. Off-Street Parking Required

Off-street parking and loading shall be provided for all development requiring a development permit according to Sections 3.0050 to 3.0120.

Section 3.0060. Minimum Off-Street Parking Space Requirements

Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long.

Compact spaces shall be clearly marked accordingly. The minimum off-street parking space requirements are as follows:

6) Commercial type of development and number of parking spaces.

Food & Beverage	
Fast Food	15.0 per ksf GFA

KSF: 1000 Square Feet

GFA: Ground Floor Area

Staff Finding: The applicants are proposing an 8' by 16' (128 square feet) trailer for use as a coffee stand. While Section 3.0060(2) does not include a coffee stand or drive-up stand, the code includes parking requirements for Food & Beverage, Fast Food at 15 spaces per 1,000 square feet of ground floor area. The proposed coffee stand is 128 square feet in size and would require approximately two parking spaces. Even though the new parking ordinance (ORD. 23-07) wasn't in effect when this application was received, the new parking requirements for Coffee Kiosks (two parking spaces) are consistent with the requirements found in this staff report.

There is a private parking easement from 2021 for the Berry Patch (49289 HWY 30), a restaurant on the property to the southeast, allowing for the use and maintenance of nine parking spaces on TL 3300, when TL 1100 was sold to the current owners in January 2021. Later on, in June 2022 the same ownership group bought TL 3300, the subject parcel of this TUP. In total four parking spaces are required via land use approvals by the Clatsop County Planning Division. With the required two spaces for the proposed coffee stand the property would be required to have six available parking spaces.

After reviewing the 1987 Development Permit (186-19870097) for a General Store at the 49289 HWY 30 (TL 1100) site, the "old Westport store" required 19 parking spaces with no parking spaces required on the subject property to the north (TL 3300), the site of the proposed coffee stand. A 1990 Development Permit (186-19900189) for a care taker residence for the deli and grocery added two spaces to the requirement, bringing the requirement to 21 parking spaces. In 1993 a Development Permit (186-19930119) converting the use to an eating establishment, Oregon Wild Berries, showed 23 parking spaces at 49289 HWY 30 and no additional required spaces on the subject property to the north

(TL 3300). Staff have determined that the 2021 easement for nine parking spaces was related to the property sales of TL 3300 and TL 1100 rather than a requirement imposed by the Clatsop County Planning Division. Because the parking spaces for the Berry Patch Restaurant were not required as a condition of approval for the restaurant, planning staff are not evaluating the Berry Patch parking or the parking easement. The applicants are now the current owners of both parcels, making the easement moot. With this information the TUP will not require the nine parking spaces required by the parking easement. As a result, the applicants shall be required to show a total of six parking spaces on the final site plan/parking plan for the two existing uses and the proposed coffee stand.

The criteria will be met with a condition (Condition of Approval 3).

Section 3.0080. Off-Street Parking Plan

A plan indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the application for a development permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:

- 1) Delineation of individual parking spaces.
- 2) Circulation area necessary to serve spaces.
- 3) Access to streets, alleys, and properties to be served.
- 4) Curb cuts.
- 5) Dimensions, continuity and substance of screening.
- 6) Grading, drainage, surfacing and subgrading details.
- 7) Delineations of all structures or other obstacles to parking and circulation on the site.
- 8) Specifications as to signs and bumper guards.
- 9) Pedestrian access ways.

Section 3.0090. Off-Street Parking Construction

Required parking spaces shall be improved and available for use at the time of final building inspection.

Section 3.0100. Design Requirements for Off-Street Parking

Parking spaces shall be a minimum of 9 feet by 19 feet in size. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:

- 1) Except for a single or two family dwelling, groups of more than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- 2) Except for a single or two family dwelling, more than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.
- 3) Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve (12) feet for their entire length and width but such clearance may be reduced in parking structures.
- 4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
- 5) The following off-street parking development and maintenance shall apply in all cases, except single and two family dwellings:
 - (A) Parking areas, aisles and turnarounds for standing and maneuvering of vehicles shall have durable and dustless surfaces or be graveled to a two inch depth and maintained adequately for all weather use.
 - (B) Parking areas, aisles and turnarounds shall have provisions made for

the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-ways, and abutting private property.

- (B) Spaces shall be permanently and clearly marked.
- (C) Wheel stops and bumper guards shall be provided where appropriate for spaces abutting a property line or building, and no vehicle shall overhang a public right-of-way and other property line.
- (D) Where parking abuts a public right-of-way, a wall or screen planting shall be provided sufficient to screen the parking facilities but without causing encroachment into vision clearance areas. Except in residential areas, where a parking facility or driveway is serving other than a one or two family dwelling and is located adjacent to residential, agricultural or institutional uses, a site obscuring fence, wall or evergreen hedge shall be provided on the property line. Such screening shall be maintained in good condition and protected from being damaged by vehicles using the parking area.
- (E) Artificial lighting which may be provided shall be deflected so as not to shine directly into adjoining dwellings or other types of living units and so as not to create hazard to the public use of a street.

Staff Finding:

- 1) The six total parking spaces shall have adequate space for vehicles to enter the highway in a forward manner. The design of the parking lot allows vehicles to enter the highway in a forward manner, meeting the criteria listed in Section 3.0100(1).
- 2) The current parking lot has two access points to Highway 30. The western access point is on the subject property and features an access that is at least 18 feet in width. The east access point to the parking lot is via Tax Lot 1100, the property with the Berry Patch Restaurant. The east access point features an access that is at least 29 feet in width. The accesses meet the criteria listed in Section 3.0100(2).
- 3) Vertical clearance of driveways, aisles, turnaround areas, and ramps meet the 12 feet minimum vertical clearance requirement. The parking lot does not feature large overhanging trees or other vertical clearance issues. The parking lot meets the criteria listed in Section 3.0100(3).
- 4) The accesses to Highway 30 currently have clear vision areas that wouldn't be altered by the proposed coffee stand. There are no obstructions near the driveways, per Clatsop County Webmaps, Google Streetview, and the applicants' site plan. The parking lot meets clear vision guidance at the access points for the parking lot and shall continue to meet the criteria listed in Section 3.0100(4) as a condition of approval.

The criteria will be met with a condition (Condition of Approval 4C).

5)

(A) The established parking lot is currently paved. With the addition of the proposed coffee stand this wouldn't change. Additionally, there are no known complaints or issues with water drainage onsite.

(B)(C) The established parking lot currently has parking spaces clearly marked and curbs that act as wheel stops. As proposed, vehicles will not overhang into Highway 30. The parking lot meets the criteria listed in Section 3.0100(5)(A, B, C).

(D) Reviewing Google Streetview (image captured July 2022), shows that the property doesn't currently have a wall or screening where the parking abuts a public right-of-way (Highway 30). There is a white picket fence along the property line shared with a residential zone (north property line) that is not site obscuring. In this case the code calls for a sight obscuring fence or evergreen hedge along the southern property along Highway 30 and along the northern property line shared with the residential zone. As the TUP is to test out the concept of a coffee stand on the property for a year, staff believe that a site obscuring hedge or fence will be better reviewed at the time of a CUP application. If the applicants apply

for a CUP, staff will review any adverse effects of the coffee stand on the adjacent residential zones and send a public notice alerting neighboring property owners about the CUP application.

(E)The applicants aren't proposing lighting for the parking lot and the parking lot currently doesn't have freestanding lights. If artificial lights are installed they shall not shine directly into adjoining dwellings or other types of living units and not create a hazard to the public use of a street (Highway 30).

The criteria will be met with a condition (Condition of Approval 10).

The applicants shall provide an updated off-street parking plan per Section 3.0080 and meet the design requirements outlined in Section 3.0100(1-5). Additionally, the applicants shall have the required parking spaces available prior to obtaining final building permits and before opening the coffee stand to customers. Parking spaces shall be a minimum of 9 feet by 19 feet in size. Per Section 3.0060 the applicants may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long.

The criteria will be met with a condition (Condition of Approval 4).

The proposal satisfies the criteria listed in Section 3.0100(2-5).

SECTION 4.1400. RURAL COMMUNITY COMMERCIAL ZONE (RCC)

Section 4.1430. Commercial Conditional Development and Use

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

- 1) A retail grocery, bakery, delicatessen, confectionary or similar store including the preparation of foodstuffs for sale primarily on the premises, provided building or buildings for each commercial use does not exceed 4,000 square foot of floor area.

Staff Finding: The property currently has a commercial store building which is used as food processing space. The building doesn't have a commercial store front for sales to the public and is often referred to as a soup kitchen by the applicants. The commercial building is 1,406 SF in size with a 204 SF outbuilding used as a fish cleaning station. The parcel also contains an electric vehicle charging station approved through a 2013 CUP application with space for two cars.

The applicants are proposing a coffee stand that would be based out of a trailer, similar to a food cart. It is expected that the coffee stand will be operated as a drive through with parking for walk up customers or customers that would like to park after ordering coffee. As proposed, the coffee stand will sell coffee, espresso, baked goods, breakfast sandwiches, ice cream, and drinks. The proposed coffee stand would be 128 square feet in size. **Section 4.1430(1) is satisfied.**

While the RCC Zone allows the above uses if the applicants obtain a CUP, a TUP will provide the applicants time to work toward a permanent CUP. The TUP include multiple conditions of approval that will be established to protect human and environmental health and well-being throughout the period the permit is valid. The conditions of approval shall require the applicants to create an updated site plan showing the number of parking spaces, location of the coffee stand, and accesses to Highway 30. The plan shall demonstrate sufficient off-street parking, ingress and egress, and vehicular circulation is available in accordance with the standards established in Section 3.0060 and Section 3.0080.

The criterion will be met through conditions of approval (Conditions of Approval 1-10).

Section 4.1450. Development and Use Standards

The following standards are applicable to all conditional Type II uses in this zone. [ORD. 23-04]

- 1) Plan review and approval: No building permit or other permit for construction or alteration of any building structure or use in this zone shall be issued until plans have been reviewed and approved by the Community Development Director in order to evaluate the conformity with the performance standards of this zone and the Comprehensive Plan and the compatibility of

vehicular access, signs, lighting, building placement and designs, landscaping, adjoining uses and location of water and sewage facilities.

2) Standards:

- (A) Air quality: The air quality standards set by the Department of Environmental Quality shall be the guiding standards in this zone, except that open burning is prohibited in any case.
- (B) Noise: As permitted under all laws and regulations.
- (C) Storage: Materials and or equipment shall be enclosed within a structure or concealed behind sight-obscuring screening.
- (D) Fencing: Allowed inside a boundary planting screen and where it is necessary to protect property or to protect the public from a dangerous condition. The proposed fence locations and design will be subject to Community Development Director review and approval.
- (E) Buffer: Where the RCC zone adjoins a zone other than RCC, there shall be a buffer area of depth adequate to provide for a dense evergreen landscape buffer which attains a minimum height of 8-10 feet, or such other screening measures as may be prescribed by the Community Development Director in the event differences in elevation or other circumstances should defeat the purpose of this requirement. In no case shall the buffer area have less width than the required 50-foot setback of this zone.
- (F) Vibration: No vibration other than that caused by highway vehicles, trains and aircraft shall be permitted which is discernible without instruments at the property line of the use concerned.
- (G) Heat and glare: Except for exterior lighting, operations producing heat or glare shall be constructed entirely within an enclosed building.
- (H) Lighting: Exterior lighting shall be directed away from adjacent property, with cutoff lighting required, when adjacent to a residential zone.

- 1) The applicants shall demonstrate that the coffee stand meets the performance standard of the RCC Zone, much of this will be done by submitting an updated site plan as a condition of approval. **The criterion will be met through a condition of approval (Condition of Approval 2a).**

2) At the time of application for the TUP, the applicants have not proposed additional storage area/facilities, new fencing, an increase in vibration on the property, or an increase in heat and glare. Additionally, staff has also explained the lighting requirements for development in unincorporated Clatsop County. **The criterion will be met through a condition of approval (Condition of Approval 2a).**

4) Setback requirements:

- (A) Front yard setbacks: 25 feet.

The conditions of approval shall require the applicants to demonstrate that the coffee stand meets the setbacks requirements of the RCC Zone on the site plan.
The criterion will be met through a condition of approval (Condition of Approval 2a).

- 7) Building size: (A) The maximum building size for new commercial uses shall not exceed the floor area standards listed in Section 4.1430 unless:
 - 1) The findings approving the use are included in an amendment to the comprehensive plan, processed under post acknowledgement procedures (ORS 197.610 through 197.625);
 - 2) The use is limited to a size of building or buildings that is intended to serve the rural community, surrounding rural area of the travel needs of people passing through the area; and
 - 3) The total floor area of building or buildings does not exceed 12,000 square feet unless an exception to goal 14 has been acknowledged pursuant to ORS 197.625.
- 8) All new developments and cumulative or incremental expansion of an existing development footprint greater than twenty-five percent shall indicate on the development permit application how storm water is to be managed from the property or retained on site. The County Engineer may require the installation of culverts, dry wells, retention facilities, or other mitigation measures where development may create adverse storm drainage impacts on surrounding

properties, adjacent streams or wetlands, and particularly on low lands or on slopes greater than fifteen percent.

The proposed coffee stand is 128 square feet in size, well below the standard listed in Section 4.1430 of 4,000 square feet for each commercial use on a parcel. The property currently contains a 1,406 square feet commercial building and a 204 square feet outbuilding used as a fish cleaning station. In total the property includes 1,738 square feet of commercial space, well within the requirements outlined in 4.1450(7)(1-3).

The proposal satisfies the criteria listed in Section 4.1450(7).

The 128 square feet coffee stand/trailer would be an 8% increase in the development footprint on the property. The 8% is well below the twenty-five percent outlined by Section 4.1450(8) that would require further review by the County Engineer.

The proposal satisfies the criteria listed in Section 4.1450(8).

- 10) Developments adjacent to or across the street from residential zones shall be contained within an enclosed building or screened from the residential district with a sight obscuring fence or vegetation.



The east and west property lines are adjacent to the RCC Zone, a zone that allows commercial uses. The north property is adjacent to the Rural Community Multi-Family Residential Zone (RC-MFR), a residential zone. Currently the applicants plan to contain all activities within the enclosed coffee stand/trailer.

The current screening with the residential zone to the north is a white picket fence, as shown from a Google Streetview screenshot (image captured July 2022). As the applicants are proposing to sell coffee and food items from an enclosed coffee stand/trailer the applicants would not need to construct a sight obscuring fence or plant vegetation at the zone line. At the time of a CUP application staff will review any adverse effects of the coffee stand on the adjacent residential zones and send out a public notice alerting neighboring property owners about the CUP application. If the applicants decide to pursue a CUP application, Section 4.1450(10) will be reviewed further. It should also be noted that the applicants intend to operate Thursday through Monday from 9am to 3pm. and wouldn't operate in the early mornings or late evenings. These are very similar hours to other commercial uses within Westport, including the Berry Patch Restaurant and the Chevron gas station. It is reasonable to believe that based on the hours of operation proposed by the applicant, the impact of headlights blinding motorists on Highway 30 during dusk or dawn will be minimal.

The proposal satisfies the criteria listed in Section 4.1450(10).

III. CONCLUSION AND DECISION

Based on findings in the Section II-Staff Analysis, the department concludes that the criteria relevant to this request have been met, or can be met through conditions of approval. The department has APPROVED the application, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

CONDITIONS OF APPROVAL:

1. This temporary use authorization is granted for one year (356 days) from the date of this TUP.
 - a. **No extension shall be granted.**
2. The applicants shall create an updated site plan and submit it to the Community Development Department for review and approval **within 30 days** of the date of this TUP. The site plan shall be drawn to scale and indicate the areas and the number of parking spaces, location of the coffee stand, and accesses to Highway 30, and location of outdoor lighting. The plan shall demonstrate sufficient off-street parking, ingress and egress, and vehicular circulation is available in accordance with the standards established in Section 3.0060 and Section 3.0080.
 - a. The trailer shall meet the setbacks for the RCC zone per Section 4.1450(4).
3. The number of parking spaces required for the coffee stand shall be two spaces. The applicants shall show at least two spaces for the Commercial Building and two spaces for the Electric Vehicle Charging Station. A total of six parking spaces shall be shown on the final site plan/parking plan.
4. Per Section 3.0080 the applicants shall create an Off-Street Parking Plan. An Off-Street Parking Plan can be shown on the site plan or as separate parking plan. Additionally, the applicants shall have the required parking spaces available prior to obtaining final building permits and before opening the coffee stand to customers.
 - a. A parking plan shall indicate the following information:
 1. Delineation of individual parking spaces.
 2. Circulation area necessary to serve spaces.
 3. Access to streets, alleys, and properties to be served.
 4. Curb cuts.
 5. Dimensions, continuity and substance of screening.
 6. Grading, drainage, surfacing and subgrading details.
 7. Delineations of all structures or other obstacles to parking and circulation on the site.
 8. Specifications as to signs and bumper guards.
 9. Pedestrian access ways.
 - b. The parking plan shall meet the design requirements of Section 3.0100(1-5) and Section 3.0060.
 1. Parking spaces shall be a minimum of 9 feet by 19 feet in size.
 2. Up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly.
 3. Driveways and turnarounds providing access to parking areas shall conform to the following provisions:
 - a. More than three parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
 4. More than three parking spaces shall be served by a driveway designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.

5. In no case shall two-way and one way driveways be less than eighteen (18) feet and twelve (12) feet in width respectively.
- c. Per Section 3.0100(4) Service drives and accessways to public streets shall have minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and straight line joining said lines through points twenty (20) feet from their intersection (see diagram). No obstruction including plantings, fences, walls, or temporary or permanent structures, exceeding 2.5 feet in height that has a cross section over one (1) foot shall be located in a clear vision area, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.
5. The site plan shall be accompanied with a signed letter from the local fire protection jurisdiction that includes a statement of approval with any applicable conditions.
6. As the coffee stand intends to provide food and drink, the standards and requirements of the Clatsop County Environmental Health Department shall be met.
7. If the applicants wish to continue the use, they may explore the potential to apply through the Conditional Use process per LAWDUC Section 2.4000. Conditional Development and Use.
8. All development and use must comply with all other applicable standards and procedures defined in the Clatsop County's Land and Water Development and Use Code (LAWDUC).
9. Prior to placement of the trailer, the applicant shall obtain a Type I Development Permit from the Planning Division and all appropriate building permits from the Building Codes Division.
10. Per Section 3.0100(5)(E) if artificial lights are installed they shall not shine directly into adjoining dwellings or other types of living units to not create a hazard to the public use of a street (Highway 30).
11. The applicants shall remove the trailer for one month from November 1, 2023 to December 1, 2023.

REGULATION:

1. All development and use must comply with all other applicable standards and procedures defined in the Clatsop County's Land Water Development and Use Code 20-03 and all applicable Building Codes.

ATTACHMENT 1: Site Plan



Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, Oregon 97103
Phone 503 325-8611 Fax 503 338-3606
comdev@clatsopcounty.gov www.clatsopcounty.gov

7-14-23

23-000368

#6536

Temporary Use Permit

Fee: \$300 Renewal: \$50 (Double if a violation exists)

OWNER(S): JACK / mylene White Email: Whitejm1988@gmail.com
Mail Address: PO Box 403 City/State/Zip: Clatskanie OR 97014
Phone: 360-431-1761 Phone: _____

OTHER: _____ Email: _____
Mail Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

OTHER: _____ Email: _____
Mail Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

Request Temporary Use to Allow: a coffee trailer on 49279 Hwy 30
parking lot

Existing Zoning: BCC Overlay District: /

Property Description - Map ID: 80636A03300

Directions to the property from Astoria: enter westport property on the left
before the berry patch restaurant

What is the nearest "Community" (i.e. Svensen, Arch Cape, Westport)? Westport

General Property Description: Include a map of the property and adjacent parcels indicating existing structures, uses, proposed development and other pertinent information.

Existing Structures and Uses: Building at 49279 Hwy 30 (Soup Kitchen) not
being used for any retail purposes also a charging station

Topography: FLAT PARKING LOT

Proposed Development: COFFEE TRAILER / STAND

Adjoining Property Description:
Existing Structures and Uses: The Berry Patch Restaurant 49289 Hwy 30

Topography: FLAT

SIGNATURES: I have read and understand the statements on the back of this form and agree to abide by them. **All owners of record**, per Clatsop County Assessment records, **must sign the application**. Representatives of public agencies, corporations, trusts, etc. must provide documentation of signing authority.

Signature: [Signature] Date: 7/13/23

Signature: Mylene White Date: 7/12/23

CO owner of coffee business Courtney Carlson

SECTION 2.8200. TEMPORARY USE PERMITS

Section 2.8210. Purpose and Intent

It is the intent of the temporary use permit section to provide procedures and standards for land or structures which possess unique characteristics requiring special consideration for temporary usage. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a non-conforming use. Temporary use permits are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of Clatsop County's Comprehensive Plan or Ordinance regulations.

No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a special privilege for which other property within the same zone may not be equally eligible.

Section 2.8220. Goals

The provisions of this section are designed to provide standards and criteria for temporary relief to hardship situations which result from strict Ordinance application. The reasons for the temporary relief shall be to provide an applicant an opportunity for a solution to a temporary land use problem or sufficient time to develop a permanent solution to the land use problem which will result in compliance with the relative zoning regulations.

The provisions of this Section are designed to provide criteria for granting temporary use permits and to provide guidelines for the imposition of additional conditions. The reasons for the temporary relief shall be to provide an applicant an opportunity for a solution to a temporary land use problem or sufficient time to develop a permanent solution to the land use problem which will result in compliance with the relative zoning regulations.

Section 2.8230. Permitted Temporary Uses, Criteria and Limitations

The following temporary uses may be permitted under a Type I permit in any zone, subject to those specified criteria and limitations. The use shall be a temporary use pursuant to the General Standards of subsection 2.8240 and shall not be a permanent use pursuant to the provisions of Section 2.8250.

- 1) Non-conforming use. A different use for non-conforming use. The use shall be a temporary use pursuant to the General Standards of subsection 2.8240 and shall not be a permanent use pursuant to the provisions of Section 2.8250.
- 2) Existing structure and/or use. The use shall be a temporary use pursuant to the General Standards of subsection 2.8240 and shall not be a permanent use pursuant to the provisions of Section 2.8250.
- 3) New structure and/or use. The use shall be a temporary use pursuant to the General Standards of subsection 2.8240 and shall not be a permanent use pursuant to the provisions of Section 2.8250.
- 4) Accessory use. The use shall be a temporary use pursuant to the General Standards of subsection 2.8240 and shall not be a permanent use pursuant to the provisions of Section 2.8250.
- 5) Other use. The use shall be a temporary use pursuant to the General Standards of subsection 2.8240 and shall not be a permanent use pursuant to the provisions of Section 2.8250.
- 6) Manufactured dwelling or recreational vehicle for a period not to exceed one year, used during the construction of a residential structure for which a building permit has been issued.
- 7) Real estate office in a legally recorded subdivision.

TUP WHITE

COFFEE TRAILER/STAND

Applications Land use

Temp use white coffee

Mylene PH. 360-431-1761

1. WATER:

could use water from other businesses, EV HOSE, Run hose to tank on trailer.

2. ELECTRICAL: still there from old stand.

3. UPDATE ON ODOT P: -
Waiting

**Please address the following standards on a separate sheet of paper. Be as specific as possible.
"Yes" and "No" responses are not sufficient.**

Section 2.8240. General Standards

The following standards shall be utilized by the Community Development Director in reaching its decision on every application for a temporary use permit:

- 1) A proposed use shall be compatible with and will not create a material adverse effect on the livability or appropriate development of abutting properties and the surrounding community.
- 2) The proposed use will not be adversely affected by the permitted development of abutting properties and the surrounding vicinity.
- 3) In applying specific temporary use criteria and limitations, these general standards, and determinations of appropriate conditions, consideration shall be given, but not limited to:
 - (A) The harmony and scale, bulk, coverage, and density;
 - (B) The availability of public facilities and utilities;
 - (C) The harmful effect, if any, upon a desirable neighborhood character;
 - (D) The generation of traffic and the capacity of surrounding streets and roads;
 - (E) The creation of noise, vibration, odors, or other similar nuisances;
 - (F) Any other relevant impact on the peace, quiet, comfort, and enjoyment by and of the abutting properties and the surrounding community.
 - (G) No structural alterations may be made to a non-conforming use structure nor may new structures be placed upon premises to be utilized by a temporary use permit which materially prolongs the economic hardship by the discontinuance of such use and conformance with the provisions of the applicable zone.
 - (H) No temporary use permit shall be granted which is inconsistent with the purpose and intent set forth in subsection 2.8210 or is inconsistent with the goals set forth in subsection 2.8220.

The following is provided to you for your convenience. You need not address these sections.

Section 2.8250. Conditions

- 1) Required Conditions. All temporary permits issued by the Community Development Director shall be subject to the following conditions:
 - (A) Restoration and Bond. Where new structures and uses thereof and new open land uses are permitted by the temporary use permit, the premises shall be required to be restored to the same or better state of condition existing prior to the granting of the temporary use permit within three (3) months of the termination of the permit. A performance bond subject to Section 1.1090 shall be required, if determined necessary by the Community Development Director at the time of approval in sufficient amount to cover the estimated costs of such restoration.
 - (B) Time Limit. Temporary permits shall be granted for no longer than a one (1) year period of time.
 - (C) Temporary Permit Renewal. Temporary permits may be renewed up to four (4) times, provided however, prior to the first renewal the applicant must submit plans to the Community Development Director demonstrating how he intends to resolve the problem after his permit expires and providing a time table for activity to accomplish his plan. No further extension shall be granted unless applicant demonstrates compliance with such time table. No parcel of property, regardless of succession of ownership, or control, shall be eligible for receiving temporary use permits, for the same or different uses, more than five (5) years out of any ten (10) year period of time. It is the intent of this Ordinance that renewals of temporary permits within the terms of this Ordinance shall not be subject to the full requirements necessary for the establishment of a temporary permit but rather, shall be reviewed for the purposes of determination of whether additional conditions need be added in order to maintain compatibility of the temporarily permitted use with the surrounding area and to determine compliance with the plan for resolution of the problem for which the temporary permit was necessary.
- 2) Additional Conditions.
 - (A) The Community Development Director may attach conditions to temporary use permits in addition to those conditions enumerated in the applicable paragraphs of subsection 2.8250(1). Some of these may include, but are not limited to:
 - 1) Setbacks, special yards, and spaces;
 - 2) Screening, fences, and walls;

- 3) Off-street parking and loading; Control of points of vehicular ingress and egress;
- 4) Construction standards and maintenance.
- (B) No temporary use permit shall be issued until the applicant demonstrates how the hardship associated with the temporary use will be resolved and has submitted a written statement indicating by what date the abatement will occur.

Section 2.8260. Revocation

- 1) Basis for Revocation. Except as provided in subsection (2), temporary use permits are automatically revoked and void without special action if:
 - (A) The permit has not been exercised within six (6) months of the date of approval; or
 - (B) The use approved by the temporary permit is discontinued for any reason for six (6) continuous months, or more; or
 - (C) Applicant, his agents or successors fail or refuse to comply with the conditions imposed in a temporary permit and/or to refuse to adhere to the plan as approved.
 - (D) Standing to Request Hearing. A hearing for revocation of a temporary permit may be requested of the Hearings Officer by an affected citizen or by an administrative officer of the County who is of the opinion that one or all of the basis for revocation as stated in subsection (1) exists. Requests for revocation hearings shall be accomplished by submitting a letter to the Hearings Officer stating the basis for requesting the hearing for revocation. The Hearings Officer shall then set a hearing for the revocation if it so determines a hearing is warranted.
 - (E) Hearing Procedure. Public hearing, notification, and appeal procedures for revocation hearings by the Hearings Officer and the Board of Commissioners shall be held subject to Article 2 of this Ordinance.

Applicant's Statement of Understanding

I, Jack and Mylene White,
have filed an application for TOP for a coffee trailer at 49279 Hwy 30,
with the Clatsop County Community Development Department to be considered for scheduling before the appropriate
review bodies. The property described as T _____ N, R _____ W, Section _____, Tax Lot _____ and
owned by Jack and Mylene White.

I have attached the following items in support of my request:

1. Plot map
2. Hours of operation
3. Days of operation
4. Access to and from Hwy 30
5. Parking spots
6. business plan summary
- 7.

My signature below affirms that I have discussed my application with Jason
_____, of the planning staff, and I have participated in a pre-application
conference, and that I understand the following:

- 1) That although the planning staff has rendered an opinion and may prepare a staff report concerning the legal criteria relevant to an application of this nature, I have the ultimate burden of addressing and submitting evidence relative to my application and this responsibility exists independent from any such statements or reports by the planning staff.
- 2) That I may retain legal counsel to assist me in the presentation of my application and that it may be in my best interest to do so.
- 3) That if I have any questions or require additional information, I may contact the planning staff and discuss the application with them, but that such discussions and/or information will not include legal advice, and shall not become binding upon the county in any respect.
- 4) That this statement will be attached to the staff report presented to the hearing body.
- 5) That the application may be returned to me for additional information which must be submitted prior to scheduling of this applicant request.

Applicant: Mylene White Date: 7/12/23
Property Owner: Mylene White Jack White Date: 7/12/23

We are applying for a temporary use permit to place a mobile coffee trailer in the parking lot at 49279 Hwy 30 Westport.

The coffee trailer would be open ~~Mon~~ Thur-Mon from 9am to 3pm.

The parking lot has 11 parking spots and has a designated entrance and exit on Hwy 30 both are very visible for easy access.

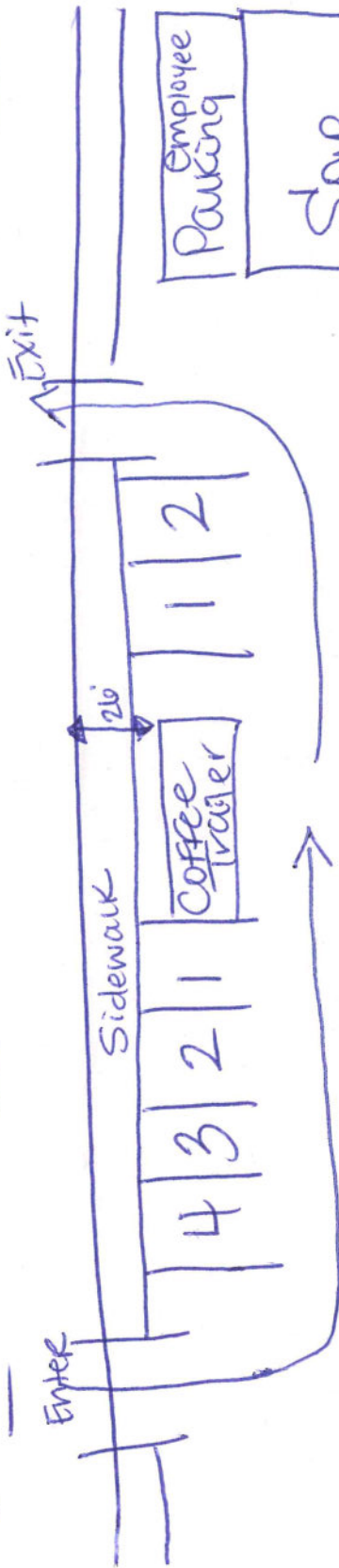
The coffee trailer will be used as a drive thru operation but we feel there will still be ample parking for customers and employees. The building on the property is at this time not being used for retail and will be our commissary kitchen.

We will be selling coffee, espresso, baked items, breakfast sandwiches, ice cream and drinks.

We are hoping this will be something to add to our small community and will be applying for a conditional use permit to make this a permanent fixture in the future.

Only signage will be on the trailer

Clatskanie Hwy 30 Astoria →



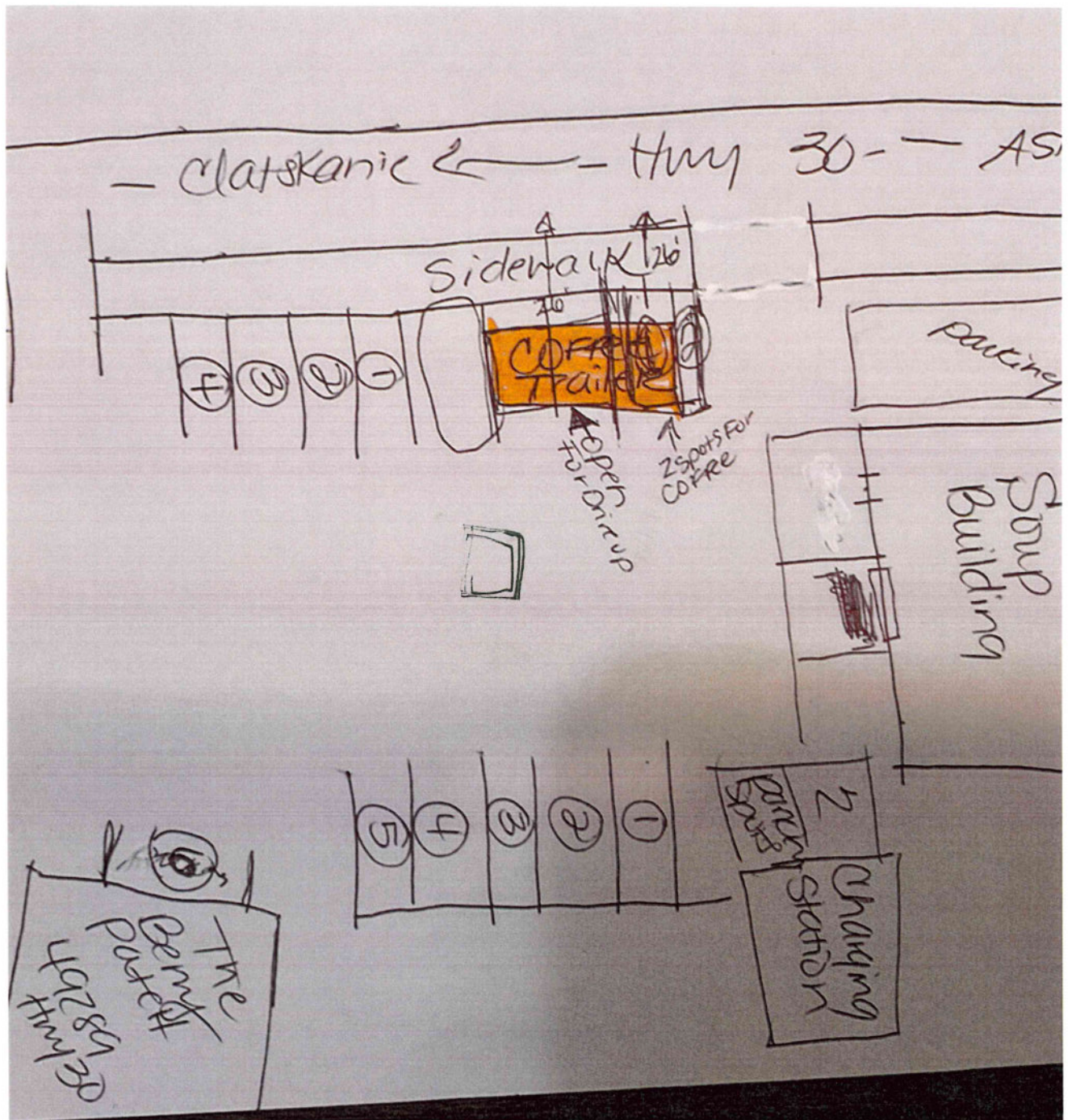
~~The Berry Patch~~

Employee
Parking

Soup
Bldg.
49279
Hwy 30

5	4	3	2	1	2
					Changing

* COFFEE TRAILER TAKING UP TWO SPACES



RCC ZONE

COFFEE STAND - 16' x 8' TRAILER (128 sq.ft.)

@ 49279 HWY 30

- 2013 CUP - For charging stations
- SOUP FACILITY: 2 parking spaces
 - charging: 2 parking spaces

whitejim1988@gmail.com

Property History

Account ID:18801

Legal Description:

Account History:

Owner(s):

Current Ownership:

<u>Owner Name</u>	<u>Ownrshp %</u>	<u>Type</u>
White Jacky L		Husband & Wife
White Mylene D		Husband & Wife

Ownership History:

<u>Create Dte</u>	<u>Effective Dte</u>	<u>Instrmnt ID</u>		
07/05/2022	06/27/2022	202204855	White Jacky L	Husband & Wife
07/05/2022	06/27/2022	202204855	White Mylene D	Husband & Wife

Voucher History:

Voucher 1	Source: Clerk	Effective Date: 06/27/2022	Map Key: 80636CA03300
Document Type Code: Warranty Deed	Operation: Name Change	Date Created: 07/05/2022	Instrument Id: 202204855
Operation Type: Name	Completed Date: 07/05/2022		Book:
Completeness Status: Completed	Voucher Type: Assessment		Page:
Partition Flag: No	Consideration: \$300,000		Status: Active
User Id: HCHAPMAN	Remarks:		
Voucher 2	Source: Clerk	Effective Date: 01/22/2021	Map Key: 80636DC01100
Document Type Code: Easement	Operation: Posting Only	Date Created: 10/13/2021	Instrument Id: 202110068
Operation Type: Information	Completed Date: 10/13/2021		Book:
Completeness Status: Completed	Voucher Type: Assessment		Page:
Partition Flag: No	Consideration:		Status: Active
User Id: HCHAPMAN	Remarks: Rerecording of 202100821		

B_06_36_C_A_03300 6J10

of Descriptions of Real Properties

6J10 '98

53-10

PROPERTY NUMBER

OFFICE OF COUNTY ASSESSOR, CLATSOP COUNTY, OREGON

CODE NUMBER

SECTION.....		TOWNSHIP.....	RANGE.....	W.M.	MAP NO.....	AERIAL PHOTO
LOT		BLOCK	ADDITION.....			CITY.....
TAX LOT NUMBER	NO.....	NO.....				

INDENT EACH NEW
COURSE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD

ACRES

REMAINING

YEAR VOLUME PAGE

V

'95 Includes TL 301 daf:

The foll real property in Sec 36, Y8N, R6W, WM, CC,
0 daf;Beg at the SW cor of the J.A. McIntosh tr sd pt bineg
1223.9 ft N and 208.8 ft E of the standard $\frac{1}{4}$ cor on the
S bound of Sec 36, T8N, R6², WM;Th N18°00'W a dist of 26.8 ft to the Nly r/w li of
Hwy 30;Th N48°52'W a dist of 84.1 ft alg the Nly r/w of sd
Hwy 30 a dist of 84.1 ft to a $\frac{1}{2}$ " pipe;Th N48°52'W alg the Nly li of sd Hwy a dist of 96.9 ft to
a $\frac{3}{4}$ " pipe and the tpob;Th leaving the N li of sd Hwy and running N42°59'E a dist
of 82.7 ft to a 1" ip;

Th S88°00'E a dist of 12 ft to a 1" ip;

Th N15°04'W a dist of 62 ft to a 1" ip;

Th SWly to the Nly r/w of Hwy 30 sd pt being N48°52'W
46 ft from the pob;TH alg the ly r/w of Hwy 30 in a SEly direction 46 ft
to the tpob

WD 7/25/95 875 357 7/12/95

Egaas, Stanley J.

WD 7/25/95 875 357 7/12/95

'97 Mapping Change Now 806 36CA - 3300

1/10/97 Per Walt

8_06_36_C_A_03200 6J10

J10 '98
53-10OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
COUNTY ASSESSOR'S OFFICE

MAP NUMBER	PARCEL NUMBER	Int. In REAL PROP.	CODE AREA NUMBER	FORMERLY PART OF
TAX LOT NUMBER				

Indent each new course to this point	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record		Acres Remaining
			Vol.	PG.	
	'95 less TL ³⁰³ 301 daf: The foll real Property in Sec 36, T8N, R6W, WM, CC, 0 daf; Beg at the SW cor of the J.A. McIntosh tr sd pt being 1223.9 ft N and 208.8 ft E of the standard $\frac{1}{4}$ cor on the S bound of Sec 36, T8N, R6W, WM; Th N18°00'W a dist of 26.8 ft to the Nly r/w li of Hwy 30; Th N48°52'W a dist of 84.1 ft alg the Nly r/w of sd Hwy 30 a dist of 84.1 ft to a $\frac{1}{2}$ " pipe; Th N48°52'W alg the Nly li of sd Hwy a dist of 96.9 ft to a $\frac{3}{4}$ " pipe and the tpob; Th leaving the Nli of sd Hwy and running N42°59'E a dist of 82.7 ft to a 1" ip; Th S88°00"E a dist of 12 ft to a 1" ip; Th N15°04'W a dist of 62 ft to a 1" ip; Th SWly to the Nly r/w of Hwy 30 sd pt bieneg N48°52'W 46 ft from the pob; Th alg the Nly r/w of Hwy 30 in a SEly direction 46 ft to the tpob.	WD	7/25/95	875 357	7/12/95
	Gorley, Michael A./Gayle M.	WD	7/25/95	875 360	7/10/95
	'97 Mapping Change Now 806 36CA - 3200	1/10/97		Per Walt	

ACCOUNT NUMBER

OFFICE OF COUNTY ASSESSOR, CLATSOP COUNTY, OREGON

CODE NUMBER

TAX LOT NUMBER

SECTION

TOWNSHIP

BLOCK

ADDITION

MAP NO. 36 DC 8 6

AERIAL PHOTO

INDEBT EACH NEW
COURSE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD
YEAR VOLUME PAGEACRES
REMAINING

Begin at the SW cor of the J.A. McIntosh Trct,
sd pt being 1223.9 ft N and 208.8 ft E of the
Standard $\frac{1}{4}$ cor on the S bndry of Sec 36, T8N
R6W WM;

th N 18°00' W a dist of 26.8 ft to the
Nly r/w line of the U.S. Hwy No. 30;
th N 48°52' W alg the Nly r/w line of sd
Hwy a dist of 84.1 ft to a $\frac{1}{2}$ in ip wh is the
true pob of the parcel of prpty hdy desc;
th from sd true pob run N 48°52' W alg
the Nly line of sd Hwy a dist of 96.9 ft to a
 $\frac{3}{4}$ in ip;

th leave the N line of sd Hwy and run N 42°
59' E a dist of 82.7 ft to a $\frac{3}{4}$ in ip;

th S 88°00' E a dist of 22.2 ft to a $\frac{3}{4}$ in
ip mark the NW cor of that cert tct conv by
Nellie E. Barhan et al to Florence Tagg by
deed recdd in Bk 205 page 1, D/R;

th S 18°00' E alg the Wly line of sd Tagg
tract a dist of 86.6 ft to a $\frac{1}{2}$ in ip marking
the SW cor of sd Tagg trct, sd ip also marks
an angle pt in the Nly line of that cert tract
conv by Nellie E. Barhan, et al to Larry Beau-
leau by deed recdd in Bk 203 pg 536, D/R;
th S 38°24' W alg the Nly line of sd Beau-
leau trct a dist of 51.8 ft to the true pob.

Creswell, Donald & Eileen

WD

1343

618-620

Hultengren, Steven R. & Nancy K.

WD 05-16-83

595 241

03-17-83

Gorley, Michael A. & Gayle M.

WD 05-15-87

673 247

03-31-87

156 236 336
63 268 216
68 306 890

KNOW ALL MEN BY THESE PRESENTS, That I, Mike Jogtich and Vera Jogtich, husband and wife, grantors, in consideration of Ten and 80/100 dollars and other good and valuable consideration to us in hand paid by G.A. Heikkila and Hilma R. Heikkila, husband and wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all of the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clatsop and State of Oregon, bounded and described as follows, to wit;

Beginning at the southwest corner of the J.A. McIntosh tract said point being 1223.9 feet north and 208.8 feet east of the standard quarter corner on the south boundary of Section 36, Township 8 North, Range 6 West, Willamette Meridian; thence north 18°00' west a distance of 26.2 feet to the northerly right-of-way line of U.S. Highway NO-30; thence north 48°52' West a distance of 84.1 feet along the northerly right-of-way line of said highway a distance of 84.1 feet to a one-half inch iron pipe which is the true point of beginning of the parcel of property hereby described; thence from said true point of beginning run north 48°52' west, along the northerly line of said highway a distance of 96.9 feet to a three-quarter inch iron pipe; thence leaving the north line of said highway and run north 42°59' east a distance of 82.7 feet to a three-quarter inch iron pipe; thence south 88°00' east a distance of 22.2 feet to a three-quarter inch iron pipe marking the northwest corner of that certain tract conveyed by Nellie E. Barhan, et al to Florence Tagg, by deed recorded in Book 205, page 1, Deed Records; thence south 18°00' east along the westerly line of said Tagg tract a distance of 86.6 feet to a one-half inch iron pipe marking the southwest corner of said Tagg tract, said iron pipe also marks an angle point in the northerly line of that certain tract conveyed by Nellie E. Barhan, et al to Larry Beaulieu by deed recorded in Book 203, page 536, Deed records; thence south 38°24' West along the northerly line of said Beaulieu tract a distance of 51.8 feet to the true point of beginning, in the County of Clatsop, State of Oregon—

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

AND WE the grantors covenant that we are lawfully seized in fee simple of the above granted premises free from all incumbrances, except lease of Jackie Stack on portion of said premises as set forth in deed recorded in Book 222, page 131 Deed records, and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

WITNESS Our hands and seals this 29th day of June, 1956

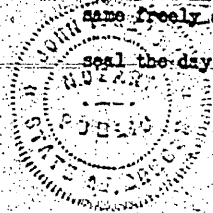
STATE OF OREGON
COUNTY OF COLUMBIA



Vera Jogtich SEAL
Mike Jogtich SEAL

On this 29th day of June, 1956, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Mike Jogtich and Vera Jogtich, husband and wife, who are known to me to be the identical individuals described in and who executed the within deed and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



John F. Kergil
Notary Public for Oregon
My Commission expires—
NOTARY PUBLIC FOR OREGON
My Commission Expires APR. 9, 1959

INDEXED

WARRANTY DEED

MISS JODITH, et al

G. F. BEVILL, et al

190806

STATE OF OREGON,
County of Clatsop
I hereby certify that the within instrument
was received for record and recorded in the
record of

DEED

of said County on

1908, 5th day of April, 1908

In Book

236

On Page

336

Witness my hand and Seal of office, affixed

MARY HAY

County Clerk

By *Edw. L. Gifford*
County Clerk

CLATAMUS

120 Fairview Avenue, EUGENE

February 22 - 1908

AFTER RECORDING RETURN TO:

Blair Henningsgaard

POB 1030

Astoria, OR. 97103



Recording Instrument #: 202110068

Recorded By: Clatsop County Clerk

of Pages: 6 Fee: 112.00

Transaction date: 10/7/2021 12:20:16

Deputy: jkerr

ASSESSOR'S ACCOUNT NUMBER:

MAP# **80636CA03300**

TAX ACCOUNT ID# **18801**

SITUS ADDRESS: (Street or Rural Address)

49298 HWY 30

WESTPORT, OR

SEND TAX STATEMENTS TO:

NO CHANGE

RE-RECORDING COVER SHEET FORM

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon and does NOT affect the instrument ORS 205.234

TITLE(S) OF THE TRANSACTION(S)
EASEMENT

DIRECT PART(IES) OR GRANTOR(S)
STANLEY EGASS

INDIRECT PART(IES) OR GRANTEE(S)
JM WHITE PROPERTIES, LLC

TRUE and ACTUAL CONSIDERATION: Amount in dollars or other value/property

\$ **0** ☐ Other Value ☐ Other Property

Other value/property is Whole ☐ or Part ☐ of the consideration.

The amount of the monetary obligation imposed by the Order or Warrant \$ _____

Satisfaction of Order or Warrant Check if applicable: ☐ Full or ☐ Partial

IF THIS INSTRUMENT IS BEING RE-RECORDED, COMPLETE THE FOLLOWING STATEMENT: ORS 205.244(2)

RE-RECORDED AT THE REQUEST OF **GRANTEE**

TO CORRECT **OMISSION OF EXHIBITS REFERENCE IN**
MAIN DOCUMENT

PREVIOUSLY RECORDED AS INSTRUMENT # **202100821** OR BOOK _____ PAGE _____

WHEREFORE, This License Agreement is effective January 22, 2021.

GRANTEE

Mylene White

JM White Properties, LLC
By Mylene White, Member

GRANTOR

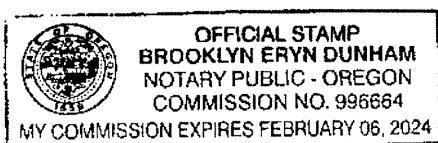
Stanley J. Egaas

STATE OF OREGON

County of Clatsop

)
) ss.
)

Personally appeared Mylene White, member, acting on behalf of JM White Properties and acknowledged the foregoing instrument to be her voluntary act and deed this 22nd day of January 2021.



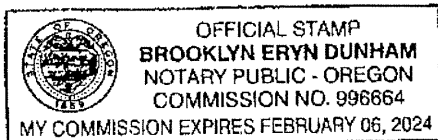
[Signature]
Notary Public for Oregon

STATE OF OREGON

County of Clatsop

)
) ss.
)

Personally appeared Stanley J. Egaas and acknowledged the foregoing instrument to be his voluntary act and deed this 22nd day of January 2021.



[Signature]
Notary Public for Oregon

LEGAL DESCRIPTION

PARCEL NO. 1:

Beginning at the Southwest corner of the J.A. McIntosh tract, said point being 1223.9 feet North and 208.8 feet East of the standard quarter corner on the South boundary of Section 36, Township 8 North, Range 6 West, Willamette Meridian;

thence North 18 degrees 00 minutes West a distance of 26.8 feet to the Northerly right of way line of U.S. Highway No. 30;

thence North 48 degrees 52 minutes West a distance of 84.1 feet along the Northerly right of way line of said highway a distance of 84.1 feet to a one-half inch iron pipe which is the true point of beginning of the parcel of property hereby described;

thence from said true point of beginning run North 48 degrees 52 minutes West, along the Northerly line of said highway a distance of 96.9 feet to a three-quarter inch iron pipe;

thence leaving the North line of said highway and run North 42 degrees 59 minutes East a distance of 82.7 feet to a three-quarter inch iron pipe;

thence South 88 degrees 00 minutes East a distance of 22.2 feet to a three-quarter inch iron pipe marking the Northwest corner of that certain tract conveyed by Nellie E. Barhan et al to Florence Tagg, by deed recorded in Book 205, page 1, Deed Records;

thence South 18 degrees 00 minutes East along the Westerly line of said Tagg tract a distance of 86.6 feet to a one-half inch iron pipe marking the Southwest corner of said Tagg tract, said iron pipe also marks an angle point in the Northerly line of that certain tract conveyed by Nellie E. Barhan et al to Larry Beaulieu by deed recorded in Book 203, page 536, Deed Records;

thence South 38 degrees 24 minutes West along the Northerly line of said Beaulieu tract a distance of 51.8 feet to the true point of beginning, in the County of Clatsop, State of Oregon.

PARCEL NO. 2:

The following real property in Section 36, Township 8 North, Range 6 West, Willamette Meridian, in the County of Clatsop and State of Oregon, described as follows:

Beginning at the Southwest corner of the J. A. McIntosh tract, said point being 1223.9 feet North and 208.8 feet East of the standard quarter corner on the South boundary of Section 36, Township 8 North, Range 6 West, Willamette Meridian; thence North 18° 00' West a distance of 26.8 feet to the Northerly right of way line of Highway 30; thence North 48° 52' West a distance of 84.1 feet along the Northerly right of way of said Highway 30 a distance of 84.1 feet to a 1/2" pipe. Thence North 48° 52' West along the Northerly line of said Highway a distance of 96.9 feet to a 3/4" pipe and the true point of beginning.

Thence leaving the North line of said Highway and running North 42° 59' East a distance of 82.7 feet to a 1" iron pipe;

thence South 88° 00' East a distance of 12.0 feet to a 1" iron pipe;

thence North 15° 04' West a distance of 62 feet to a 1" iron pipe;

thence Southwesterly to the Northerly right of way of Highway 30, said point being North 48° 52' West 46 feet from the point of beginning;

thence along the Northerly right of way of Highway 30 in a Southeasterly direction 46 feet to the true point of beginning.

ATTACHMENT 2: ODOT Road Approach Approval



Oregon

Theodore R. Kulongoski., Governor

Department of Transportation

District 1

350 W Marine Drive

Astoria, OR 97103

(503) 325-7222

Fax: (503) 325-1314

Virginia.L.WILLIAMS@odot.state.or.us

August 30, 2010

File Code: 79

Stanley Egaas
77129 Watach Dr
Clatskanie, OR 97016

Subject: Notice of Recognition of Grandfathered Approach
Application Number 13386

Location: Highway Number 092, (Lower Columbia River Hwy),
at Mile Point 70.56, Highway Side: R
Engineering Station: 331+60, Map No.: 8B-33-17

Dear Stanley Egaas:

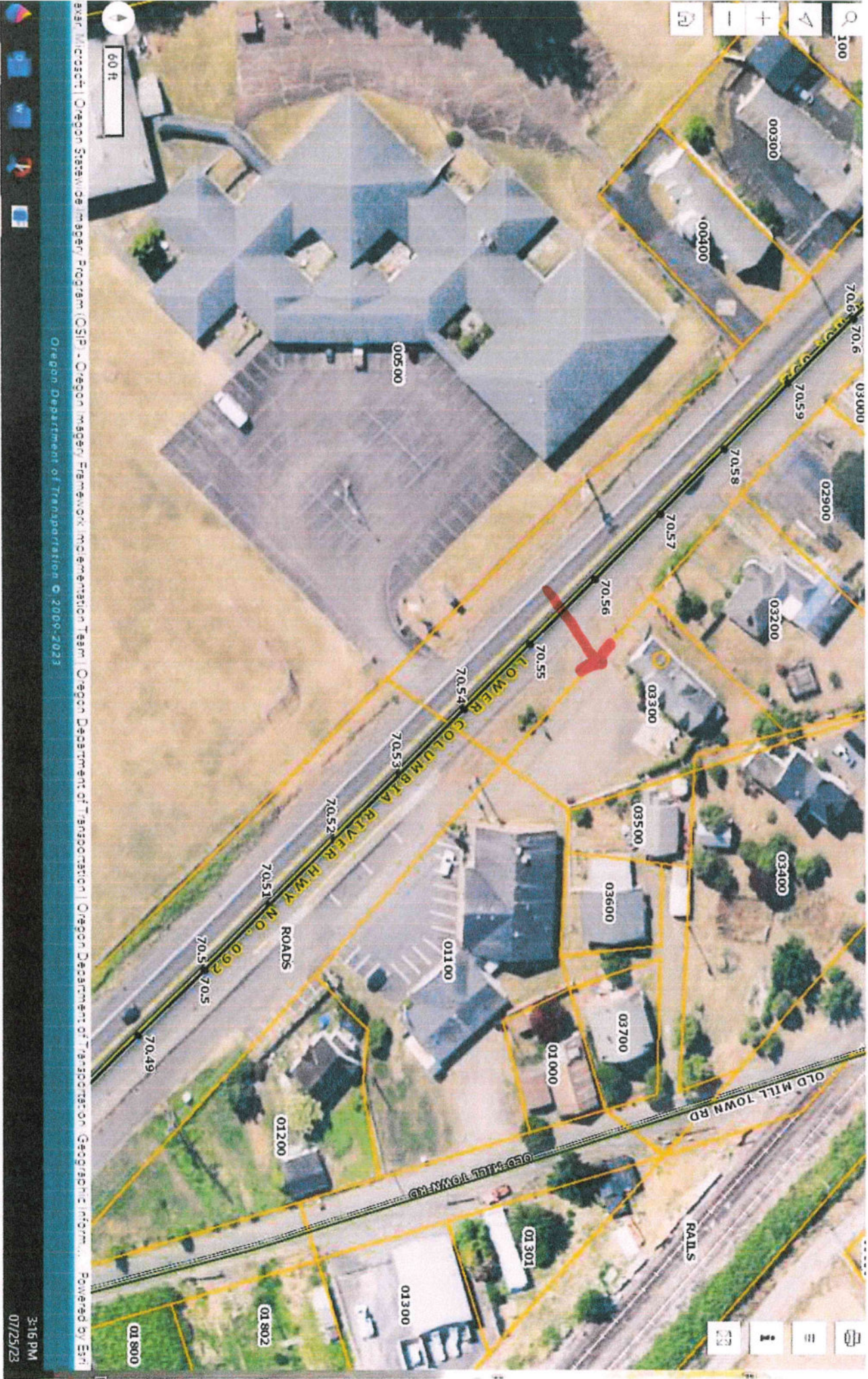
Approaches that provide access to Oregon highways must possess legal status either through recognition by the Oregon Department of Transportation that the approach has "grandfather" status or through a *Permit to Operate, Maintain, and Use a State Highway Approach* issued by the Oregon Department of Transportation. [ORS 374.312(1); OAR 734-051-0040(26)].

The Oregon Department of Transportation (the Department) has evaluated whether the highway approach at the location listed above may be grandfathered under OAR 734-051-0040(26)¹ and OAR 734-051-0285(9). Under these rules, the Region Manager may recognize an approach as grandfathered if the following requirements are met:

- ☐ construction details for a Department project must show the intention to preserve the approach as part of the project as documented by plans dated before April 1, 2000
- ☐ the approach must have continued in use for the same purpose since the project was developed
- ☐ the Department has not acquired access control

The Region Manager's decision to give the approach grandfathered recognition is based on the following information: Construction details for a Department project

¹ If you would like a complete copy of the Chapter 734 Division 51 Rules, you may obtain them by either visiting our website at: <http://www.oregon.gov/ODOT/HWY/ACCESSMGT/> or by contacting ODOT's Rules Coordinator at (503) 986-3171.



DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

From: WILLIAMS Virginia L Virginia.L.WILLIAMS@odot.oregon.gov
Subject: Coffee trailer
Date: Jul 25, 2023 at 3:33:00 PM
To: Mylene whitejm1988@gmail.com
Cc: KEARNS Richard A Richard.A.KEARNS@odot.oregon.gov, JONES Brent
M Brent.M.JONES@odot.oregon.gov

Mylene,

Attached is your Grandfathered approach letter for your coffee Trailer. Take this to the county with a copy of my email that has my contact info under my name as you are already permitted. If they need to call me I work Mon-Thru 5:00am to 3:30pm

Thank you.

Virginia Williams
Permits
350 W Marine Dr
Astoria, OR 97103
virginia.L.williams@odot.oregon.gov
[\(503\) 325-5853](tel:(503)325-5853)

To All: My email is changing please start using the top email.

virginia.L.williams@odot.state.or.us

-----Original Message-----

From: Mylene <whitejm1988@gmail.com>
Sent: 25 July, 2023 10:03 AM
To: WILLIAMS Virginia L <Virginia.L.WILLIAMS@odot.oregon.gov>
Subject: Coffee trailer

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

The coffee trailer that we are trying to get permitted at 49279 hwy 30 Westport Is