



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Notice of Decision

Site Plan Review
Temporary Food Trucks

SP-18-20

November 2, 2020

Application Information

Proposal:	Site Plan Review to place three temporary food trucks on the property with outdoor seating area.
Review Body:	Staff (Type I-L review)
Report Prepared By:	Travis North, project planner
Applicant:	NW Mobile Cuisine; Norene Collins; 820 Columbus Street SE, Albany, OR 97322
Property Owner:	Younger Family Enterprises, LLC; P.O. Box 87, Albany, OR 97324
Address/Location:	Unaddressed. North of 520 Pacific Boulevard SW
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-07CB; Tax Lot 4200
Zoning:	Pacific Boulevard (PB)

On November 2, 2020, 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/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 the project planner, **Travis North** at 541-917-0176 or Planning Manager David Martineau at 541-917-7561.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the Director's notice of decision is mailed [ADC 1.330(5)(a)]. 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 be valid for up to three years subject to an annual fee of \$100 paid to the City upon a finding that there have been no changes in site usage or operations.

signature on file

Community Development Director

Appeal Deadline: November 23, 2020

Approval Expiration Date (if not appealed): November 2, 2023

Attachments: Information for the Applicant, Location Map, Site Plan

cd.cityofalbany.net



Conditions of Approval

- Condition 1* The applicant shall provide an operating schedule prior to the annual license renewal for the 2021 and 2022 calendar year. The subject property is limited to 120 operational days per calendar year for the proposed use. Because an operation day occurs when any of the three food trucks are opens for any portion of the day, it not necessary to provide a schedule for each food truck.
- Condition 2* Prior operation of the food trucks the refuse, gray water, and oil disposal containers shall be screened in accordance with ADC 5.370.
- Condition 3* Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval and shall comply with all applicable state, federal, and local laws, including AMC 12.10.010, Prohibited Discharges.

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 municipal code or development code 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.
2. Construction of the development must substantially conform to the approved Site Plan Review.

Engineering

3. 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.
4. No unauthorized person is allowed to make connection to any public sewer or appurtenance without first obtaining the appropriate permits through the City's Public Works Department.
5. The development shall comply with all applicable codes and ordinances, including AMC 12.10.010, Prohibited Discharges, as follows:

AMC 12.10.010 Prohibited discharges.

No person shall cause any pollutant to be discharged to public rights-of-way, municipal stormwater system, or any Waters of the State or cause any pollutant to be placed in a location where such pollutant is likely to escape or be carried into the public rights-of-way, municipal stormwater system or into the Waters of the State.

- (1) Prohibited discharges include, but are not limited to, the following:
 - (a) Any liquids, solids, or gases that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of the municipal stormwater system.
 - (b) Any solid or viscous substances that may cause obstruction to the flow in the stormwater system, such as but not limited to: grease, garbage, sand, straw, grass clippings, rags, plastics, or mud.
 - (c) Any discharge having a pH less than six or greater than 10 unless the divergence from these limits can be proven to occur from rainfall pH.
 - (d) Any discharge containing toxic pollutants.
 - (e) Pollutants that result in the presence of toxic gases, vapors, or fumes within the stormwater system that may cause acute worker health or safety problems.
 - (f) Any substance that may cause the City to violate its NPDES and/or other storm system permits, or that may cause the City to violate instream water quality standards set by the State of Oregon.
 - (g) Any substance that causes or may cause visible discoloration of the receiving waters such as but not limited to dyes and inks, except as described in subsection (2)(b) of this section.

- (h) Any discharge having a temperature that may inhibit biological activity in the receiving waters or cause the City to violate instream water quality standards set by the State of Oregon, or that could harm the stormwater system.
 - (i) Any discharge containing oxygen demanding pollutants that may elevate the oxygen demand within the municipal stormwater system or Waters of the State.
 - (j) Any hauled waste, septage, or discharge from cleaning tanks including those from mobile cleaning services.
 - (k) Stormwater runoff containing eroded sediments from land-disturbing activities.
 - (l) Any refuse, rubbish, garbage, litter, or other discarded or abandoned objects.
- (2) The following are exempt from discharge prohibitions established by this chapter:
- (a) Water line flushing with dechlorination; discharges from potable water sources; landscape irrigation; irrigation water; footing drains; lawn watering; individual residential car washing; dechlorinated swimming pool discharges; foundation drains; air conditioning condensate; water from crawl space pumps; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; springs; flows from riparian habitats and wetlands; and street wash water.
 - (b) Discharges associated with dye testing, provided verbal notification is made to the Director prior to the start of the test.
 - (c) Discharges from firefighting or other emergency actions by a public utility, the City, or any other governmental agency necessary to protect public health and safety.
- (3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Oregon under the authority of the Federal Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided the written approval has been granted by the City of Albany for any discharge to the stormwater system. (Ord. 5727 § 1, 2010; Ord. 5498 § 1, 2001).

Building

Accessibility:

- Pursuant to ORS 447.220, an accessible route shall be provided between the customer arrival area, the customer service areas, and any proposed seating.
- Pursuant to ORS 447.220, if parking is provided or required, accessible parking shall be provided in compliance with ORS 447.233 and in accordance with the Oregon Department of Transportation “Standards for Accessible Parking Places”.
- Pursuant to ORS 447.230, if seating is provided, accessible seating shall be provided in accordance with the Oregon Structural Specialty Code (OSSC) Section 1108.2.9, or to the Department of Justice’s ADA Standards for Accessible Design.

Permits:

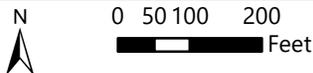
- Any structures, including temporary or portable, shall be permitted as required by the Albany Municipal Code (AMC), Oregon Structural Specialty Code, and/or Oregon Fire Code. (AMC 18.06.010)
- Permits will be required for sitework related to the accessible route, parking lot creation, or onsite utilities. (AMC 18.06.010)
- Where a permanent or temporary structure is provided, except a permit exempt storage building, restrooms will be required as specified in OSSC Chapter 29.

Legend

 Subject Property



G:\Community Development\Planning\Land Use Cases\2020s\2020 Site Plan Review (SP)\SP_18-20 (N'Beeners)\Project Review\SP_18_20_1m.mxd



Unaddressed Parcel. Tax Lot 4200

Date: 9/15/2020 Map Source: City of Albany

Location / Zoning Map

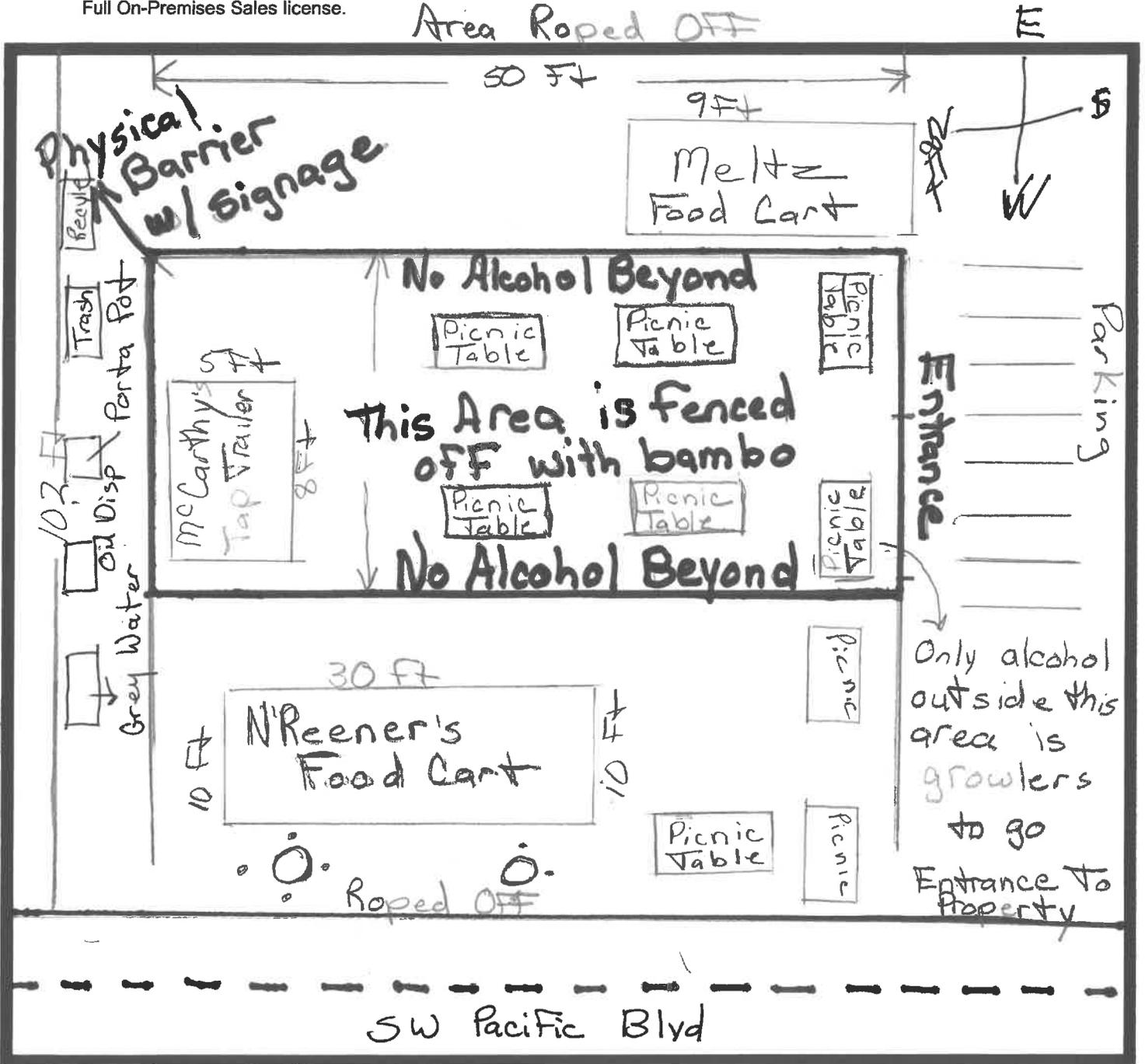


OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

8/27/2020

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.

Whole Area Will Be Roped Off



Northwest Mobile Cuisine, llc
 Applicant Name
 N'Reener's/McCarthy's Tap Shack
 Trade Name (dba):
 Albany, OR 97322
 City and ZIP Code

.....OLCC USE ONLY.....
 MINOR POSTING ASSIGNMENT(S)
 Date: _____ Initials: _____