



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Site Plan Review – Modification

SP-17-23

August 8, 2023

### Application Information

Proposal:	Modification of an existing Site Plan Review approval (file SP-16-22). The proposed development is limited to a modification of the site's previously approved number of Mobile Food Units (MFU).
Review Body:	Staff (Type I-L Review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Applicant:	Ryan Keeseey; 1415 NE Holland Street, Portland, OR 97211
Property Owner:	Willamette Terra LLC; C/O Barbara Flora; 855 E Street NE, Salem, OR 97301
Address/Location:	325 Airport Road SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-04BC, Tax Lot 3900
Zoning:	Regional Commercial (RC) District
Comprehensive Plan:	General Commercial
Overlay Districts:	Airport Approach Overlay District
Total Land Area:	0.83 acres

On August 8, 2023, the City of Albany Community Development Director granted **APPROVAL WITH CONDITIONS** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC). The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. Conditions of approval are attached to this notice. For more information, please contact Jennifer Cepello, project planner, at 541-917-7561 or by email at [jennifer.cepello@cityofalbany.net](mailto:jennifer.cepello@cityofalbany.net).

Appeals may be made to the Planning Commission if a person with standing files a notice to appeal in accordance with ADC 1.410 with the associated filing fee no later than **10 days** from the date the City mails the notice of decision. The decision becomes final when the period for filing a local appeal has expired.

*Signature on file*

Community Development Director

**Appeal Deadline: 5:00 p.m. on August 18, 2023**

**Original Approval Expiration Date: August 8, 2026**

[cd.cityofalbany.net](http://cd.cityofalbany.net)



## Conditions of Approval

- Condition 1 Screening of Refuse Containers.** Before the City will issue a building permit, a plan detail of the screening for the refuse container shall be submitted in accordance with the refuse area screening standards of ADC 4.300.
- Condition 2 Public Utility Easement.** Before the City will issue a final occupancy permit for this project, the applicant must provide a 20-foot-wide public utility easement over the existing public sanitary sewer main that lies within the property boundaries.
- Condition 3** All conditions of the Site Plan Review approval under File No. SP-16-22 shall remain effective.

**The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.**

## Information for the Applicant

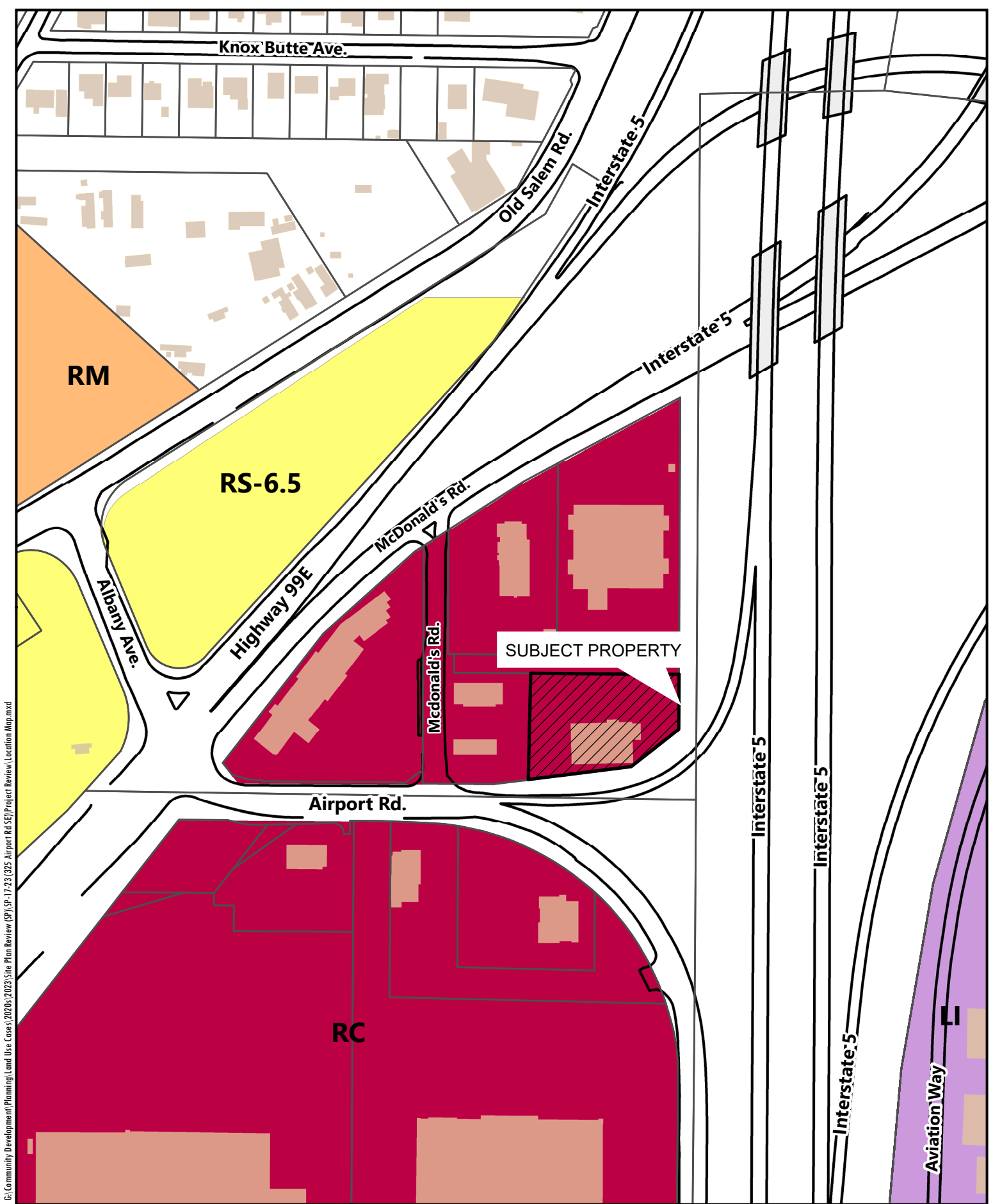
Please read the following requirements. This list is not meant to be all-inclusive; we have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Albany Municipal Code (AMC) or Albany Development Code (ADC) regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

### **General Engineering Processes:**

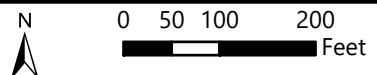
The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.

### **Attachments:**

Location Map, Site Plan, Notice of Decision for SP-16-22, Albany Fire Requirements



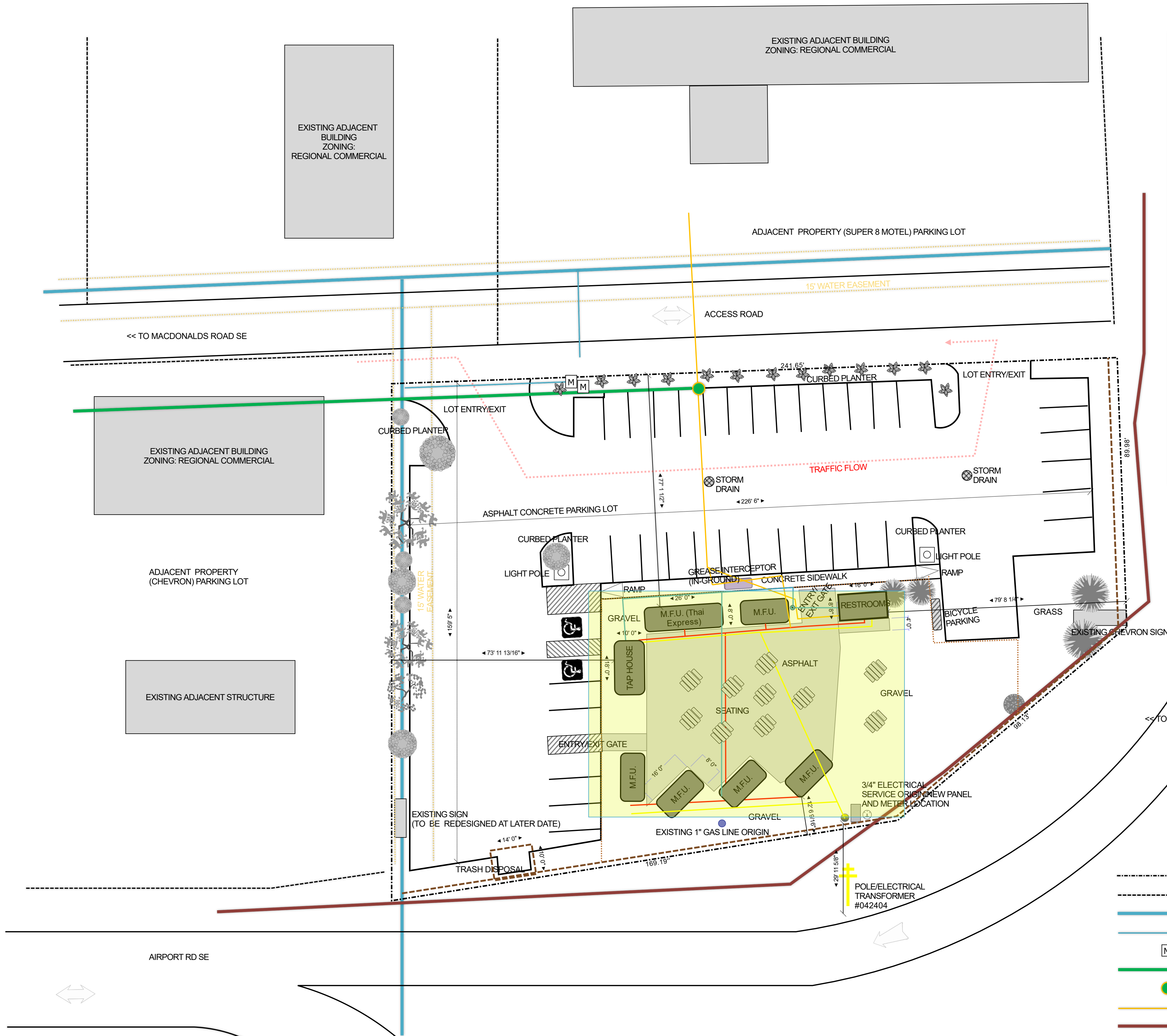
G:\Community Development\Planning\Land Use Cases\2023\05\2023\Site Plan Review (SP)\SP-17-23\325 Airport Rd SE\Project Review\Location Map.mxd



**325 AIRPORT ROAD SE**


Date: 6/27/2023 Map Source: City of Albany

Location Map



- PLAN NOTES:**
- TOPOGRAPHY & DRAINAGE:** THE SITE IS ESSENTIALLY FLAT. THE ONLY IMPERVIOUS SURFACE BEING ADDED IS THE MOBILE FOOD UNITS, RESTROOMS, & 3104 SQ FT OF WALKWAYS/SEATING AREA. NO ALTERATIONS ARE BEING MADE TO EXISTING DRAINAGE SYSTEMS.
  - LIGHTING:** EXISTING LIGHT POLES WILL PROVIDE ILLUMINATION OF SIDEWALK IN FRONT OF MFU'S, RAMPS AT EACH END OF SIDEWALK, AND ADA PARKING SPACES. OVERHEAD LIGHTING WILL ILLUMINATE SERVICE AND SEATING AREAS.
  - LANDSCAPING NOTE:** EXISTING MATURE TREES AND SHRUBS WILL REMAIN INTACT.
  - FLOODPLAIN:** THE PROPERTY IS NOT WITHIN A FLOODPLAIN BOUNDARY PER CITY OF ALBANY INFOHUB GIS MAP INFO.
  - PARKING:** 39 SPACES ARE AVAILABLE FOR A MAXIMUM OF 15 EMPLOYEES & A TOTAL OF 4132 SQFT OF BUILDING + SEATING AREA.
  - M.F.U.s:** ADDITIONAL MOBILE FOOD UNITS ARE SHOWN AT COMMON AVERAGE DIMENSIONS OF 8'X16' AS ACTUAL UNIT DIMENSIONS WILL VARY-TENANTS ARE TBD.

- SUBJECT PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARIES
- PUBLIC WATER MAIN
- CUSTOMER/NEW WATER LINE
- [M] WATER METER
- PUBLIC SEWER MAIN
- MANHOLE
- EXISTING 4" SEWER LINE
- STORMWATER
- NEW SEWER LINE
- NEW ELECTRICAL LINE
- ⊕ ELECTRIC METER
- ⊕ EXISTING WATER ORIGIN/VALVE
- EASEMENT
- 6' CEDAR FENCE
- 4' CEDAR FENCE

DRAFT: 6/12/23 SCALE: 1" = 20' 	<b>SITE PLAN: CHARL'S ON I-5 MOBILE FOOD UNIT POD</b>	SITE LOCATION: 325 AIRPORT RD SE ALBANY, OR 97322 TAXLOT: 11S03W04BC03900
	OWNER: WILLAMETTE TERRA LLC 855 E ST NE SALEM OR 97301	GROSS LAND AREA: 36,155 SQ FT NET LAND AREA: N/A
	APPLICANT: UKIAH PARTNERSHIP LLC 1415 NE HOLLAND ST PORTLAND OR 97211	EXISTING IMPERVIOUS AREA: 20,990 SQ FT NEW IMPERVIOUS AREA: 4132 SQ FT TOTAL IMPERVIOUS AREA: 25,122 SQ FT / 70%





## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Site Plan Review

SP-16-22

September 14, 2022

### Application Information

Proposal:	Site Plan Review for the development of a pod consisting of two mobile food units (MFU) with patio/outdoor seating.
Review Body:	Staff (Type I-L Review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Property Owner:	Willamette Terra LLC, C/O Barbara Flora, 855 Street NE Salem, OR 97301
Applicant:	Ryan Keesey, 1415 NE Holland Street, Portland, OR 97211
Address/Location:	325 Airport Road SE, Albany, OR 97322
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-04BC; Tax Lot 3900
Zoning:	Regional Commercial (RC) District
Comprehensive Plan:	Commercial-General
Overlay Districts:	Airport Approach Overly District
Total Land Area:	0.83 acres

On September 14, 2022, the City of Albany Community Development Director granted **APPROVAL WITH CONDITIONS** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC). The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. Conditions of approval are attached to this notice. For more information, please contact Jennifer Cepello, project planner, at 541-917-7561 or by email at [jennifer.cepello@cityofalbany.net](mailto:jennifer.cepello@cityofalbany.net).

Appeals may be made to the Planning Commission if a person with standing files a notice to appeal in accordance with ADC 1.410 with the associated filing fee no later than **10 days** from the date the City mails the notice of decision. The decision becomes final when the period for filing a local appeal has expired.

Community Development Director

**Appeal Deadline: 5:00 p.m. on September 26, 2022**

**Approval Expiration Date (if not appealed): September 14, 2025**

## Conditions of Approval

- Condition 1 Airport Approach Overlay Height Restriction.** The applicant shall not construct any structure upon the subject property with a height of 133 feet or greater.
- Condition 2 Exterior Lighting.** Site lighting shall be directed down, contained on site, and shielded, full cut-off design in accordance with ADC 9.120(14).
- Condition 3 Wheel Bumpers.** Wheel bumpers shall be installed for all parking spaces facing the building and the property line in accordance with ADC 9.120(6) prior to receiving the Certificate of Occupancy.
- Condition 4 Final Landscape/Buffer and Irrigation Plan.** Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan must be consistent with the landscaping and irrigation standards of ADC 9.140, 9.150, and 9.160. Landscaping and the irrigation system must be installed prior to receiving the Certificate of Occupancy.
- Condition 5 Bicycle Parking.** Before the City will issue a building permit for the proposed development, a detail of the proposed bicycle parking facility shall be submitted in accordance with ADC 9.120(13). Bicycle parking must be installed prior to receiving the Certificate of Occupancy.
- Condition 6 Parking Bays.** Prior to the issuance of the Certificate of Occupancy, the parking bay to the north of the property shall be re-strippped to consist of no more than 12 parking stalls.
- Condition 7** Before the City will issue a final occupancy permit for this project, the applicant must provide a 20-foot-wide public utility easement over the existing public sanitary sewer main that lies within the property boundaries.

**The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.**

## Information for the Applicant

Please read the following requirements. This list is not meant to be all-inclusive; we have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Albany Municipal Code (AMC) or Albany Development Code (ADC) regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

### PLANNING

1. Land use approval does not constitute Building or Public Works permit approvals.

#### Expiration of Land Use Approvals (ADC 1.310)

3. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
  - a. The applicant has installed all of the required public infrastructure related to the development, and the infrastructure has been accepted by the City, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600, or the first phase, if the development was approved for phased construction; or
  - b. If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
  - c. Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases not to exceed five years for all phases. Each phase that is platting and developed shall conform to the applicable requirements of this title; or

- d. An extension has been filed before the expiration date and subsequently granted approval pursuant to Section 1.320.

## BUILDING

4. **ONE- & TWO-FAMILY STRUCTURE FIRE DEPARTMENT APPROACH & WATER SUPPLY**  
Should the fire official determine that an inadequate fire apparatus approach and/or inadequate access to water supply condition exists for one or more parcels of your proposed partition, the building official shall require the installation of an NFPA Standard 13D fire suppression system to address the inadequacies pertaining to structures built on affected parcel(s) in lieu of you having to provide adequate fire apparatus approach (turn-around) and water supply (hydrant). This is in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two-Family Dwellings.
5. **SANITARY SYSTEM**  
Each lot will need to be provided with a connection to an approved sewer (OPSC 721.0) and water system (OPSC 601.2). Where a well or septic system is needed, approvals from such governing entities shall be provided prior to issuance of the building permit (ex: well log and septic permit). (OPSC 601.2 & 713.1)
6. **FIRE SEPARATION**  
Each structure will need to be provided with fire separation from the property line in compliance with ORSC R302.1 or OSSC 602.1.

## PUBLIC WORKS – ENGINEERING

7. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.
8. AMC 10.01.080 (2) states before the City will issue a building permit, the applicant must pay to the City the necessary system development charges, and any other applicable fees for connection to the public sanitary sewer system.
9. AMC 10.01.120 (1) states no unauthorized person is allowed to make connection to any public sewer or appurtenance without first obtaining an encroachment permit.

## Attachments:

Location Map, Site Plan, Applicants Narrative



TO: Jennifer Cepello

From: Lora Ratcliff, Fire Marshal

DATE: August 17, 2022

SUBJECT: SP-17-23 –325 Airport SE– Food Cart Pod Modification – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments.

**\*\* NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee\***

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
2. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
3. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface. (OFC 503.2.1)
4. Private fire apparatus access roadways shall be permanently marked “NO PARKING—FIRE LANE using a combination of “YELLOW” painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)
  - a. Roads 20 to 26 feet in width – Posted both sides
  - b. Roads more than 26 feet in width – Posted on one side (as approved)
5. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
6. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply Chapter 61 and NFPA 58 (OFC 6101.1).

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Lora Ratcliff

[Lora.ratcliff@cityofalbany.net](mailto:Lora.ratcliff@cityofalbany.net)

541-917-7728