



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Staff Report

Site Plan Review

SP-10-24

April 1, 2024

Application Information

Proposal:	Site Plan Review for temporary plant sales (31-120 days per year) in a portion of the north side of the Grocery Outlet parking lot measuring about 8,000 square feet.
Review Body:	Staff (Type I-L review)
Applicant:	Paul Orson; 560 Harvest Lane, Roseburg, OR 97471; porson3@gmail.com ; 541-637-0982.
Landlord:	Cynthia and Ken Silva; Grocery Outlet; 1950 14th Avenue SE; Albany, OR 97322
Address/Location:	1950 14th Avenue SE (Grocery Outlet Parking Lot)
Map/Tax Lot:	Linn County Assessor: 11S-03W-08CA-00104
Zoning:	Regional Commercial (RC)
Comprehensive Plan:	Commercial - General
Overlay Districts:	Airport Approach District
Total Land Area:	3.08 Acres
Existing Land Use:	Commercial
Neighborhood:	Santiam
Surrounding Zoning:	North: Regional Commercial (RC) South: Residential Medium Density (RM) south of 16th Avenue SE East: RC West: RC
Surrounding Uses:	North: Commercial East: Commercial South: Residential Duplexes West: Commercial
Prior History:	SP-58-88; CP-01-88; and ZC-01-88 for construction of a 22,220-square-foot building for a retail toy store (Toys *R* Us).

Summary

On March 6, 2024, the applicant submitted a Site Plan Review application to engage in temporary plant sales on commercial property located at 1950 14th Avenue SE, Albany, OR, 97322 and Linn County Map Number



11S-03W-08CA Tax Lot 104. The proposed sales area will cover 8,000 square feet of an existing parking lot (Attachment A).

The analysis in this report finds that all applicable standards and criteria for a Site Plan Review permit are satisfied as conditioned.

Notice Information

A notice of filing was mailed to property owners located within 300 feet of the subject property on March 13, 2024. No comments were received regarding the proposed temporary use.

Analysis of Development Code Criteria

Section 2.450 of the ADC includes the following review criteria that must be met for this application to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The application is complete in accordance with the applicable requirements.

Findings of Fact

- 1.1 In accordance with the applicable requirements, the application was deemed complete on March 26, 2024.

Conclusion

- 1.1 This criterion is met without conditions.

Criterion 2

The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

Findings of Fact

- 2.1 Per ADC Table 4.090-1, the minimum front setback is 10 feet. This standard is met at the proposed plant sales location. The proposed structure used as a greenhouse is 16 feet tall, according to the applicant in previous correspondence; however, the wall height of the structure is about half that, at approximately 8 feet.
- 2.2 There is an existing grocery store and parking lot on this property, which is about 3.09 acres in size. The applicant proposes to utilize about 8,000 square feet of the property for temporary plant sales.

Conclusion

- 2.1 The proposed development meets all current provisions, including setbacks, lot coverage, lot dimensions, building height, and other applicable standards.
- 2.2 This criterion is met without conditions.

Criterion 3

Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact

- 3.1 Article 4: Airport Approach. The subject property is located within the Airport Conical Surface area, as indicated on the Albany Municipal Airport Approach and Clear Zone plan. The highest elevation on the property is about 224 feet (NGVD 1929), according to the City's topographical records. The conical surface has an elevation ranging from 372 feet to 472 feet above mean sea level. The property's RC zoning has no maximum building height for development unless the project is located in the Airport Approach Overlay District. The proposed structure used as a greenhouse is 16 feet tall, according to the applicant; the wall height of the structure is about half that, at approximately 8 feet. This will not penetrate the elevation of the Airport Conical Surface area.

3.2 The subject property is not located in any other special purpose district.

Conclusion

3.1 The subject property is not located in any special purpose districts except for the Airport Approach district. The subject property complies with the regulations of the Airport Overlay district.

Criterion 4

The application complies with all applicable Design Standards of Article 8.

Findings of Fact and Conclusions

4.1 The proposed temporary structure does not have applicable design standards.

4.2 The review criterion is not applicable.

Criterion 5

The application complies with all applicable Design Standards of Article 10.

Findings of Fact and Conclusions

5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. These uses do not pertain to the proposal.

5.2 This review criterion is not applicable.

Criterion 6

The application complies with all applicable On-Site Development and Environmental Standards of Article 9.

Findings of Fact

6.1 The proposed site of the temporary plant sales is already developed with parking, landscaping, and a building (Grocery Outlet) which is in active use.

6.2 Temporary uses are not required to provide on-site improvements such as additional landscaping or parking.

6.3 As the use is temporary, the environmental requirement does not apply to the proposed temporary structure.

Conclusion

6.1 This criterion is not applicable.

Criterion 7

The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sanitary Sewer

7.1 City utility maps show no public sanitary sewer facilities in the vicinity of the proposed temporary plant sales location.

Water

7.2 City utility maps show an eight-inch public water main located on the subject property located within a public utility easement. Subject property is currently connected to public water system.

7.3 Proposed temporary plant sales will not impact the public water system.

Storm Drainage

- 7.4 City utility maps show a 36-inch public storm drainage main located on the subject property located within a public utility easement. The project does not propose any new impervious area.
- 7.5 The proposed temporary plant sales will not impact the public storm drainage system.

Conclusion

- 7.1 The proposed development will have no adverse impact on the public utility systems.

Criterion 8

The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.

Findings of Fact

- 8.1 The proposed temporary plant sales project does not require transportation improvements.

Conclusion

- 8.1 This criterion is not applicable.

Criterion 9

The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Findings of Fact

- 9.1 See Findings under Site Plan Criterion 7 (above) related to stormwater quality standards in response to this review criterion. These findings are incorporated here by reference.

Conclusion

- 9.1 The proposed development will have no impact on the public sanitary sewer and/or water systems.

Criterion 10

The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Findings of Fact

- 10.1 The subject parcel was developed with a 22,220-square-foot retail toy store in 1988. This was one parcel of seven that comprise the Heritage Plaza shopping center. All conditions of approval were presumably met at the time of final occupancy.

Conclusion

- 10.1 This criterion is not applicable.

Criterion 11

Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.330

Findings of Fact

- 11.1 The subject parcel is a conforming parcel and development.

Conclusion

- 11.1 This criterion is not applicable.

Overall Conclusion

This report evaluates the applicant's application for temporary plant sales not to exceed 120 days per calendar year. The proposed development meets all applicable Site Plan Review criteria when the following conditions are met.

Conditions of Approval

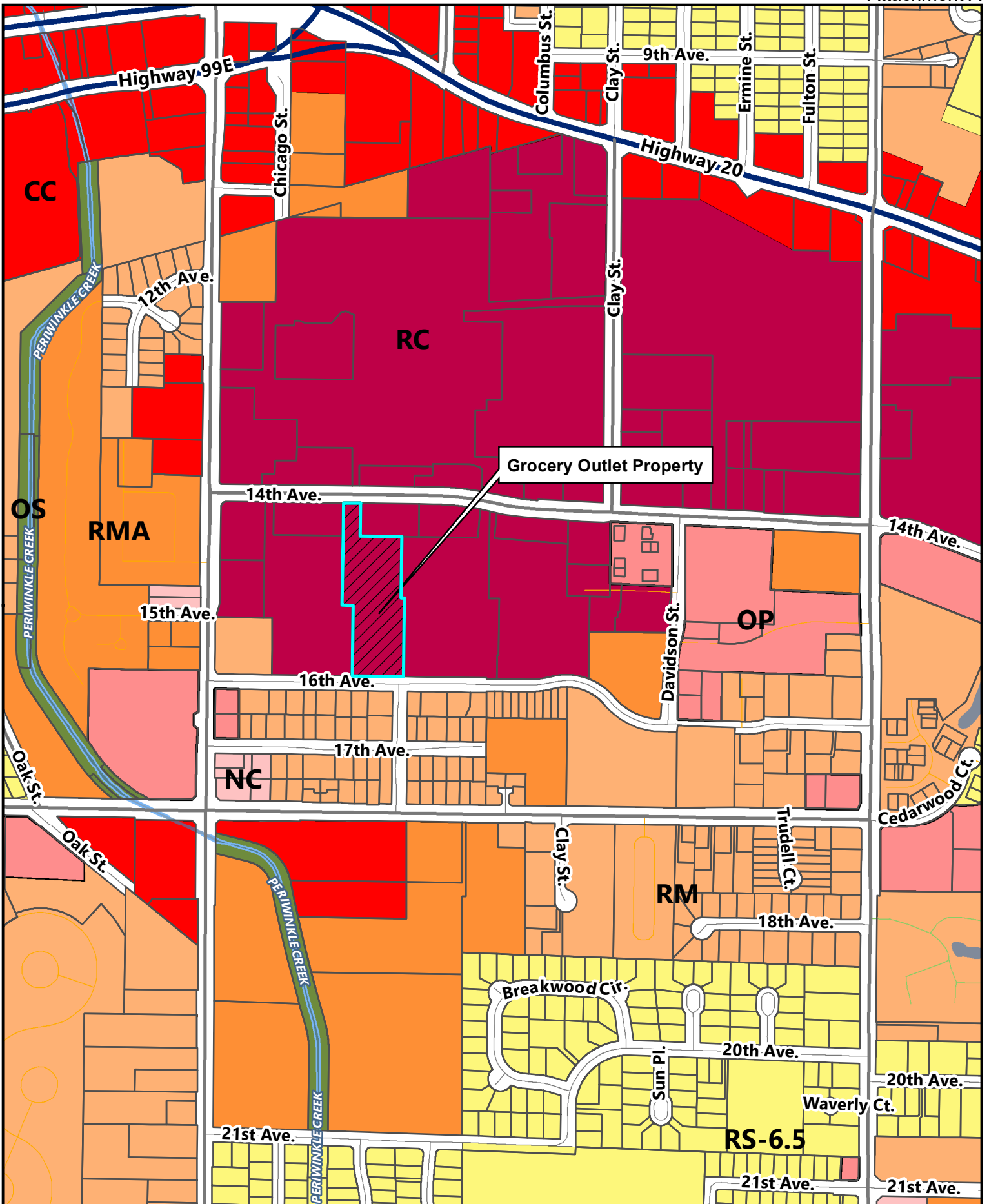
- Condition 1 Site Plan Review approval for temporary plant sales on the subject property shall not exceed 120 days per calendar year.
- Condition 2 Site Plan Review approval for temporary plant sales at this location shall be valid until **December 31, 2026**, provided an annual license renewal fee of \$100 is paid to the City upon a finding that there have been no changes in site usage or operations.
- Condition 3 The chain link fence surrounding the proposed use shall not exceed six feet tall and shall be removed at the termination of the plant sales use.
- Condition 4 Outside storage of refuse is not allowed unless it is screened from view by placement of a site-obscuring fence, wall, or hedge at least six feet tall. Any material used to screen outdoor storage shall be removed at the termination of the plant sales use.

Attachments

- A. Location Map
- B. Site Plan

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
RC	Regional Commercial zoning district
SP	Site Plan Review



G:\Community Development\Planning\Land Use Cases\2020s\2024\Site Plan Review (SP)\SP-10-24 (1950 14th Ave SE)\Location Map.mxd



05000200300

Feet

Date: 3/11/2024 Map Source: City of Albany

1950 14th Ave. SE

Location / Zoning Map



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Site Plan Review

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees (*subject to change every July 1*): staff will contact you for payment after submittal.

- Change of Use, Temporary or Minor Developments¹
- Manufactured Home Parks
- Modify Existing Development²
- New Parking Areas or Expansions > 1,000 sq. ft.
- New Construction
- If Traffic Report Required: Additional fee of _____
- If Design Standards Apply (Albany Development Code (ADC) Article 8): Additional fee of _____

Construction Cost³: _____

< \$3000

- 1) *Applies to temporary businesses operating 31 to 120 days, temporary subdivision sales offices, and other minor developments that are not exempt from Site Plan Review or specified herein.*
 - 2) *Building additions or use expansions greater than 2,000 sq. ft. or greater than 50% of existing building area, whichever is less, or any expansion that provides three or more new parking spaces, additional loading areas, or modifies site circulation. (See ADC 2.430.)*
 - 3) *This valuation is composed of the estimated cost of all improvements to the land related to the proposed site plan review project, but not the cost of the land itself. Building valuation is computed either from the Building Valuation Table used by the City of Albany's Building Division, or an actual construction bid submitted by the applicant. If the two valuations are different, the highest valuation will prevail. Land improvements include, but are not limited to, patios, decks, sidewalks, parking areas, and landscaping.*
- All plans and drawings must be to scale, and review criteria responses must be provided as specified in this checklist.
 - Email all materials to cd.customerservice@cityofalbany.net. Please call 541-917-7550 if you need assistance.
 - Depending on the complexity of the project, paper copies of the application may be required.
 - Before submitting your application, please check the following list to verify all applicable information is included. An incomplete application will delay the review process.

SITE PLAN REVIEW SUBMITTAL CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- NEIGHBORHOOD MEETING SUMMARY.** (If required)
- REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES.**

cd.cityofalbany.net



All Site Plan Review Applications: On separate sheets of paper, prepare detailed written responses, using factual statements (called findings of fact), to explain how the proposed site plan complies with each of the following review criteria [ADC 2.450]. Each criterion must have at least one finding of fact and conclusion statement. (See example on page 8.)

1. The application is complete in accordance with the applicable requirements.
2. The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.
3. Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
4. The application complies with all applicable Design Standards of Article 8.
5. The application complies with all applicable Design Standards of Article 10.
6. The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
7. The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.
8. The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.
9. The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
10. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
11. Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

Additional Criteria for Non-Residential Applications (including the non-residential portion of a mixed-use development) [ADC 2.455]. Each criterion must have at least one finding of fact and conclusion statement. (See example on page 8.)

1. The transportation system can safely and adequately accommodate the proposed development.
2. Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
3. The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

The approval authority may attach conditions to the approval of a Site Plan Review application in order to assure conformance with applicable review criteria and development standards.

- SITE PLAN.** Refer to pages 4-6 for information that needs to be included on the site plan.
- ELEVATION DRAWINGS.** Fully dimensioned drawings of each elevation of each building. Include building height, materials, and colors to be used.
- FLOOR PLAN DRAWINGS.** Floor plans shall include dimensions and square footages.
- CONCEPTUAL LANDSCAPE AND IRRIGATION PLANS.** The site plan may show locations where landscaping will be provided, including any vegetated post-construction stormwater quality facilities. Before occupancy or final inspection of the development, a final landscape plan must be submitted for review and approval. The plan must include a legend that indicates the number, size, spacing, and botanical and common names of all proposed plants.
- PUBLIC UTILITY PLANS.** Submit full-sized copies of preliminary water, sewer, and storm sewer plans and systems. These plans must provide enough information to enable the City Engineer to determine the

proposed development is feasible but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

- o **Preliminary Water Plans**
- o **Preliminary Sanitary Sewer Plans**
- o **Preliminary Storm Sewer Plans.** Include detention calculations that demonstrate the proposed detention facility is correctly sized and how the Storm Drain Control structure will function.

OTHER PERMITS, APPLICATIONS, PLANS, OR REPORTS THAT MAY BE REQUIRED:

- FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (/FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required.
- HILLSIDE DEVELOPMENT OVERLAY (/HD).** If any of the property is within this Hillside Development (/HD) overlay, refer to ADC Sections 6.170-6.235 to determine if the /HD standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards and provide a geotechnical report or engineer's certification on the site.
- NATURAL RESOURCES IMPACT REVIEW.** If any of the property is within one of Albany's Significant Natural Resource (/SW, /RC, /HA) overlay districts, refer to ADC Sections 6.260-6.470 to determine if a Natural Resource Impact Review may be required.
- MITIGATION PLAN.** If the project is proposed within any of Albany's Significant Natural Resources overlay districts, a mitigation plan may be required. See ADC Sections 6.400-6.410.
- HISTORIC REVIEW.** If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, please refer to ADC Article 7 to determine if a historic review is required.

SUPPLEMENTAL APPLICATION INFORMATION

Gross land area of the site to be developed: 18000 ±

Net land area (gross land minus land to be dedicated to the public): _____

Describe and show on the site plan the location of any existing structures, private wells, septic tanks, and drain fields located on the site and indicate whether they will remain: _____

Current use(s) of the property: GROCERY OUTLET PARKING LOT

Site Zoning: RC Comprehensive Plan designation: _____

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

	<u>Current Uses</u>	<u>Zoning</u>
North:	_____	_____
South:	_____	_____
East:	_____	_____
West:	_____	_____

Lot Coverage: Percent lot coverage allowed: _____ Proposed lot coverage percent: _____

Net land area of the site: _____ Square footage of all building pads: _____

Square footage of all parking/access areas: _____

Parking Calculations. Indicate the square footage of each use within the proposed structure(s) and the amount of parking provided for each use. Refer to ADC Article 9 for parking standards.

Number of bicycle parking spaces required and provided [see ADC Section 9.120(13)]: _____

- Multiple-unit** projects only: Fill out the Supplemental Information Sheet on page 6.
- Is there a phasing plan? _____ If yes, indicate how many phases and clearly outline and label the boundaries of the phases on the site plan. Number of Phases: _____
- Are the **Cluster Development overlay district** provisions applicable to this project? _____
If yes, attach written findings of fact that demonstrate how this project meets Sections 11.400 through 11.530 of the ADC.

FIRE DEPARTMENT SUPPLEMENTARY QUESTIONNAIRE

- | | | |
|---|-----------|--|
| 1. Does the business plan to STORE hazardous materials? | Yes _____ | No <input checked="" type="checkbox"/> |
| 2. Does the business plan to USE hazardous materials? | Yes _____ | No <input checked="" type="checkbox"/> |
| 3. Does the business GENERATE hazardous materials or hazardous waste? | Yes _____ | No <input checked="" type="checkbox"/> |
| 4. Is the business currently reporting hazardous substances to the State Fire Marshal's Office? | Yes _____ | No <input checked="" type="checkbox"/> |

NOTE: Hazardous materials are materials that pose a potential threat to fire and life safety. Examples include paints, solvents, compressed gases, pesticides, poisons, gasoline, propane, and laboratory chemicals. Please call the Albany Fire Marshal if you have questions about this section. 541-917-7700.

SITE PLAN REQUIREMENTS

Label and show the following information. If any item listed below is not provided, include a written response explaining why it is not applicable to this development.

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the site.
- Names and addresses of the property owner(s), applicant(s), developer(s), surveyor, and engineer, as applicable.
- Date plan was drafted and a north arrow.
- Scale of the plan. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) The plan must be clear, measurable, and fully dimensioned.
- Total gross and net land areas of the entire site. ("Net" is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Percentage of the site covered by existing and proposed structures and paved areas. Clearly identify the boundaries and total square footage of all new and/or replaced impervious surfaces.
- Lengths of all existing property lines of the development site.
- Zoning designations and boundaries, property boundaries, land uses, and approximate building locations of all adjacent properties.
- Area and square footage of any land to be dedicated to the public; include its intended purpose (e.g., right-of-way, parkland, conservation easement, etc.).
- Locations and construction/surface type of all *existing and proposed* driveways.

- Locations of all *existing and proposed* structures, wells, septic tanks, and drain fields, and the distances between them and the existing property lines and each other. Indicate what is to be removed, relocated, and/or retained. If relocated on the site, show, and label the new location.
- Locations of all public improvements to be constructed as part of the development of the site (e.g., streets, sidewalks, and utilities).
- Locations and sizes of all *existing and proposed* public sewer and water mains and private service lines from the main to the site; culverts, ditches, and drainpipes, and electric, gas, and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way. Include invert elevations of sewer lines at points of proposed connections.
- All existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
- Location, size, type, and capacity of the existing and proposed drainage system including pipe size, slope, and detention facilities. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, type, and capacity of the downstream drainage system that would serve the proposed development. Also, provide any supporting calculations.
- Location, size, type, and capacity of all existing and proposed post-construction stormwater quality facilities. Clearly identify all impervious surfaces and contributing areas draining to each facility.
- Locations, widths, and names of all *existing or platted* adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as City boundary lines.
- Locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any City approved plan or proposed with this application.
- Locations, dimensions, ownership, and purpose of all *existing and proposed* easements, and any non-access strips on the site and on adjacent properties.
- Existing and proposed* contour (topography) lines drawn at one-foot intervals, or at a larger interval if approved by the City Engineer. Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.
- Show the typical cross sections at adjacent property boundaries showing pre- and post-development conditions and clearly identify any changes in elevation at the property line not captured in the typical section.
- Locations and species of trees with individual trunks or multiple trunks that when combined, are larger than 25 inches in circumference measured at 4½ feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunks circumferences that are greater than six inches in circumference. Identify any trees proposed for protection and the method of protection. Indicate the trees, if any, that are proposed for removal. A tree felling application may also be required. See ADC 9.202 – 9.206 for tree felling regulations.
- Locations and dimensions of all delivery and loading areas.
- Locations and dimensions of all parking and circulation areas.
- Location and dimensions of all vision clearance areas per ADC 12.180.
- Locations and dimensions of all trash disposal areas. Include elevation drawing of trash enclosure.
- Locations of all proposed signs. (Sign permits are issued separately from this review.)
- Location, design, and illumination detail of proposed site and building lighting.
- Location and type of proposed pedestrian amenities and common areas (when applicable).
- Location and design drawings of all proposed utility vaults and mailboxes.

Additional plan information. The following may not apply to every site. Please label and show all applicable information on the proposed site plan. If not applicable, write "NA" in the box and attach a short explanation as to why it does not apply to this development proposal.

- Width, direction, and flow of all watercourses on the site.
- Areas within the 100-year floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Location of the following significant natural resources: 1) significant wetlands and waterways identified on the City's Significant Wetland and Waterway overlay district; 2) significant riparian corridors on the City's Riparian Inventory; 3) significant wildlife habitat, if known; 4) existing channels as shown on the most current version of the Albany Storm Water Master Plan; and 5) slopes greater than 12 percent.
- Location of the following natural features: 1) all jurisdictional and non-significant wetlands identified on the City's Local Wetlands Inventory (see also Comprehensive Plan Plate 6) and National Wetland Inventory; 2) wooded areas with five or more trees over eight inches in diameter measured 4½ feet from the ground; and 3) springs.
- Location of airport height restrictions.
- Location of Willamette Greenway and the top of the bank.
- Location of historic districts, structures, and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

SUPPLEMENTAL INFORMATION FOR MULTIPLE UNIT DEVELOPMENTS (Additions to existing development or completely new development)

1. **Net land area** (gross land minus public dedications/undevelopable areas like water bodies and open spaces):

Gross land area of the site: _____ sq. ft.

Right-of-way or public dedications and undevelopable areas: _____ sq. ft.

= _____ net sq. ft. of land area

2. **Lot coverage:** maximum allowable by the ADC for this zone is ____%. [See Article 3, Table 3.190-1.] Lot coverage includes parking, driveway, and building pad areas; it does not include patios or internal pedestrian walkways. **Analysis for this application:**

All building foundation coverage is _____ sq. ft. = _____ % of total net site.

All parking and driveway areas are _____ sq. ft. = _____ % of total net site.

3. **Density calculation analysis for the _____ Zoning District.**
[See Article 3, Table 3.190-1 for the minimum land area required per dwelling unit.]

____ Single dwelling units at _____ sq. ft. per unit = _____ sq. ft.

____ Duplex units at _____ sq. ft. per duplex = _____ sq. ft.

____ Two or more attached single units at _____ sq. ft. per unit = _____ sq. ft.

____ Three or more 1-bedroom units at _____ sq. ft. per unit = _____ sq. ft.

____ Three or more 2- 3-bedroom units at _____ sq. ft. per unit = _____ sq. ft.

____ Three or more 4+ bedroom units at _____ sq. ft. per unit = _____ sq. ft.

Total = _____ sq. ft. (This total should be no greater than the **net land area in #1** above.)

If the net land area does not support the number of dwelling units, the site must qualify for density bonuses (see ADC 3.220). **On a separate sheet(s) of paper, identify any bonus(es) being requested;** explain how this project qualifies and submit the percentage for each and recalculated density based upon the bonus(es).

Maximum density for base zone is: _____, regardless of density bonuses (per ADC Section 3.020). Proposed number of units per net acre: _____.

4. **Common Space calculations** [See Article 8, Table 8.220-1.] Common open space is required for projects of 10 or more units at 15 percent of the total development site area. Total square feet in site area: _____.

Common space required: _____ sq. ft. Common space provided: _____ sq. ft. Please identify all common areas on the site plan and dimensions of each area.

5. **Parking analysis:** Provided parking spaces must be shown and dimensioned on the site plan. [See Article 9 for parking lot design standards.] Note: There are other categories of parking for special uses. If any pertain to this application, list the use(s) and the parking provided in the following format:

____ Studio and 1-bedroom units at maximum 1 space/unit = _____ spaces

____ 2-bedroom units at maximum 1.5 spaces/unit = _____ spaces

____ 3- or 4-bedroom units at maximum 2 spaces/unit = _____ spaces

____ Total number of units divide by 4 = _____ maximum visitor spaces

Total # of provided parking spaces: _____ **Total # space provided on plan:** _____

Number of parking spaces by type: Standard _____ Disabled _____ Compact _____ Garages _____ EV Charging _____

6. **Bicycle parking analysis:** Multiple-unit developments must provide one bicycle parking space per dwelling unit. [See ADC 9.030.] Required bicycle parking spaces: _____ # provided: _____
7. **Building separation and setbacks:** A 10-foot separation is required between single-story, multi-unit buildings, and 20-foot is required between buildings two or more stories. When multi-unit developments abut single unit uses or zones, the setback shall be at least one foot for each foot of building height. See ADC Section 8.270 for specific standards. Please clearly indicate on the elevation drawings the height, setback of EACH building on the elevation drawings and building separation between each multi-unit dwelling building.

SITE PLAN REVIEW – PURPOSE AND PROCEDURE

Site Plan Review is intended to promote functional, safe, and attractive developments compatible with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. Site Plan Review is not intended to evaluate the proposed use or structural design. Rather, the review focuses on the layout of a development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.

An application for Site Plan Review shall be reviewed through either a Type I or Type I-L procedure, as indicated below.

1. Single unit detached, two primary detached units, and middle housing development up to and including four (4) units: Type I procedure.
2. Multi-unit development of five (5) or more units, units above or attached to a business, and manufactured home parks: Type I-L procedure.
3. Non-residential development: Type I-L procedure.

A Type I procedure is used in applying City land use standards and criteria that do not require the use of discretion, interpretation, or the exercise of policy or legal judgment (i.e., clear and objective standards). Type I decisions are made by the Community Development Director without public notice and without a public hearing. Appeals of Type I decisions are to Circuit Court under writ of review.

A Type I-L procedure is used when applying discretionary land use standards that regulate the physical characteristics of a use which is permitted outright. Type I-L decisions are made by the Director and require public notice and an opportunity for appeal to a local hearing body. The City sends a written notice of filing of the proposed development to owners of property located within 300 feet of the boundary of the proposed development. At the Director's discretion, the notification area for non-residential development may be increased up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. Appeals of Type I-L decisions are heard by the planning commission.

EXAMPLE OF FINDINGS OF FACT

Criteria for Findings of Fact:

Site Plan Review approval will be granted if the approval authority finds the application conforms to the criteria found in Article 2.450 of the ADC, and to applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

Format for Findings of Fact:

Statements addressing individual criteria must be in a "finding of fact" format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

Examples:

Criterion: The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

Facts: The property is zoned Community Commercial (CC). According to Table 4.090-1 of the Albany Development Code, the CC zone has a 10-foot front yard setback, and no interior setbacks unless the property abuts a residential district. There is no minimum lot size, and the maximum lot coverage standard is 90 percent. Maximum allowable building height is 50 feet, and all yards adjacent to streets have a 100 percent landscape requirement. The proposed indoor recreation use will be generally consistent with the operating characteristics of the CC zone as well as other nearby office and commercial development. A noted exception, however, is that the facility will be operational 24 hours a day. The only other businesses in the immediate area that serves customers 24 hours a day are two motels to the north and east of the property. There are no residential dwellings in the vicinity of this project. Onsite landscaping meeting requirements of Article 9 will be installed and provided irrigated as shown on the attached plan.

Conclusion: The proposed use complies with all applicable provisions of the underlying zoning district.

LEASE AGREEMENT

PARTIES: Landlord: ALBANY GROCERY OUTLET
Cindy and Ken Silva
1950 14th Ave SE Albany, OR.
Tenant: ORSON'S GREENHOUSES, INC.
D.B.A. THE PLANT WAREHOUSE-
Paul Orson 560 Harvest Lane Roseburg OR 97471
porson3@gmail.com 541-936-1543

LOCATION: 1950 14th Ave SE Albany, Oregon. Landlord will provide an area in the parking lot located in the northeast corner of the parking area. See attachments A & B (maps).

WATER SOURCE: Landlord agrees to furnish a water source with a ¾" hose bib and sufficient pressure and volume with which the Tenant may water plants. Tenant agrees to do plumbing work as needed after receiving approval from landlord. Tenant acknowledges that closest water source is located at southwest corner of Grocery Outlet building.

INSURANCE: Tenant has his own insurance coverage with a reputable insurance company in the amount of \$1,000,000.00 and holds Landlord harmless from any liability or damages caused by Tenant, his employees or agents.

LEASE AMOUNTS: Tenant will pay to Landlord \$1500.00 on April 1, 2024, \$1500.00 on May 1, 2024, \$1500.00 on June 1, 2024 and \$1500.00 on July 1, 2024 for a total lease amount of \$6,000.00 for the 2024 SEASON.

LEASE TERM: Tenant will be granted access to the site on March 25, 2024 In order to erect the plant stand and display benches. Lease terminates July 31, 2024. Tenant agrees to restore the leased area to its original condition as when Tenant began the lease on or before July 31, 2024.

FURTHER AGREEMENT (1): If Tenant should desire to lease said premises beyond July 31, 2024, Tenant will first get approval in writing from Landlord.

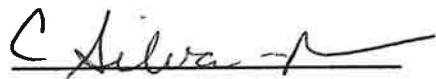
FURTHER AGREEMENT (2):

As long as this site is available for seasonal lease, it is understood that the Tenant will have the option of renewing this lease on a yearly basis for the same location. It is further understood that the Plant Warehouse retail season always begins no later than April 10th and usually concludes approximately the end of July.

FURTHER AGREEMENT (3):

Landlord agrees to prevent other seasonal business from conducting business such that the parking area normally used by Plant Warehouse patrons would be rendered unusable for normal Plant Warehouse business.

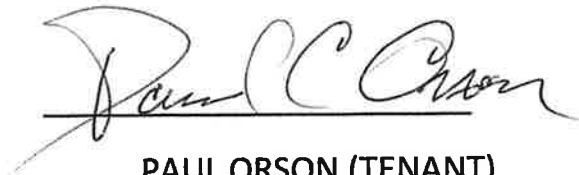
Albany Grocery Outlet



(LANDLORD)

DATE: 3/5/2024

The Plant Warehouse



PAUL ORSON (TENANT)

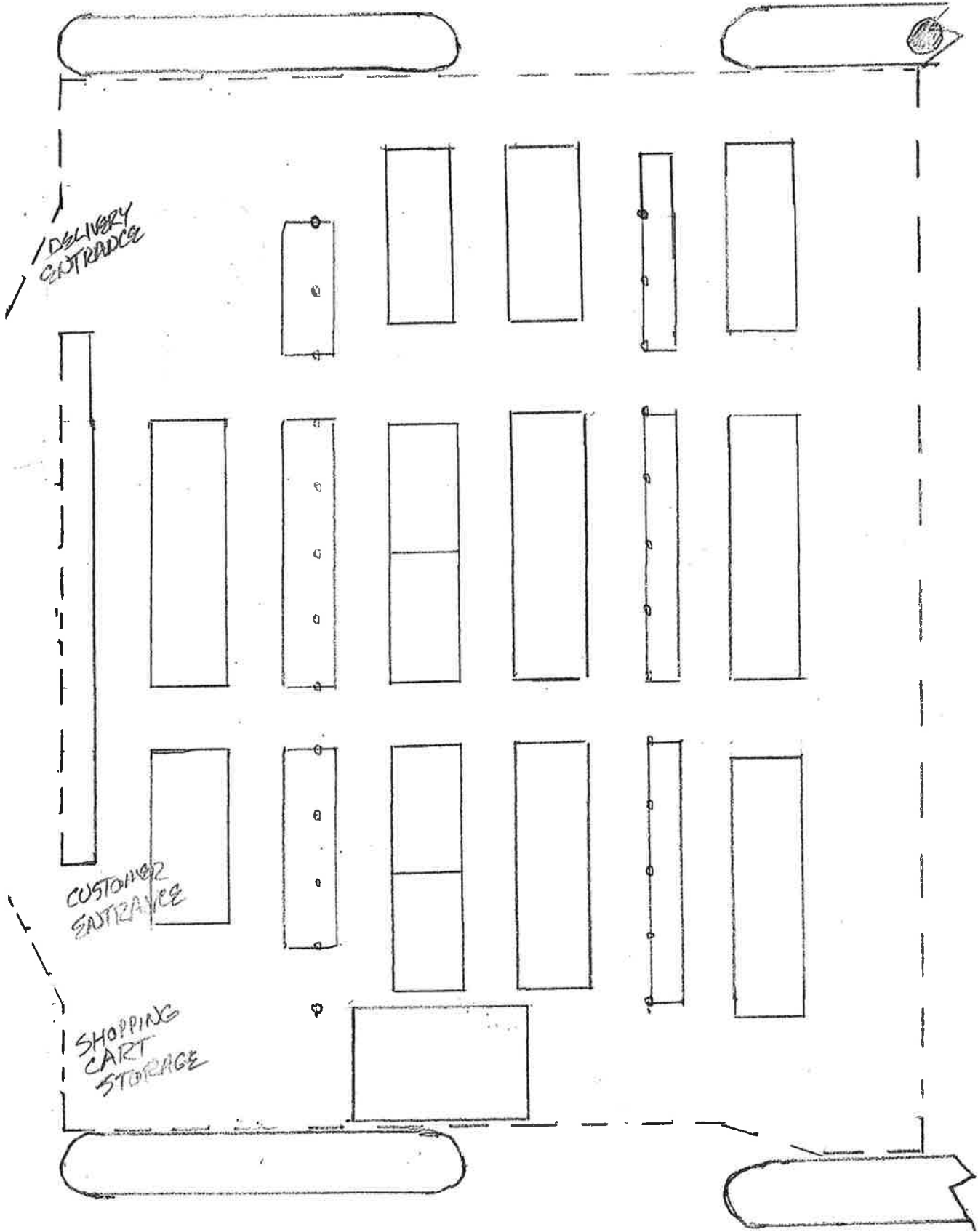
DATE: 3/5/2024



PLANT WAREHOUSE R
MAP A



PLANT WAREHOUSE
 MAP 5



N
↑
1 CM = 5'