



# CITY OF DONALD

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## NOTICE OF TYPE II DECISION OF THE CITY OF DONALD PLANNING COMMISSION

**FILE NO.:** Conditional Use Permit #CU 2019-01

**DATE:** October 02, 2019

**HEARING:** September 26, 2019

**APPLICANT:** Fire Tacos Corporation, Aurora, Oregon

**REQUEST:** Conditional Use Permit approval to operate a food cart in Donald. The new food cart would be 25 feet long, 8 feet wide, 14 feet high. The food cart operation would include outdoor customer seating with awning or umbrellas, storage shed, porta-potty, trash and recycling receptacles, and some utility connections.

**ADDRESS:** 10750 Main Street in Donald (next to the Donald Market)

**TAX LOT:** 041W17CA04601

**CRITERIA:** Donald Development Ordinance (DDO)  
Section 2.108 DMU – Downtown Mixed Use Zone  
Section 2.409 Food Carts  
Section 3.107 Conditional Use Permits

### PLANNING COMMISSION DECISION:

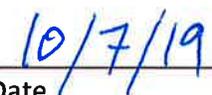
On Thursday, September 26, 2019, the Donald Planning Commission convened a duly noticed public hearing on City file # CU 2019-01, a request to operate a food cart on a private property in the DMU – Downtown Mixed Use zone.

Based upon the findings of fact detailed in the staff report dated September 19, 2019 as well as the testimony received from the applicant during the public hearing, the Donald Planning Commission found that the proposed food cart could meet the applicable development criteria found in the Donald Development Ordinance (DDO) through compliance with the conditions of approval listed below. Consequently, the Donald Planning Commission voted to APPROVE the submitted Conditional Use Permit application.

**CONDITIONS OF APPROVAL:**

- A. Food Cart Standards: The applicant shall be responsible for ensuring compliance with the Food Cart Standards contained in section 2.409 of the Donald Development Ordinance at all times.
- B. Renewal: Conditional use permit approval for a food cart shall be valid for one year from initial operation, or as required by the Donald Development Code at the time of renewal. The applicant shall be responsible for renewing annual conditional use permit approval for the continued operation of a food cart in the City of Donald.
- C. Permitting: The applicant shall be responsible for obtaining all applicable permits from Marion County and the State of Oregon.
- D. Business License: The applicant shall secure and maintain a business license with the City of Donald prior to operating the food cart.
- E. Signage: The applicant shall secure approval for any external signage, in compliance with Section 2.310 of the Donald Development Ordinance.
- F. Access: The applicant is responsible for securing an access permit from Marion County Public Works if a vehicular access driveway connection to Main Street is desired.
- G. Utility work: The applicant and/or their Agent is responsible for acquiring permits from Marion County Public Works for utility work in the public right-of-way, which includes the roadway, landscape strip, and sidewalk areas.
- H. Water: All new water service connections in the City of Donald are subject to the standard hook-up fees and system development charges (SDCs).
- I. Location: The precise location of the food cart on tax lot #4601 shall be approved by the Aurora Fire District prior to operation.
- J. The site shall comply with all applicable Public Works Design Standards. If a ground covering is required, it shall be constructed with gravel or other pervious material.

  
\_\_\_\_\_  
Cammi Hungate, Planning Commission Chair

  
\_\_\_\_\_  
Date

## **APPEALS:**

- 1)** An applicant, agent for or representative of the applicant or any person who appeared in person, by representative or in writing, at the public hearing, may appeal this decision made under the provisions of Subchapter 3. Such appeal shall be directed to the City Council and shall be filed in writing with the City within fifteen (15) days of the date of the decision. If no appeal is filed within fifteen (15) days from the date of the written decision, that decision shall be final.
- 2)** Any appeal shall be based upon the applicable criteria from the development code which were raised in the land use hearing and must state with specificity which criteria are being appealed. Appeal requests shall be made on forms provided by the City. Appeals shall state the alleged errors in the original action.
- 3)** If an appeal is filed, the City Council shall be given a report of the Planning Commission's action or ruling. The City Council shall hold a public hearing on the appeal. Notice of such a public hearing shall be provided in accordance with the provisions for public hearings set forth in Subchapter 3. The public hearing of an appeal shall be conducted in accordance with the procedures for public hearings set forth in Subchapter 3. The decision of the City Council regarding an appeal shall be final and shall become effective on the date of the City Council's action on the appeal.
- 4)** All appeals shall be accompanied by a fee, established by resolution, which shall cover all costs except the cost of preparation of a written transcript.