



COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, P.O. Box 490
Albany OR 97321

Ph: 541-917-7550 Fax: 541-917-7598
www.cityofalbany.net

NOTICE OF DECISION

DATE OF NOTICE: February 22, 2018

FILE: SP-01-18

TYPE OF APPLICATION: Site Plan Review for temporary plant sales (31-120 days per year) on the south end of the Heritage Mall parking lot adjacent to 14th Avenue SE.

REVIEW BODY: Staff (Type I-L review)

PROPERTY OWNER: VCG Heritage Mall LLC; 11611 San Vicente Boulevard, Suite 1000; Los Angeles, CA 90049

MALL REPRESENTATIVE: Melody Olsen, Specialty Leasing and Event Manager; 1895 14th Avenue SE; Albany, OR 97322

APPLICANT: Paul Orson; 560 Harvest Lane; Roseburg, OR 97471

ADDRESS/LOCATION: 1895 14th Avenue SE

MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-08BD; Tax Lot 801

ZONING: Regional Commercial (RC) District

On February 22, 2018, 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. 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 **Melissa Anderson, Project Planner**, at 541-704-2319, or Bob Richardson, Planning Division Manager, at 541-917-7555.

The City's decision may be appealed to the State Land Use Board of Appeals (LUBA), if a person with standing files a completed Notice to Appeal application and the associated filing fee no later than 21 days from the date the City mails the Notice of Decision. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City. This approval shall expire three years from the date of approval.

Signature on file

Community Development Director

Appeal Deadline to LUBA: **March 15, 2018**
Approval Expiration Date (If not appealed): **February 22, 2021**

Attachments: Location Map, Heritage Mall Site Plan and Plant Sales Site Plan

CONDITIONS OF APPROVAL

- 4.1 Site Plan Review approval for temporary plant sales on the subject property shall not exceed 120 days per calendar year.
- 4.2 Site Plan Review approval for temporary plant sales at this location shall be valid until **December 31, 2020**, provided that 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.
- 5.1 The applicant shall maintain a minimum setback of 10 feet on the portion of use adjacent to 14th Avenue SE.
- 5.2 The chain link fence surrounding the proposed use shall not exceed six feet tall in the front setback abutting 14th Avenue SE and shall be removed at the termination of the plant sales use.
- 5.3 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.

INFORMATION FOR THE APPLICANT

Please read through 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, Public Works, Fire, or Building Departments that you must meet as part of the development process.

PLANNING

1. The use must substantially conform to the site plan that was submitted for review subject to the Conditions of Approval. Planning staff must approve any changes to the plans.
2. Land use approval does not constitute Building or Public Works permit approvals.

PUBLIC WORKS – ENVIRONMENTAL SERVICES

1. My only concern is water going to storm drain carrying fertilizer and dirt. Please use BMP's (Best Management Practices).

Questions regarding wastewater pretreatment can be directed to Bruce Gaskey, City of Albany Environmental Services, 541-497-6222.

PUBLIC WORKS — ENGINEERING

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.

BUILDING

Building Division comments are provided by Gary Stutzman Building Official-541-917-7626

CODES

- The current building codes are:
 - a. The 2014 Oregon Structural Specialty Code (OSSC)
 - b. 2009 ICC A117.1 for accessibility
 - c. The 2017 Oregon Plumbing Specialty Code (OPSC)
 - d. The 2014 Oregon Fire Code (OFC)
 - e. The 2017 National Electrical Code (NEC) with Oregon amendments.

SCOPE

- The Building Code provisions from **OSSC 3103** only apply for temporary structures erected for a period of 180-days or more. Tents and other membrane structures erected for a period of less than 180 days must comply with the Oregon Fire Code.

ITEMS TO CONSIDER

- Obtain Permit from the Albany Fire Department
- Membrane structures and their appurtenances shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. **OFC 3103.9**

- Two exits are required to be provided from the space when the occupant load of the space exceeds 49 occupants based on 30 square feet per person. **OSSC Table 1004.1.2** and **OFC Table 3103.12.2**

MEMBRANE

- Provide documentation that shows the membranes used meet the flame propagation criteria of NFPA 701 or that the material has been treated with a flame retardant in an approved manner to meet the flame propagation performance criteria of NFPA 701. (**OFC 3104.2**)

SMOKING

- None allowed. No smoking signs must be provided. **OFC 3104.6**

FLAMES

- Open flames, or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the structure while open to the public. **OFC 3104.7**

FIRE EXTINGUISHER

- Portable fire extinguishers must be provided per **OFC 906**.

WASTE MATERIAL

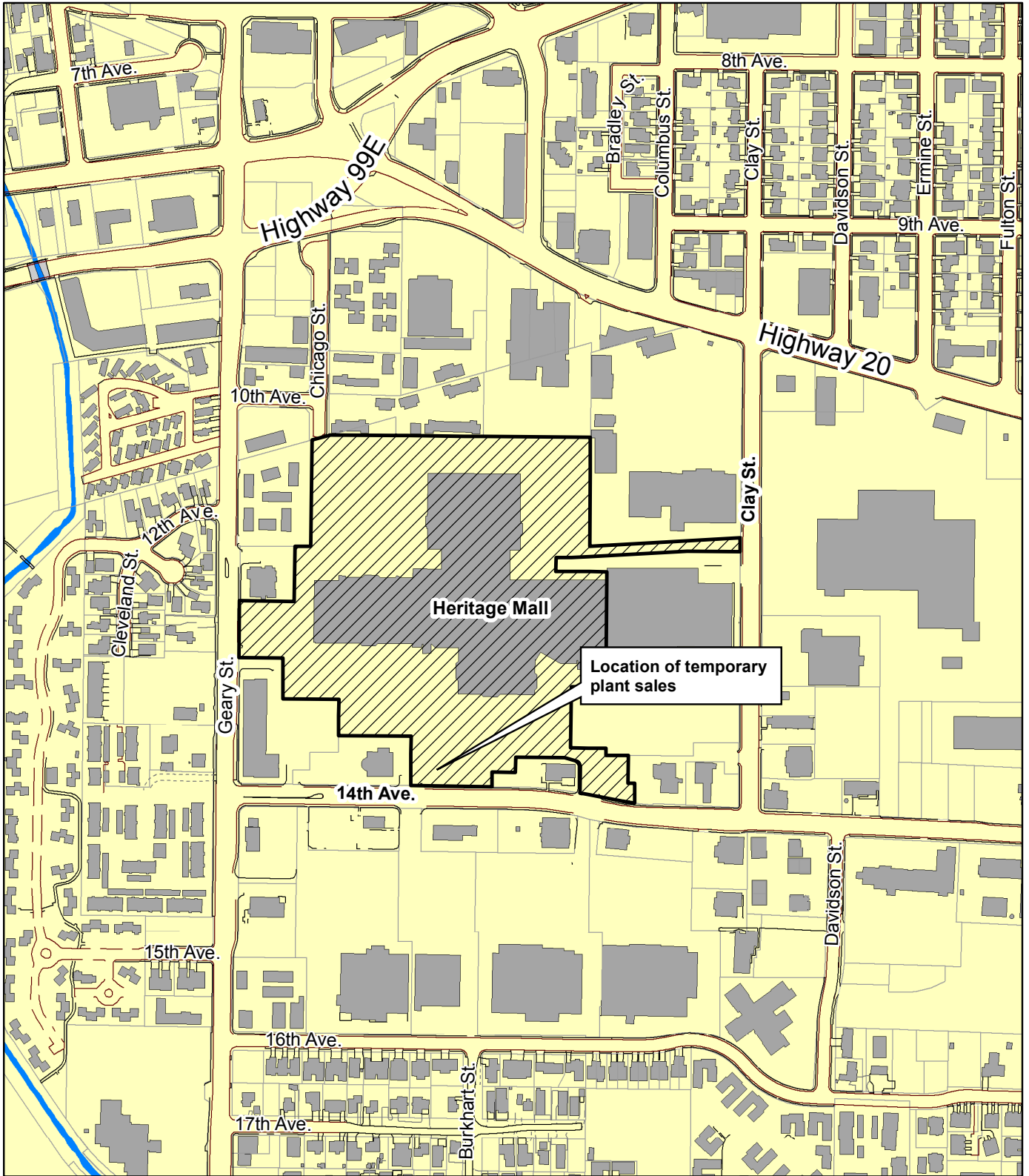
- A 30-foot perimeter around the structure must be kept free of combustible waste and other combustible materials that could create a fire hazard. The waste shall be stored in approved containers and removed from the premises at least once a day during the period the structure is occupied by the public. **OFC 3104.22**

ACCESSIBILITY

- This facility shall be fully accessible to the disabled as required by **OSSC 1101.2** and **2009 ICC A117.1**
- Customer service counters require a portion of the counter to be not over 36 inches in height and at least 36 inches in length. **OSSC 1109.12.3** and **904.3**. Provision shall be made for either the parallel approach or forward approach.
- At least (1) van accessible parking space and access aisle shall be provided per **OSSC 1106.1** and **Table 1106.1**. They shall comply with **OSSC Chapter 11 Figures 2-6** and **10**.

RESTROOM

- Provide an accessible restroom facility on the same property and within 500' of the retail space. **OSSC 2902.3.2**



Location Map: 1895 14th Avenue SE



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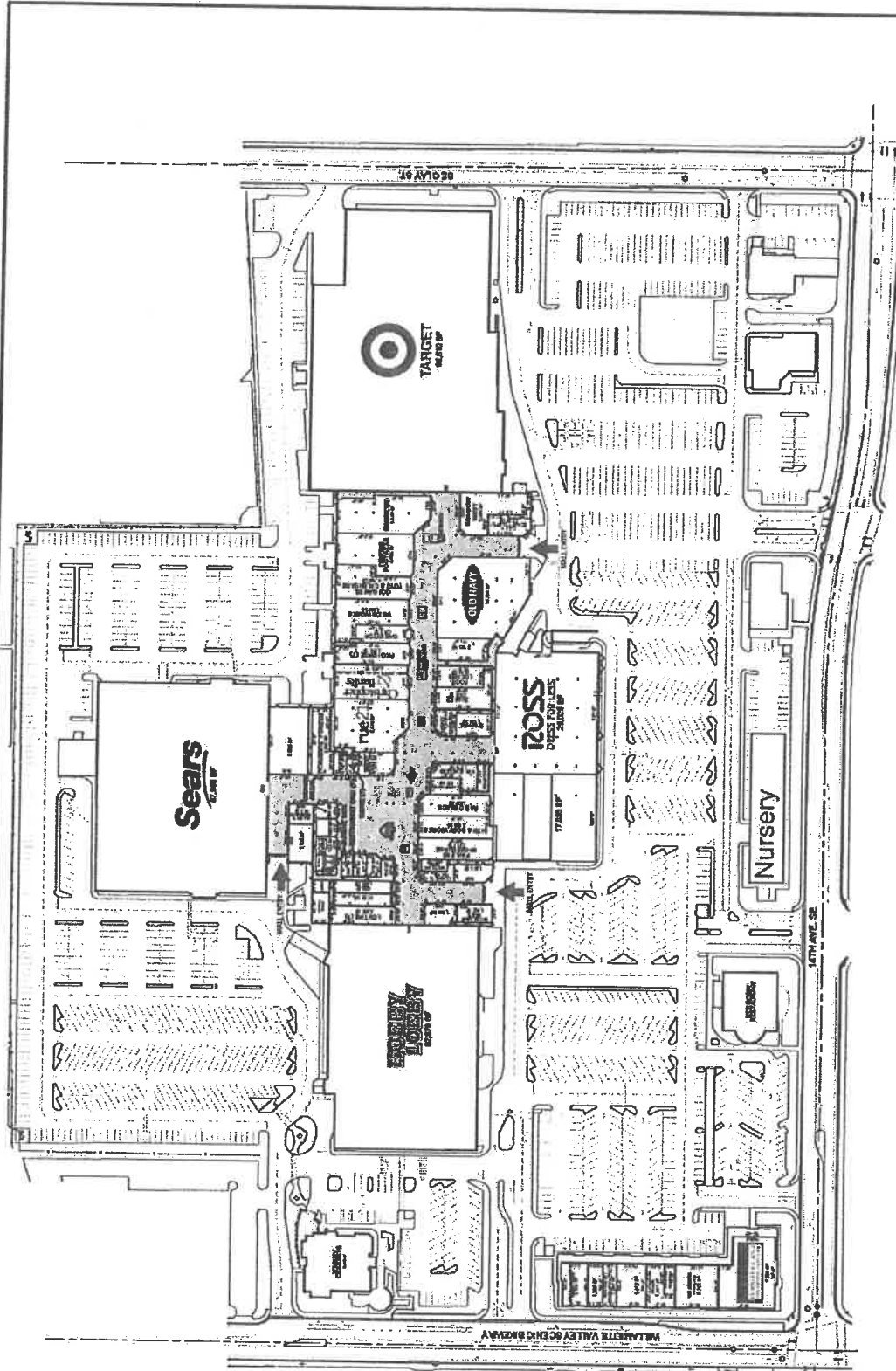



0 95 190 380 570 760 Feet

March 19, 2015

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550




 010' 50' 100' 200'
HERITAGE MALL
 1895 14th Avenue SE
 Albany, Oregon 97322
 Tel: (541) 967-8238
 Leasing Plan
 October 13, 2014



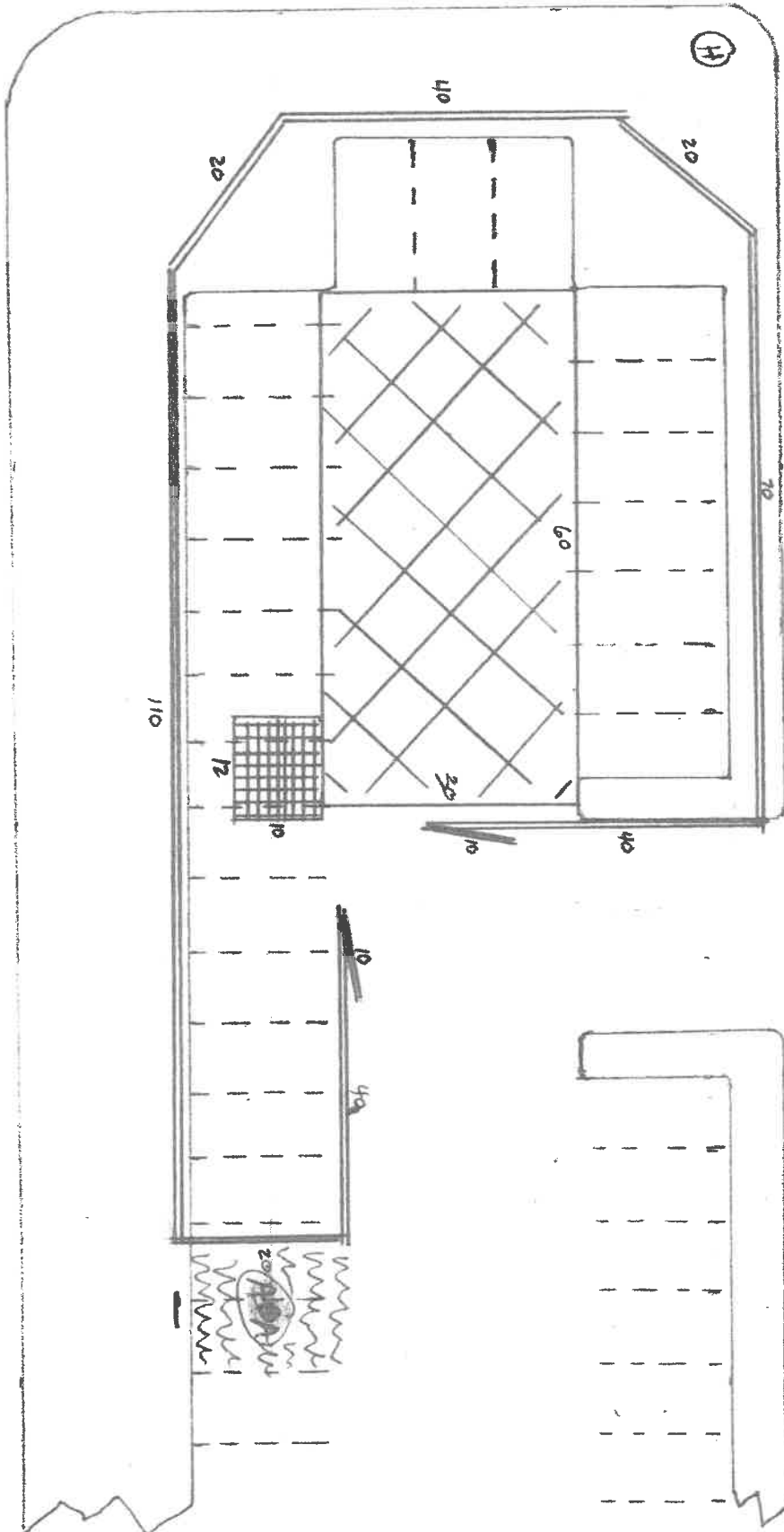
HERITAGE MALL






The information contained herein is intended only as a general description of contemplated, but not covenanted, improvements to be made as part of the project. Certain of the elements shown on the plan may be future development and are not representation that said future development will occur as shown. Specific names, locations, dimensions of any stores, entrances or improvements are not intended to be and should not be relied upon and are subject to change, modification and deletion by Landlord or other parties and is not a representation or warranty as to the opening or continued operation of any store named or depicted or to the location of the store, entrance and improvements. Landlord cannot guarantee that internal changes have not occurred since this plan has been prepared. Landlord reserves the right to make any changes to the plan to insure the accuracy of the information. Vintage Real Estate, LLC and their agents shall not be responsible for any discrepancy between the dimensions reflected herein and the as-built condition.

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 Los Angeles, CA 90049
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 (310) 979-9090



-  6" CHANNEL/IRK PERIMETER FENCE
-  WOOD FRAME CHECKOUT COUNTER
-  FILM COVERED STEEL FRAME GREENHOUSE
-  FIRE HYDRANT
-  ADA COMPLIANT PARKING

ORSON'S GREENHOUSES, INC
 dba: COUNTRY FARMER
 PAUL ORSON
 560 HARVEST LN.
 ROSELAND, OR 97471
 541-926-1843

1" = 20' N
 3/26/2015