



HEARINGS BOARD  
**REVISED AGENDA**

**Thursday, January 9, 2025**  
**4:00 p.m.**

This meeting includes in-person and virtual participation.

~~Santiam Room~~ **City Council Chambers**

333 Broadalbin Street SW

Or join the meeting here:

<https://albanyoregon.gov/council/groups/hrb/zoom>

Phone in: +1 (253) 215-8782 (long distance charges may apply)

Meeting ID: 842-2061-8053 Passcode: 897375

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
  - April 27, 2023
4. Business from the public:

*Persons wanting to address the Hearings Board during "business from the public" must send their written comments by email to [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov). Please limit comments to one page and include your name and address. Emails received before noon on the day of the meeting will be read aloud during "business from the public."*

5. A. Public Hearing: CU-01-24, Type III – Quasi-Judicial Process

Summary: Conditional Use review for the construction of an 8,000 square foot building containing a fitness facility and warehouse. Also, Site Plan Review for the placement of 15 self-storage containers, 32 RV parking spaces, an office with attached dwelling unit, a Major Variance to allow off-street parking between the building and the front property line, and a Replat to combine two lots into one. The subject property is zoned Light Industrial (LI) and located at 137 41st Avenue SE. (Project planner – Liz Olmstead, [liz.olmstead@albanyoregon.gov](mailto:liz.olmstead@albanyoregon.gov))

- B. Public Hearing: CU-02-24, Type III – Quasi-Judicial Process

Summary: Conditional Use review to use an existing structure on the property as an outpatient treatment center, which is classified as Community Service. The property is zoned Hackleman

[albanyoregon.gov](http://albanyoregon.gov)



Monteith (HM) and located at 506 Ferry Street SE SW. (Project planner – Alyssa Schrems, [alyssa.schrems@albanyoregon.gov](mailto:alyssa.schrems@albanyoregon.gov))

*Persons wanting to provide comments may:*

- 1- *Email written comments to [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov), including your name, before **noon on the day of the meeting.***
- 2- *To comment virtually during the meeting, register by emailing [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov) before **noon on the day of the meeting**, with your name. The chair will call upon those who have registered to speak.*
- 3- *Appear in person at the meeting and register to speak.*

6. Business from the ~~commission-board~~

7. Next Meeting Date: TBD

8. Adjournment

*This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov) or call 541-917-7550.*

*Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.*



**MINUTES**

Thursday April 27, 2023

Hybrid – 4:00 p.m.

Approved: DRAFT

Call to Order

**4:03 p.m.**

Member Karen Cardosa called the meeting to order at 4:03 p.m.

Pledge of Allegiance

Roll Call

Board Members Present: Karen Cardosa, Stacey Bartholomew

Board Members Absent: JoAnn Miller

Staff Present: Current Planning Manager David Martineau, Planner II Alyssa Schrems, Administrative Assistant I Kaitlin Martin

Approval of Minutes

**4:04 p.m.**

Board Member Bartholomew moved to approve the meeting minutes from April 6, 2023, Member Cardosa seconded the motion, which passed 2-0.

Business from the Public

**4:04 p.m.**

None.

Public Hearing – Type III – Quasi-Judicial Process

**4:02 p.m.**

File CU-02-23: Conditional Use Review to expand the existing youth correctional facility operated by the Oregon Youth Authority and modify a previously approved conditional use permit to allow the construction of a parole and probation office. The subject property is zoned Light Industrial (LI) and located at 4400 Lochner Road SE.

***Board member Cardosa opened the public hearing at 4:05 p.m.***

Declarations by the Commission

**4:05 p.m.**

No commissioners declared a conflict of interest or reported ex parte contact.

No commissioners reported a site visit.

No commissioners abstained from participating.

No commissioners challenged the declarations.

Current Planning Manager David Martineau read the meeting procedures.

Staff Report

**4:07 p.m.**

Project Planner Alyssa Schrems presented the staff report for CU-02-23. \*

In response to changing parking requirements board member Bartholomew asked what would be required regarding spacing, buffering, and electric vehicle (EV) spaces, which Schrems replied would be assessed at the time building permits are issued.

Applicant Testimony

**4:11 p.m.**

Brand Land Use, LLC Principal Planner Britany Randall addressed the board in support of the application and was available to answer any questions.

Oregon Youth Authority (OYA) Facility Manager Paul Ehenger gave a brief overview of the project and noted that the newly proposed building is a replacement for a temporary structure. Ehenger also explained that

currently most of the grass areas are used for parking cars, so the seemingly large parking lot is to help manage the parking for the facility.

Commissioner Bartholomew inquired what the intention of the lighting plan would be, to which Randall replied that the lighting required by code for safety reasons would be put together by the architect and reviewed at time of building permit issuance and ensured that it would meet the criteria for lighting.

Member Cardoso inquired what they were currently using for an office building now, which Ehenger replied that they are in a small modular building which was intended as a temporary structure.

Commissioner Bartholomew noted the growth in facility size, which Randall and Ehenger addressed the needs for the increase in size.

Public Testimony **4:16 p.m.**  
None.

Applicant Rebuttal Testimony **4:16 p.m.**  
None.

Staff Comments **4:17 p.m.**

Schrems provided a final comment regarding lighting glare, and that there are design standards in the Albany Development Code that specifically address the style, antiglare and protection in place which would be addressed with the final lighting plan.

Procedural Questions **4:18 p.m.**  
None.

***Board member Miller closed the public hearing at 4:18 p.m.***

Discussion **4:18 p.m.**  
None.

**Motion:** Member Bartholomew moved to approve Conditional Use application CU-02-23 based on the findings and conclusions in the April 2023, staff report and the findings in support of the application made by the hearings board during deliberations on this matter. Member Cardoso seconded the motion which passed unanimously.

Business from the Commission **4:21 p.m.**  
None.

Next meeting date: TBD

Adjournment **4:22 p.m.**  
Hearing no further business, Member Cardoso adjourned the meeting at 4:22 p.m.

Respectfully submitted,

Reviewed by,

Kaitlin Martin  
Administrative Assistant I

David Martineau  
Current Planning Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing [cdaa@cityofalbany.net](mailto:cdaa@cityofalbany.net).*



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Conditional Use Review, Site Plan Review, Major Variance, and Tentative Replat

CU-01-24, SP-23-24, VR-09-24, RL-05-24

December 31, 2024

### Application Information

Review Body:	Hearings Board (Type III review)
Staff Report Prepared By:	Liz Olmstead, project planner
Property Owner/Applicant:	Sona Athwal & Jaswant Sranna 2515 Geary Street SE, Albany, OR 97322
Representative:	Laura LaRoque, Udell Engineering & Land Surveying, 63 E Ash Street, Lebanon, OR 97355
Address/Location:	137 41st Avenue SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No: 11S-03W-19A Tax Lots 1000 & 1100
Zoning:	Light Industrial (LI) District
Overlays:	None
Total Land Area	1.78 acres
Existing Land Use:	Vacant
Neighborhood:	South Albany
Surrounding Zoning:	North: Heavy Industrial (HI) zone East: Light Industrial (LI) zone South: Light Industrial (LI) zone West: Light Industrial (LI) zone
Surrounding Uses:	North: Industrial Business East: Industrial Business South: Industrial Business West: Vacant
Prior History:	None

### Summary

The proposal is for Conditional Use approval for the construction of an 8,000 square foot building containing a fitness facility and warehouse, Site Plan review approval for 15 self-storage containers, an office with an attached dwelling unit, and 32 recreational vehicle parking spaces; a Major Variance to allow off-street parking between the proposed fitness facility and the front property line; and a replat to consolidate two lots into one.

The Conditional Use review is a Type III procedure reviewed by the Hearings Board and require public notice and a public hearing. The Major Variance application is a Type II procedure reviewed at the staff level with public notice, and the Site Plan Review application and Replat are a Type I-L procedure reviewed at the staff



level with public notice. This report evaluates the proposal for conformance with the applicable Site Plan Review for New Construction criteria in Section 2.450 and 2.455, Tentative Plat criteria in Section 11.180, and Major Variance criteria in Section 2.696 in the ADC. Since these are concurrent applications, all are being reviewed by the Hearings Board under the Type III procedure.

In summary, the proposed development application satisfies applicable review criteria; therefore, the staff recommendation is APPROVAL with CONDITIONS.

## Notice Information

A notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on December 20, 2024. The Notice of Public Hearing was posted on the subject property on December 27, 2024. No written testimony has been received as of the date of this report.

## Appeals

Within five days of the hearing board's final decision on this application, the Community Development Director will provide a written notice of decision to the applicant and any other parties entitled to notice. Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the hearings board to the city council by filing a notice of appeal and associated filing fee within ten days from the date the City mails the notice of decision.

## Analysis of Development Code Criteria – Conditional Use

Albany Development Code (ADC) includes the following approval review criteria for Conditional Use applications (ADC 2.250). Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria. Staff also acknowledge the applicant's written response provided to these criteria (Attachment C).

### Criterion 1

**The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.**

#### Findings of Fact

- 1.1 Proposed use. The applicant proposes to construct an 80-foot by 100-foot fitness facility with associated site, utility, and parking lot improvements.
- 1.2 Intended character of the base zones. The subject property is located within the Light Industrial (LI) zoning district. ADC 4.020(7) states “the LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.”
- 1.3 Conditional uses. The proposed fitness gym is classified as “Indoor Entertainment and Recreation” in ADC 22.100 and is allowed in the LI zoning district with conditional use approval. Indoor Entertainment and Recreation Uses are also subject to 4.060(7)(d), which requires exercise and health clubs or gyms to be considered through a Conditional Use Type III review and must meet the additional criteria in Special Condition (11)(b). According to ADC 2.230, “Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. The proposed use is subject to the conditional use regulations because it they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of the proposed use is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.” The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.

- 1.4 Special Conditions. As stated above, exercise and health clubs or gyms must meet additional criteria in Special Condition (11)(b) as follows:
- a. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan based on the proposed trip generation; and
  - b. The development will not alter the existing building of site in a way that would discourage or preclude its later conversion back to an industrial use; and
  - c. The new commercial user shall acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.

The applicant states that the street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan based on the trip generation analysis outlined in the Tentative Plat section of this report. The site is currently vacant, but the proposed building will not alter the site in a way that would discourage or preclude its later conversion back to an industrial use. The applicant notes that the new commercial user will acknowledge that industrial uses have a right to operate from the new use complaining about externalities typical of industrial uses. Prior to submittal of a building permit, the applicant must submit the acknowledgement in writing.

- 1.5 Operating characteristics of the neighborhood. The subject property is located in the South Albany Neighborhood and Marion Industrial Park. The sites in the Marion Industrial Park located to the east, west and south of the subject property are predominantly developed with commercial and industrial warehousing, manufacturing, and related office uses. The abutting property to the north is an undeveloped property zoned Heavy Industrial (HI) and owned by the Oregon Metallurgical Corporation.

## Conclusions

- 1.1 The proposed development is allowed with Conditional Use Type III review approval in the LI zoning district per ADC 4.050.
- 1.2 The proposal will not have an impact on the operating characteristics of the neighborhood because the primary use of the property will be consistent with the surrounding area.
- 1.3 As proposed, the use is consistent with the intended character of the base zones and the operating characteristics of the neighborhood.
- 1.4 This criterion is met with the following conditions.

## Conditions

**Condition 1 Site Improvements.** Prior to occupancy of the proposed buildings, all proposed and required site improvements shall be constructed and completed in accordance with approved plans.

**Condition 2 Special Conditions.** Prior to submittal of any building permits, the property owner must provide acknowledgement in writing that industrial uses have a right to operate from the new use complaining about externalities typical of industrial uses. The signature on the acknowledgement must be notarized.

## Criterion 2

**The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.**

## Findings of Fact

- 2.1 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”
- 2.2 Proposed Use. The proposal is to construct an 8,000 square foot (80 feet by 100 feet) warehouse building with two tenant suites; one of which is to be used as a fitness facility.

- 2.3 Existing and Anticipated Uses. The subject site is currently vacant and undeveloped. The site is relatively flat and contains two BPA (Bonneville Power Administration) easements that diagonally transverse the property. Industrial uses and industrial tenant spaces are located to the south, east, and west of the subject property. Heavy industrial-zoned land owned by Oregon Metallurgical Corporation borders the subject property to the north. There is still considerable infill development potential on the HI-zoned lots; however, at the present time, no plans are being reviewed. The applicant is not aware of any other anticipated uses on abutting properties.
- 2.4 Building Size, Scale, and Style. ADC 4.090, Table 1 contains the development standards for properties located within the LI zoning district. The applicant is proposing to construct one 80-foot by 100-foot warehouse building with two tenant suites, one of which is a fitness facility. The building will be placed in the center of the site with a height of approximately 27 feet to the peak of the roof. The proposed building is the same height or less than existing buildings within the industrial park. The building style is industrial in architecture with an open floor plan, high ceilings, minimalist aesthetics, and exposed materials and utilities.
- 2.5 Intensity and Lot Coverage of the Proposed Development. ADC 4.090, Table 1 contains the development standards for properties located within the LI zoning district. The LI zoning district does not have a maximum lot coverage standard. The subject property consists of 1.78 acres and is currently vacant. The total proposed lot coverage of the subject site is approximately 78 percent which is consistent with the LI zoning district.
- 2.6 Building and Parking Lot Setbacks. ADC 4.090, Table 1 contains the development standards for properties located within the LI zoning district. The proposed warehouse building with two tenant suites, one of which is a fitness facility will be oriented to the center of the site, approximately 90 feet from the front property line, 61 feet and 58 feet from the side property lines, and 112 feet from the rear property line. The proposed parking lot will be located between the fitness facility building and the public right-of-way. The parking lot will be approximately 24 feet from the front property line, 5 feet and 65 feet from the side property lines, and 173 feet from the rear property line.
- 2.7 Landscaping. Staff refer to the findings provided in response to Criterion Six pertaining to Article 9 in the Site Plan Review section of this report, which are incorporated herein by reference.
- 2.8 Buffering and Screening. Staff refer to the findings provided in response to Criterion 6 pertaining to Article 9 in the Site Plan Review section of this report, which are incorporated herein by reference.
- 2.9 Parking Lot Landscaping. Staff refer to the findings provided in response to Criterion 6 pertaining to Article 9 in the Site Plan Review section of this report, which are incorporated herein by reference.
- 2.10 Irrigation: Staff refer to the findings provided in response to Criterion 6 in the Site Plan Review section of this report pertaining to Article 9, which are incorporated herein by reference.

## Conclusions

- 2.1 The proposal shows the proposed development will meet the minimum development standards of the zoning district.
- 2.2 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, intensity, setbacks, lighting, and landscaping.

## Criterion 3

**The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.**

## Findings of Fact and Conclusion

- 3.1 Staff refer to the findings provided in response to Criterion Eight pertaining to Article 12 in the Site Plan Review section of this report, which are incorporated herein by reference.



## Criterion 4

**Public services for water, sanitary and storm sewer, water management, and for fire and police protection, are capable of servicing the proposed use.**

### Findings of Fact and Conclusions

- 4.1 For public utilities, staff refer to the findings provided in response to Criterion Seven pertaining to Article 12 in the Site Plan Review section of this report, which are incorporated herein by reference.
- 4.2 The applicant states that the site is served by the Albany Police Department.

### *Fire Department*

- 4.3 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)
- 4.4 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)
- 4.5 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 shall be as specified in Appendix B of the fire code. (OFC 507.3)

**The fire flow demand could not be estimated from the submitted material. Future plans shall indicate the fire flow demand. Additional hydrants than are shown on the Land Use documents may be required.**

- 4.6 IF FIRE SPRINKLERED: Location of any Fire Department Connections (FDCs) that may serve any fire sprinkler system(s) protecting your buildings shall be installed at a location approved by the Albany Fire Department and shall be provided with approved STORZ fitting. The FDC shall be located a distance equal to at least 1½ times the height of the building, when possible, near the site entrance as not to obstruct subsequent arriving fire apparatus, and within 40 feet of a fire hydrant (public fire hydrants whenever possible). (OFC 903.3.7 and Albany Fire Department requirements.)
- 4.7 Gates securing access to the private fire apparatus access roads required for this project shall comply with all of the following criteria (OFC D103.5):
- a. The minimum gate width shall be 20 feet.
  - b. Gates shall be of the swinging or sliding type.
  - c. Construction of gates shall be of materials that allow manual operation by one person.
  - d. Gate components shall be always maintained in an operative condition and replaced or repaired when defective.
  - e. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
  - f. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of a key box containing the key(s) to the lock is installed at the gate location.
  - g. Locking device specifications shall be submitted for approval by the fire code official.
  - h. Electric gate operators, where provided, shall be listed in accordance with UL 325.
  - i. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.

**The site plan reviewed for this meeting did not clearly indicate that a security fence and road access gate was going to be provided; however, the fire department anticipates that this will be a design feature of this project. If this gate is going to be an automatic opening type, the automatic gate opener shall be capable of being activated by all the following:**

1. An approved OPTICOM sensor,
2. A Knox key switch, and;
3. A manual means in the event of power/mechanical failure. This shall include an adjacent pedestrian gate with a Knox-style lock to provide firefighter access.

## Criterion 5

**The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.**

### Findings of Fact

- 5.1 The property located to the north is zoned Heavy Industrial (HI) and is undeveloped. Properties to the east, west, and south are zoned Light Industrial (LI) and are developed with industrial and warehouse buildings.
- 5.2 Noise. Noise will primarily originate from vehicles entering and leaving the facility to and from 41st Avenue SE. Noise impacts are not anticipated.
- 5.3 Glare. Site lighting will be provided with all-mounted fixtures on all buildings or from light poles in the parking lot. Front and side glare shields will be placed on all lighting fixtures to reflect the light from the fixtures onto the buildings and access aisles. No light is expected to reflect on adjacent properties, streets, or into the sky.
- 5.4 Odors. The applicant does not propose any uses that would create odors from the property.
- 5.5 Litter. Litter will be controlled by employees on the site. An enclosed refuse container area will be provided on-site.
- 5.6 Hours of operation. Hours of operation are anticipated to be Monday through Sunday, 6:00 a.m. to 9:00 p.m.
- 5.7 Privacy/Safety. The proposed site plan includes landscaping, buffering, and screening. The site will also be served by a security and monitoring system, enclosed by a security fence, and will contain an on-site security dwelling.

### Conclusion

- 5.1 The impacts due to glare, litter, noise, odors, hours of operation, and safety are not expected to affect the surrounding uses.
- 5.2 This criterion is met without conditions.

## Criterion 6

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

### Findings of Fact and Conclusion

- 6.1 Staff refer to the findings provided in response to Criterion Three pertaining to Articles 4, 6, and 7 in the Site Plan Review section of this report, which are incorporated herein by reference.

## Analysis of Development Code Criteria – Site Plan Review

Albany Development Code (ADC or Development Code) includes the following approval review criteria in Section 2.450 (identified below). Development Code criteria are shown in ***bold italic*** followed by findings and conclusions. Certain findings explain how the proposed development can meet review criteria through conditions of approval, where determined feasible.

### Criterion 1

***The application is complete in accordance with the applicable requirements.***

### Findings of Fact and Conclusions

- 1.1 In accordance with ADC 1.160, the application was deemed complete as of November 26, 2024.
- 1.2 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 and Conclusions

- 2.1 Zoning. The subject property is located within the Light Industrial (LI) zoning district. ADC 4.020(7) states “the LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.”
- 2.2 Minimum Lot Size. There is no minimum lot size in the Light Industrial (LI) zone. The property will be 77,589 square feet in size (1.78 acres).
- 2.3 Lot Coverage. ADC Table 4.190-1 identifies that there is no maximum lot coverage in the LI zone. The applicant’s narrative states the proposed buildings and paved areas throughout the site total 60,709 square feet, approximately 78 percent of the site.
- 2.4 Density/Intensity/Height. ADC Table 4.190-1 states that there is no maximum building height in the LI zone. The proposed elevation drawings show a building height of approximately 28 feet at the peak of the roof.
- 2.5 Setbacks. The LI zoning district has a minimum 15-foot front setback, and no interior setback requirements.
 

Front Setback. The proposed structures will be a minimum of 50 feet from the front property line.

Interior Setbacks. The proposed structures will be a minimum of 2.5 feet from the east property line and 22 feet from the west property line. The proposed structures will be a minimum of 102 feet from the rear property line.
- 2.6 Maximum Parking Spaces. Staff refer to the findings provided in response to Criterion 6, below, pertaining to Article 9, Table 9.020-1, describing the off-street parking space requirements, which are incorporated herein by reference.
- 2.7 Open Space, Landscaping, Buffering, and Screening. Staff refer to the findings provided in response to Criterion 6 below pertaining to Article 9, which are incorporated herein by reference.
- 2.8 Screening of Refuse Containers. Staff refer to the findings provided in response to Criterion 6 below pertaining to Article 9, which are incorporated herein by reference.
- 2.9 Conclusion: These review criteria are met.

## 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 and Conclusions

- 3.1 Article 4: Airport Approach District. Figure 4.410-1 of the ADC shows the subject property is not located within the Airport Approach District.
- 3.2 Article 6 Floodplain Overlay District: Comprehensive Plan Plate 5: Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM # 41043C0526G, dated September 29, 2010) the subject property is located outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 3.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 3.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within a Riparian Corridor Overlay District.

- 3.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within a Significant Wetlands Overlay District.
- 3.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat Assessment Overlay District.
- 3.7 Historic and Archaeological Resources. According to Chapter 11, Plate 9 of the Comprehensive Plan, the properties are not located in a historic district, nor are there any known archaeological resources on site.

## Criterion 4

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

### Findings of Fact and Conclusions

- 4.1 Applicability. According to ADC 8.310 and 8.315, standards of ADC 8.320 through 8.390 apply to the development.
- 4.2 Relationship to Historic Overlay Districts. As previously stated, the subject property is not located within a historic district and does not contain a historic resource. Accordingly, this standard is not applicable.
- 4.3 Entrance Orientation and Parking Location. ADC 8.330 states that the purpose of the entrance orientation and parking location standards is to help create an attractive streetscape and pleasant pedestrian environment that is conducive to walking, and to help further Crime Prevention Through Environmental Design (CPTED) principles such as natural surveillance of public spaces.
- 4.4 ADC 8.330(1) requires the building to be oriented to existing or new public streets with a direct connection from the street sidewalk to building entrances. ADC 8.330(1)(a) requires at least one main entrance to be designed to include a minimum of three (3) architectural features from the list. The proposed fitness gym/warehouse building includes a canopy over the main entrance, columns that frame the doorway, and transom windows. A pedestrian walkway is proposed that provides connection to 41<sup>st</sup> Ave SE. The proposed on-site office and dwelling is considered an accessory structure, which is exempt from these regulations. Based on these facts; this standard is met.
- 4.5 ADC 8.330(2) requires that off street parking must be located to the side or rear of the building and not between the building and the street, unless additional standards are met. The applicant states that due to BPA easements transecting the property, development is restricted to areas outside the easements, therefore, development on site is limited and parking is proposed between the proposed fitness facility/warehouse and the front property line. A Major Variance has been requested.
- 4.6 Parking Lot Buffer. ADC 8.330(3) states that where a landscape buffer is required pursuant to subsection (2), a minimum 10-foot-wide landscape buffer meeting the landscaping standards in ADC 9.240 must be placed between the parking area and the street, running the length of the parking area. In zoning districts that require a landscaped front setback, the parking lot buffer requirement may be met by the required front setback standards if landscape plantings are provided at the same or greater density. Because the parking lot is proposed between the building and the street due to site constraints, the applicant has proposed to landscape the front setback in accordance with ADC 9.410(2). This standard is met.
- 4.7 Façade design, articulation, and windows. ADC 8.345 contains the requirements for façade design, articulation, and windows. ADC 8.345(2) states that regulated facades must include a minimum of two types of architectural features. The applicant has proposed a weather protection awning extending at least four feet in horizontal distance from the main entrance and an awning and offset providing visual relief on the facade. Based on these facts, this standard is met. Per Table 8.345-1, ground floor window percentages are not applicable to development within the LI zoning district. The proposed on-site office and dwelling is considered an accessory structure, which is exempt from these regulations. Based on these facts, this standard is met.
- 4.8 Pedestrian Amenities. ADC 8.360 contains the standards for pedestrian amenities. The proposed building is approximately 8,000 square feet, which requires a pedestrian amenity score of three points.

The applicant proposes three sidewalk planters and a weather protection awning, totaling four points. Based on these facts, this standard is met.

- 4.9 Compatibility Standards. ADC 8.390 contains compatibility standards for commercial and institutional development with adjacent uses. The applicant states that the proposed building and storage spaces are not anticipated to generate any undesirable on-site or off-site impacts. Based on these facts, this standard is met.
- 4.10 Conclusion: As proposed, all applicable design standards in Article 8 are met.

## Criterion 5

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

### Findings of Fact and Conclusion

- 5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. These uses do not pertain to the proposal.
- 5.2 Conclusion: This standard is not applicable.

## Criterion 6

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

### Findings of Fact and Conclusions

- 6.1 Maximum Parking. ADC Table 9.020-1 allows 1 space per 300 square feet for fitness gyms, 1 space per 2 employees plus 1 per 300 square feet of patron serving area for warehouse/open storage uses, and Self-Serve Storage Units allows 1 space per 100 units, with a minimum of 3, plus 1 per employee/caretaker. Based on the proposed uses, a maximum of 96 parking spaces is allowed. The applicant proposes 18 parking spaces, meeting the standard.
- 6.2 Bicycle Parking. ADC Table 9.030-1 requires the greater of 2 spaces or 1 per 1,000 square feet of exercise area for fitness gyms, the greater of 2 spaces or 1 space per 15,000 square feet, and the greater of 2 spaces or 1 space per 20 units for Self-Service Storage. Based on the proposed uses, a minimum of 7 bicycle parking spaces is allowed. The applicant proposes 7 bicycle parking spaces, 6 standard spaces, and 1 cargo bike space sized to accommodate cargo and standard bicycles. Over 50 percent of the proposed bicycle parking will be sheltered and have direct access to the public right-of-way.
- 6.3 Carpool/Vanpool Spaces. The applicant has proposed one Carpool/Vanpool space. This standard is met.
- 6.4 Electrical Vehicle Charging Capacity. ADC 9.050 requires no less than 20 percent of all vehicle parking spaces serving non-residential developments to be served by electrical service capacity for a level 2 electric vehicle charging station. The applicant has proposed 4 EV spaces, one of which serves the ADA parking space.
- 6.5 Parking Area Improvements. ADC 9.100 provides standards for parking area improvements for commercial developments.
- 6.6 ADC 9.100(3) requires parking areas to have a durable, dust-free surface. The applicant's site plan indicates the entirety of the parking area will be paved.
- 6.7 ADC 9.100(4) requires all parking lots provide a drainage system to dispose of stormwater runoff. Findings regarding the proposed stormwater system are found in this section under Criterion Seven and incorporated here by reference.
- 6.8 ADC 9.100(5) requires perimeter curbing around all parking areas. The applicant's site plan indicates perimeter curbing has been provided along the entirety of the parking lot. This standard is met.
- 6.9 ADC 9.100(6) requires wheel bumpers be used when parking stalls front a sidewalk, alleyway, street, or property line. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required. The applicant's site plan indicates seven-foot-wide sidewalks with six-inch curbs along parking stalls adjacent to the proposed building.

- 6.10 ADC 9.100(7) requires parking spaces be located and served by an aisle or turnaround so their use will require no backing movements or other maneuvering in a street right-of-way other than an alley. The site plan indicates the parking lot is served by a travel aisle. This standard is met.
- 6.11 ADC 9.100(8) requires parking stalls to be permanently and clearly striped. The site plan indicates the parking lot will be striped.
- 6.12 ADC 9.100(9) requires parking lots to connect to adjacent existing or future parking areas. All abutting sites have direct access to a public street and no shared parking lots are proposed with this development.
- 6.13 ADC 9.100(10) requires conformance with the parking lot landscaping standards found in ADC 9.150. These are discussed in the findings below.
- 6.14 ADC 9.120(11) allows up to 40 percent of the required parking stalls to be compact, which would allow for a maximum of 7 compact spaces. No compact spaces are proposed.
- 6.15 ADC 9.120(12) requires accessible parking be provided in conformance with the Oregon Specialty Code. As indicated on the applicant's site plan, accessible parking and an accessible route to the building are proposed with the development. Conformance with the Oregon Specialty Code will be assessed at the time of building permits.
- 6.16 ADC 9.120(13) requires lighting to be arranged to reflect light away from any abutting or adjacent properties. The applicant states that any new lighting will be arranged to reflect light away from any abutting or adjacent properties.
- 6.17 ADC 9.120(14) requires walkways and accessways to be provided in all new off-street parking lots and additions to connect sidewalks adjacent to new development to the entrances of new buildings. The site plan indicates a sidewalk will be provided from the right-of-way to building and parking lot. This standard is met.
- 6.18 Off-Street Parking Lot Design and Circulation. ADC 9.120 that all off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design, and supplemental drawings in Figures 1 and 2. The submitted plans show conformance with these standards. This standard is met.
- 6.19 ADC 9.130(1) requires all new or improved surface parking areas more than 0.25 acres (10,890 square feet) to be improved with solar panels, public buildings, or tree canopy. The proposed parking lot is 5,634 square feet; therefore, it is not subject to these provisions.
- 6.20 Landscaping. ADC 9.140(2) requires all required front and interior setbacks (exclusive of access ways and other permitted intrusions) shall be landscaped before an occupancy permit will be issued unless the landscaping is guaranteed in accordance with ADC 9.190. ADC 9.140(2)(d) states that when the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped. The required front setback in the LI zone is 15 feet, and there are no required interior setbacks.
- South Property Line: The south (streetside) property boundary is 107 feet minus the 25-foot accessway and 63-foot storm detention facility which equates to a 1,070 feet buffer area. At least one row of either four (4) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; five (5) five-gallon shrubs or ten (10) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). The proposed plantings exceed the required amount of landscaping.
- 6.21 Buffering. The subject property will contain both commercial and industrial uses. The proposed industrial uses (self-service storage) will be located adjacent to the Heavy Industrial zone; therefore, no buffer is required along the rear property line. The commercial uses are located between the proposed industrial use and the existing right-of-way. ADC 9.210, Table 9.210-1 does not require landscape buffer and screening between a parking lot with at least 5 spaces and a LI zoning district. Therefore, no buffer and screening is required.

- 6.22 ADC 9.150(1) states parking areas shall be divided into bays of not more than 12 parking stalls and the end of each parking bay shall be a curbed planter at least five feet wide. The applicant's site plan shows conformance with this section.
- 6.23 ADC 9.150(2) requires both sides of a parking lot entrance to be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays. This standard is met.
- 6.24 ADC 9.150(3) requires parking areas to be separated from the exterior wall of a structure by pedestrian walkways or loading areas, or by a five-foot strip of landscaping. As shown on the applicant's site plan, the buildings are separated from parking areas by a five-foot-wide pedestrian walkway.
- 6.25 ADC 9.160 requires all landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation. As a condition of approval, the applicant shall submit a landscaping and irrigation plan for review and approval prior to issuance of any building occupancy.
- 6.26 Environmental Standards. ADC 9.440 – 9.500 includes environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. No adverse environmental impacts are anticipated with this development.
- 6.27 Conclusion: As proposed and conditioned, all applicable Article 9 standards are met with the following conditions.

## Conditions

- Condition 3 Bicycle Parking.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall provide evidence that required bicycle parking meets the standards of ADC 9.030(4)(g) by installing secured parking racks for each space.
- Condition 4 Parking.** A separate parking lot permit must be obtained for the proposed development, detailing the conformance to ADC 9.120 and 9.130. Before the City will issue any certificate of occupancy for the proposed structures, the parking lot shall be installed and approved.
- Condition 5 Electric Vehicle Charging Capacity.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant must provide evidence that the required electric vehicle charging capacity spaces meets the standards of ADC 9.050.
- Condition 6 Landscaping and Irrigation System.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall install landscaping in conformance with ADC 9.210 – 9.250, planter bays in conformance with ADC 9.150(1), and either an irrigation plan or a letter from a qualified landscape professional stating irrigation is not required per ADC 9.160.

## 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 and Conclusions

### Sanitary Sewer

- 7.1 City utility maps show an 8-inch public sanitary sewer main in 41st Avenue SE. The subject site is not currently connected to the public sewer system.
- 7.2 ADC 12.470 requires all new developments to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 7.3 The applicant's preliminary site plan indicates that the proposed development will connect to the public main for a new sewer lateral to serve this development. An Encroachment Permit from the City of

Albany's Public Works Engineering Division is required before work is started on the new sewer lateral construction.

- 7.4 Albany Municipal Code (AMC) 10.01.080 (2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges (SDCs) and any other applicable fees for connection to the public sanitary sewer system.

### *Water*

- 7.5 City utility maps show a 12-inch water main in 41st Avenue SE. The property is currently not connected to the public water system.
- 7.6 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public water main.
- 7.7 The applicant is proposing to make a connection to the existing 12-inch water main in 41st Avenue SE for a new fire hydrant and install new water services for the development. Making a connection to the public water system will require the applicant to obtain a Permit for Private Construction of Public Improvements before beginning this work.

### *Storm Drainage*

- 7.8 City utility maps show an 18-inch public storm drainage main in 41st Avenue SE.
- 7.9 Forty-first Avenue SE is improved to city standards with curb, gutter, and sidewalks along the subject site frontage.
- 7.10 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 7.11 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer.
- 7.12 The applicant has submitted a preliminary drainage report that shows the installation of an on-site stormwater system connecting to the public drainage system in 41st Avenue. Proposed drainage report shows two detention ponds with individual outlets to the public system. These combined outfall discharges exceed pre-development flow rates. Final design details for these storm drainage facilities will be reviewed in conjunction with the public works permits. An Encroachment Permit from the City of Albany's Public Works Engineering Division is required before work is started on the new storm lateral construction.
- 7.13 AMC 12.45.030 and 12.45.040 require that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects where more than 5,000 square feet of impervious surfaces will be created or replaced.

### *Conclusions*

- 7.1 Public sanitary sewer, water, and storm drainage facilities are in place and adequate to serve the proposed development.
- 7.2 Before the applicant can make a new sewer service connection to the public sewer system an Encroachment Permit must be obtained from the City of Albany's Engineering Division.
- 7.3 The applicant must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division for the proposed fire line.



- 7.4 The applicant shall construct stormwater detention facilities to provide storm and flood-water controls. Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- 7.5 Storm water quality facilities are being constructed for the proposed development. These facilities must be constructed according to City of Albany standards.

## Conditions

**Condition 7** Before the applicant can make a new sewer and storm service connections to the public sewer and storm systems, an Encroachment Permit must be obtained from the City of Albany's Engineering Division.

**Condition 8** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a Stormwater Quality Permit from the City of Albany's Engineering Division and construct stormwater detention and stormwater quality facilities that comply with the City's Engineering Standards with post-development release rates that meet predevelopment release rates or approved by the City Engineer.

**Condition 9** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a Site Improvement permit from Public Works Department for connecting to the public water main for proposed fire hydrant.

## 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 and Conclusions

- 8.1 The project is located at 137 41st Avenue. The project will construct 8,000-square foot fitness gym and warehouse building, 540-square foot onsite security office and dwelling building, 32 recreational vehicle parking spots, and 12 self-storage pods.
- 8.2 ADC 12.290 requires all new development to install public sidewalks along its frontage. In this case, there is not sufficient right-of-way behind the curb and gutter to allow for the installation of sidewalk to city standards. The applicant has proposed dedication of an additional four feet of right-of-way to allow for the installation of the sidewalk.
- 8.3 Forty-first Avenue is classified as a local street and is, with exception of sidewalk, improved to city standards along the frontage of the development site. Improvements include curb and gutter, a vehicle travel lane in each direction, and on street parking along both sides of the street.
- 8.4 The site currently has a driveway off 41st Avenue. Access to the site will be provided by a new driveway to 41st Avenue.
- 8.5 The applicant did not submit a trip generation estimate or Traffic Impact Analysis (TIA) with the application. Albany's threshold for submittal of a trip generation estimate is 50 peak hour trips. Developments that generate 100 or more peak hour trips are required to submit a TIA.
- 8.6 Staff has estimate site trip generation based on Institute of Transportation Engineers (ITE) trip generation rates. Trip generation for the proposed use was estimated by using ITE trip rates for category 150 "Warehousing", category 151, "Mini-Warehouse" and category 492 "Fitness Club". The proposed use was estimated to generate 9 trips during the peak PM traffic hour.
- ITE 150- 4,000 square feet, 1 peak PM traffic hour
  - ITE 151- 32 recreation vehicle spots and 12 self-storage containers, 1 PM traffic hour
  - ITE 492- 4,000 square feet, 7 peak PM traffic hour
- 8.7 Albany's Transportation System Plan does not identify any congestion or capacity issues occurring along the frontage of the site.

## Conclusion

- 8.1 Except for a sidewalk, the site's street frontage along 41st Avenue is improved to city standards.
- 8.2 Access to the site will be provided by a new driveway. Existing driveway shall be removed and replaced with standard full height curb and gutter.
- 8.3 Based on ITE trip generation rates the proposed development will generate 9 trips during peak PM traffic hour.
- 8.4 The development is not projected to generate sufficient trips to require submittal of a trip generation estimate or TIA. Albany's TSP does not identify any congestion or capacity issues occurring adjacent to the site.

## Conditions

**Condition 10 Transportation.** Prior to final occupancy, the applicant shall install public sidewalk to city standards along the frontage of the site on 41st Avenue.

**Condition 11 Transportation.** Prior to final occupancy, the application shall remove the existing driveway to the site and replace with standard full height curb and gutter. Install a new driveway approach at the location shown on the approved tentative plat map.

## 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 and Conclusion

- 9.1 See Findings under Criterion Seven (above) related to stormwater quality standard in response to this review criterion. These findings are incorporated herein by reference.

## 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 and Conclusion

- 10.1 There were no prior vested land use decisions for this property.
- 10.2 All conditions have been met.

## 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 2.370.*

### Findings of Fact and Conclusion

- 11.1 The site is not considered nonconforming. This criterion is not applicable.

## Analysis of Development Code Criteria –

### Site Plan Review Non-Residential Development

Section 2.455 of the ADC includes the following review criteria applicable to non-residential development, which must be met for this application to be approved. Development 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 transportation system can safely and adequately accommodate the proposed development.**

#### Findings of Fact and Conclusions

- 1.1 Transportation findings and conclusions under Site Plan Review Criterion 8 (above) are incorporated here by reference.

- 1.2 Based on the findings and conclusions under Site Plan Review Criterion 8, the existing transportation system can safely and adequately accommodate the proposed development. This criterion is met.

## Criterion 2

**Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.**

### Findings of Fact and Conclusions

- 2.1 Access to the site will be provided by driveway from 41st Avenue SE.
- 2.2 Pedestrian access will be provided from 41st Avenue SE through the property to the building.
- 2.3 As proposed, parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- 2.4 This criterion is met.

## Criterion 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.**

### Findings of Fact and Conclusions

- 3.1 The proposed uses on the site are allowed in the LI zoning district with conditional use and site plan review approval.
- 3.2 The design of the building uses similar finish materials to what is used in nearby commercial buildings.
- 3.3 The applicant states the proposed uses on the site are similar to adjacent businesses and will not create off-site impacts such as excessive traffic, noise, or light pollution.
- 3.4 The subject property abuts properties located within the HI zoning district to the north, and the LI south, east and west. There are no residentially zoned properties or properties in residential use surrounding the proposed development.
- 3.5 As proposed, the design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses. This criterion is met.

## Analysis of Development Code Criteria – Major Variance

Albany Development Code (ADC or Development Code) includes the following approval review criteria in Section 2.690 (identified below). Development Code criteria are shown in ***bold italic*** followed by findings and conclusions. Certain findings explain how the proposed development can meet review criteria through conditions of approval, where determined feasible.

### Criterion 1

**The property has unique or peculiar physical circumstances such as, irregular shape, width or depth; or exceptional natural physical conditions such as topography, trees, native vegetation, wetlands, riparian areas, wildlife habitat, or drainage ways.**

### Findings of Fact

- 1.1 Two BPA easements diagonally transverse the subject property. One easement is located along the front of the property, and the other is located along the rear of the property. The terms of the easements prohibit structures within the boundaries of the easements; therefore, the site's net buildable area is limited to approximately 40 percent of the total site area.

### Conclusion

- 1.1 The property has unique physical circumstances due to existing easements which prohibit structures within their boundaries.

## Criterion 2

**The proposal will be consistent with the purpose, overview, and description for the zone in which the property is located, and with the purpose of the Significant Natural Resource Districts, if applicable; and**

### Findings of Fact

- 2.1 The purpose/description of the Light Industrial zoning district, which is as follows: “The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.”
- 2.2 The proposed development is consistent with the LI zone and the proposed uses will have limited impacts on surrounding properties.
- 2.3 There are no identified natural resources on the subject property.

### Conclusion

- 2.1 The proposal is consistent with the purpose and description for the zone in which it is located.

## Criterion 3

**If more than one Major Variance is requested, the cumulative effect of the variances results in a project that is still consistent with the purpose, overview and description of the zone; and**

### Findings of Fact and Conclusions

- 3.1 The applicant is only applying for one variance; therefore, this criterion does not apply.

## Criterion 4

**The requested Major Variance is the minimum necessary to address the peculiar or unusual conditions of the site; and**

### Findings of Fact

- 4.1 There are two BPA easements that diagonally transverse the subject site, along the front and rear property lines. The terms of the easements prohibit structures within the easement boundaries, limiting the buildable area to approximately 40 percent of the site. Due to the location of the BPA easements, parking areas to the side or rear of buildings is not feasible.

### Conclusion

- 4.1 The proposed variance to allow parking between the building and the right-of-way is the minimum necessary to allow development of the property.

## Criterion 5

**Any impacts resulting from the Major Variance are mitigated to the extent practical; or**

### Findings of Fact

- 5.1 The applicant has proposed landscaping in excess of the requirements to mitigate impacts of the parking area between the building and the street.
- 5.2 The proposed buffer and on-site landscaping will be designed with CPTED (Crime Prevention Through Environmental Design) principles to create natural surveillance of public spaces as well as to help create an attractive streetscape.

### Conclusion

- 5.1 The proposed mitigation strategies will adequately address potential impacts of approving the variance to allow the parking, loading, and travel aisles between the building and the public right-of-way.

## Criterion 6

**Application of the regulation in question would preclude all reasonable economic use of the site.**

### Findings of Fact

- 5.1 The applicant states orientation of the parking lot to the side of the proposed fitness center would reduce the amount of available on-site parking and prohibit the proposed self-service storage containers and on-site office and dwelling unit. Due to the constraints the BPA easements place on the property, prohibiting structures within the easement boundaries, the location of the parking in an area other than between the building and the street would result in a loss of all RV storage spaces, precluding reasonable economic use of the site.

### Conclusion

- 5.2 The proposed configuration of the uses on the subject property will allow reasonable economic use of the site.

## Analysis of Development Code Criteria - Replat

The ADC includes the following review criteria for a tentative plat (ADC 11.180), which must be met for these applications 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.

### Tentative Plat Review Criteria

#### Criterion 1

**The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this section.**

#### Findings of Fact

- 1.1 The subject properties include portions of Lot 5 and Tract B of Block 1, Marion Industrial Park. The subject properties are identified on Linn County Assessor Map No. 11S-03W-19A Tax Lots 1000 and 1100 (Attachment A). The sites have been assigned an address of 137 41st Avenue SE. The site is currently vacant.
- 1.2 The underlying zoning district of the subject property is Light Industria. (LI). The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments.
- 1.3 There is no minimum lot size in the LI zone. Tax lots 1000 and 1100 will be combined for a total area of 1.78 acres.
- 1.4 According to ADC Table 4.190-1, the minimum setback standards in the LI zoning district are as follows: 15-foot front setback and no interior setback. There is no maximum building height is 45 feet and no maximum lot coverage.
- 1.5 The applicant proposes to construct a non-residential building, therefore lot and block standards listed in ADC 11.090 are not applicable.

#### Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district and brings the lots more into conformance with regulations.
- 1.2 This criterion is satisfied without conditions.

#### Criterion 2

**Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.**

#### Findings of Fact

- 2.1 The proposed replat removes the common property lines between two properties. There is no remainder property under the same ownership.

## Conclusion

2.1 The above criterion is satisfied, as there is no remainder property to consider.

## Criterion 3

**Adjoining land can be developed, or is provided access that will allow its development, in accordance with this Code.**

### Findings of Fact

- 3.1 This review criterion has been interpreted by the city council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.
- 3.3 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve, or avoid, access deficiencies on adjacent or nearby properties.
- 3.4 The subject properties and all adjoining lots have access to public streets. No new streets are proposed by this application.

### Conclusions

- 3.1 All the adjoining land has, and will continue to have, access to public streets.
- 3.2 This criterion is met without conditions.

## Criterion 4

**The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.**

### Findings of Fact

- 4.1 ADC 12.060 requires public streets adjoining new development be improved to City standards. No new development is proposed as part of this replat.
- 4.2 No new or interior streets are proposed with the replat.

### Conclusions

- 4.1 No new development or new interior streets are proposed with the replat.
- 4.2 This criterion is satisfied without conditions.

## Criterion 5

**The location and design allow development to be conveniently served by various public utilities.**

### Findings of Fact and Conclusion

- 5.1 Staff refer to the findings provided in response to Criterion Seven pertaining to Article 12 in the Site Plan Review section of this report, which are incorporated herein by reference.

## Criterion 6

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

### Findings of Fact

- 6.2 Staff refer to the findings provided in response to Criterion 3 pertaining to Articles 4, 6, and 7 in the Site Plan Review section of this report, which are incorporated herein by reference.

## Overall Conclusion

As proposed and conditioned, the application for Conditional Use Review, Site Plan Review, Major Variance, and Tentative Plat satisfies all applicable review criteria as outlined in this report.

## Conditions of Approval

- Condition 1 Site Improvements.** Prior to occupancy of the proposed buildings, all proposed and required site improvements shall be constructed and completed in accordance with approved plans.
- Condition 2 Special Conditions.** Prior to submittal of any building permits, the property owner must provide acknowledgement in writing that industrial uses have a right to operate from the new use complaining about externalities typical of industrial uses. The signature on the acknowledgement must be notarized.
- Condition 3 Bicycle Parking.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall provide evidence that required bicycle parking meets the standards of ADC 9.030(4)(g) by installing secured parking racks for each space.
- Condition 4 Parking.** A separate parking lot permit must be obtained for the proposed development, detailing the conformance to ADC 9.120 and 9.130. Before the City will issue any certificate of occupancy for the proposed structures, the parking lot shall be installed and approved.
- Condition 5 Electric Vehicle Charging Capacity.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant must provide evidence that the required electric vehicle charging capacity spaces meets the standards of ADC 9.050.
- Condition 6 Landscaping and Irrigation System.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall install landscaping in conformance with ADC 9.210 – 9.250, planter bays in conformance with ADC 9.150(1), and either an irrigation plan or a letter from a qualified landscape professional stating irrigation is not required per ADC 9.160.
- Condition 7 Public Utilities.** Before the applicant can make a new sewer and storm service connections to the public sewer and storm systems, an Encroachment Permit must be obtained from the City of Albany's Engineering Division.
- Condition 8 Public Utilities.** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a Stormwater Quality Permit from the City of Albany's Engineering Division and construct stormwater detention and stormwater quality facilities that comply with the City's Engineering Standards with post-development release rates that meet predevelopment release rates or approved by the City Engineer.
- Condition 9 Public Utilities.** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a Site Improvement permit from Public Works Department for connecting to the public water main for proposed fire hydrant.
- Condition 10 Transportation.** Prior to final occupancy, the applicant shall install public sidewalk to city standards along the frontage of the site on 41st Avenue.
- Condition 11 Transportation.** Prior to final occupancy, the application shall remove the existing driveway to the site and replace with standard full height curb and gutter. Install a new driveway approach at the location shown on the approved tentative plat map.

## Options for the Hearings Board

The hearings board has three options with respect to the proposed conditional use:

- Option 1: Approve the request as proposed and conditioned; or
- Option 2: Approve the request with amendments; or

Option 3: Deny the request.

## Staff Recommendation

Based on the analysis provided in this report, staff recommends the hearings board choose Option 1 and approve with conditions the proposed Conditional Use review for the construction of an 8,000 square foot building containing a fitness facility and warehouse, Site Plan review approval for fifteen self-storage containers, an office with an attached dwelling unit, and thirty-two recreational vehicle parking spaces; a Major Variance to allow off-street parking between the proposed fitness facility and the front property line; and a tentative replat to consolidate two lots into one at 137 41st Avenue SE.

If the hearings board follows this recommendation, the following motion is suggested:

*I move to approve the proposed Conditional Use Review, Site Plan Review, Major Variance, and Tentative Replat as conditioned under planning file CU-01-24, SP-23-24, VR-09-24, and RL-05-24. This motion is based on the findings and conclusions in the December 31, 2024, staff report and the findings in support of the application made by the hearings board during deliberations on this matter.*

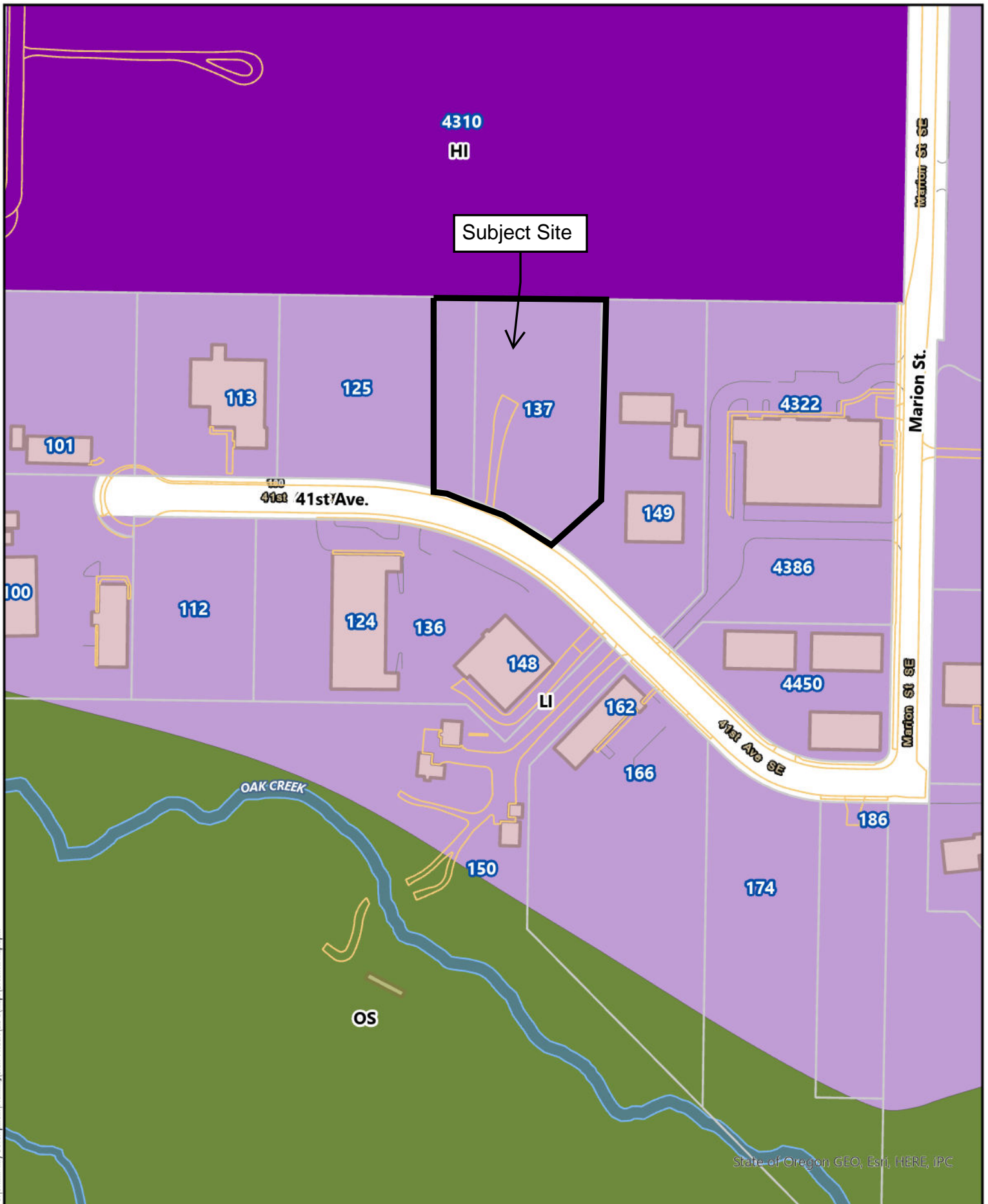
## Attachments

- A. Location Map
- B. Site Plan
- C. Building Elevations
- D. Applicant's Narrative

## Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CU	Conditional Use (Review)
FEMA	Federal Emergency Management Agency
FIRM	Floodplain Insurance Rate Map
HI	Heavy Industrial
LI	Light Industrial
SP	Site Plan Review
TSP	Transportation Systems Plan
VR	Variance





G:\Community Development\Planning\Staff Folders\Ltr O\Maps\Location Map.aprx

State of Oregon GEO, Esri, HERE, IPC

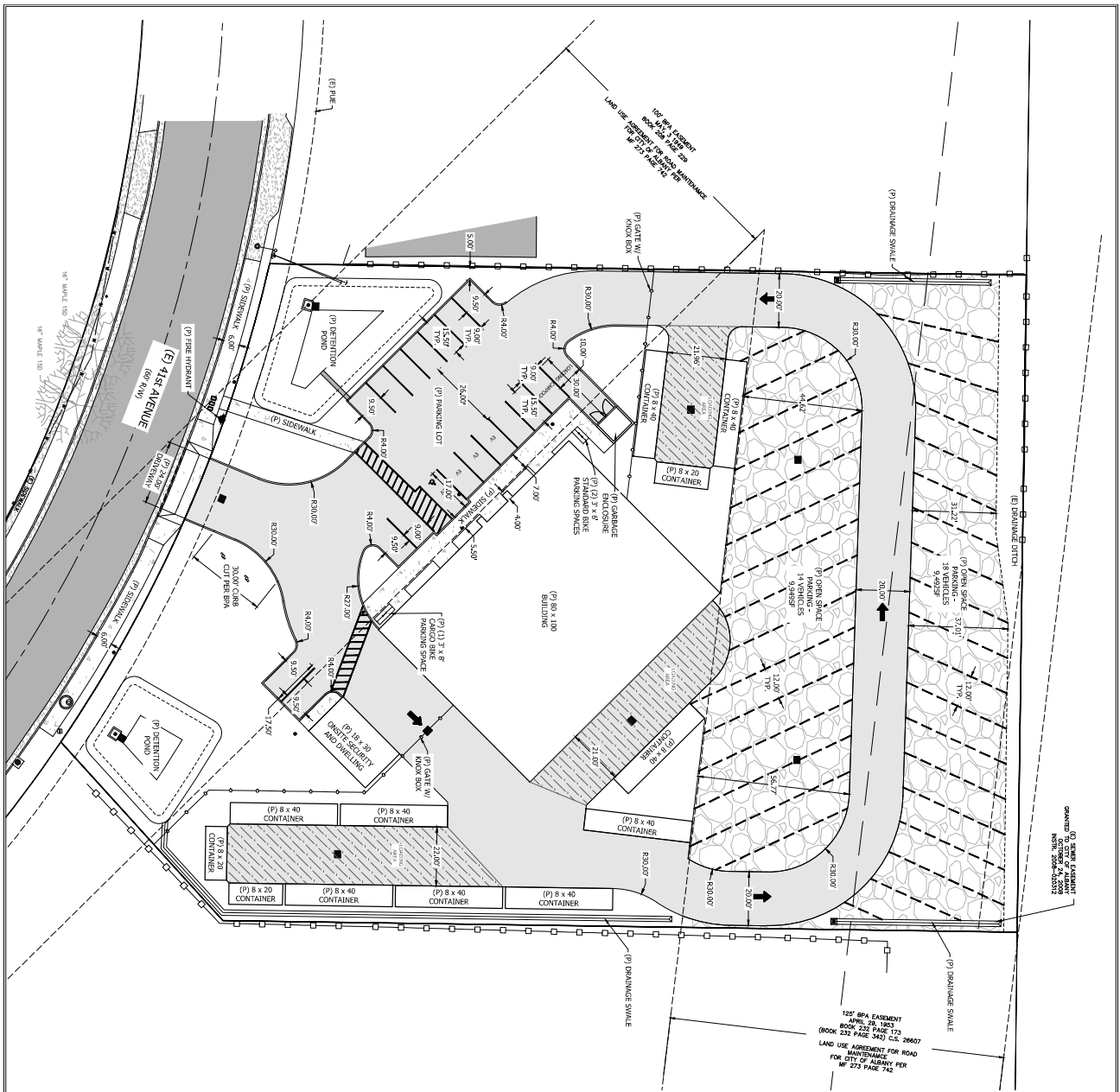


0 50 100 200  
Feet

Date: 12/18/2024 Map Source:

**137 41st Ave SE**

**Location Map**



125' EPA EASEMENT  
 APRIL 26, 1982  
 BOOK 232 PAGE 182  
 232 PAGE 342) C73  
 LAND USE AGREEMENT FOR ROAD  
 FOR MAIN STREET  
 CITY OF ALBANY PER  
 MAP 273 PAGE 742

**VEHICLE PARKING SUMMARY**

TYPE	MAX. ALLOWED PARKING PROVIDED	STANDARD	NUMBERS FOR CALC.
COM	4	1 SPACE PER 300 SF	4000SF
STORAGE	3	1 PER 100 UNITS BY MINIMUM OF 3	12 UNITS
WAREHOUSE	78	1 PER 2 EMPLOYEES PLUS 1 PER 3000 SF OF PATRON SERVING AREA	23,448 SF
OPEN STORAGE	N/A	ADA COMPLIANT	ESTIMATED 2 EMPLOYEES 1 FOR EVERY 25 SPACES
<b>TOTAL</b>	<b>18</b>		

**PROVIDED BIRE SPACES:**  
 2 STANDARD BIRE SPACES AND 1 CANO BIRE SPACES SPACES ARE COVERED AND PROVIDED IN THE BUILDING

**EXISTING BIRE SPACES:**  
 2 OR LESS PER 1,000 SF - 3,000 SF  
 2 SPACES  
 WAREHOUSE 1 PER 1,500 SF - 15,000 SF - 23,448 SF  
 2 SPACES  
 SET-5 STORAGE  
 2 OR LESS PER 300 UNITS  
 2 SPACES  
**TOTAL IN BUILDING:**  
 2 SPACES

**PROVIDER'S NOTES:**  
 LOT 1000 & 1100 ARE GARAGED UNITS CONSTRUCTION, SEE PLANNING SHEET.

**PROVIDER'S NOTES:**  
 BE GARAGED UNITS CONSTRUCTION, SEE PLANNING SHEET.

**PROVIDER'S NOTES:**  
 BE GARAGED UNITS CONSTRUCTION, SEE PLANNING SHEET.

REVISIONS	DATE

Scale: SEE BMSHALE

Sheet: **C1.2**

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY

DATE: NOVEMBER 4, 2024  
 PROJECT: 24-080 ATHWAL 41st AVE  
 DRAWN BY: JLM  
 CHECKED BY: JLV

**PRELIMINARY CIVIL SITE PLAN**  
**SITE PLAN REVIEW**  
**MAP 11S-3W-19A**  
**LOTS 1000 & 1100**  
**ALBANY, OR**

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

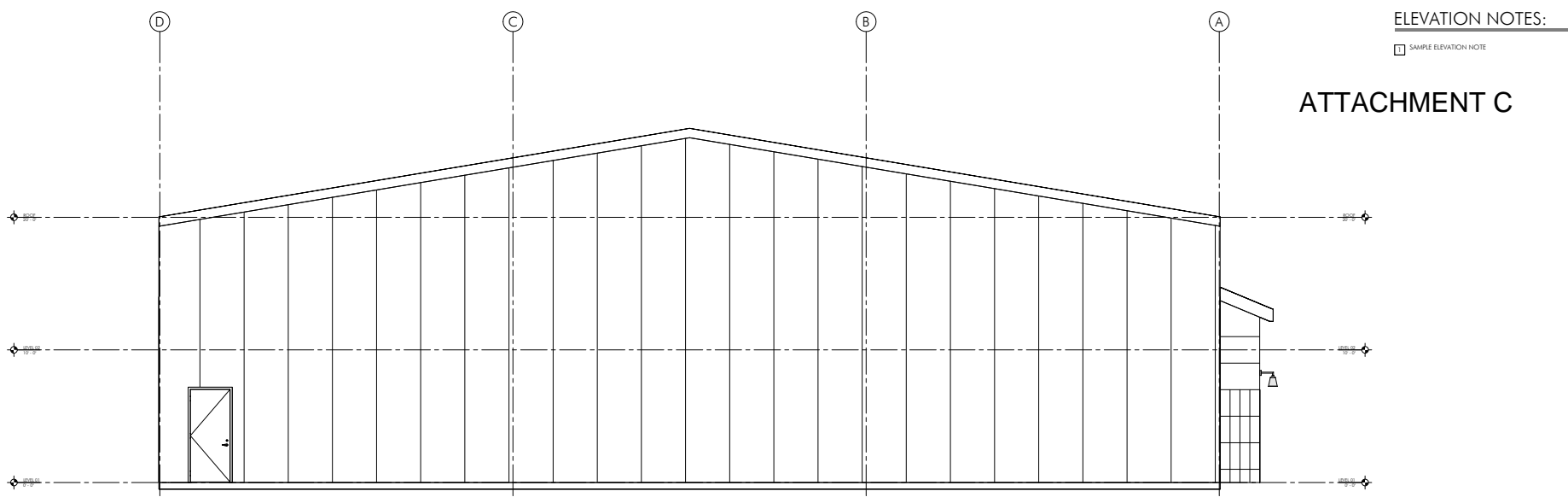
**CLIENT:**  
 RANDY ATHWAL  
 5732 SEVEN MILE LANE SE  
 ALBANY, OR 97312  
 (530) 682-2100



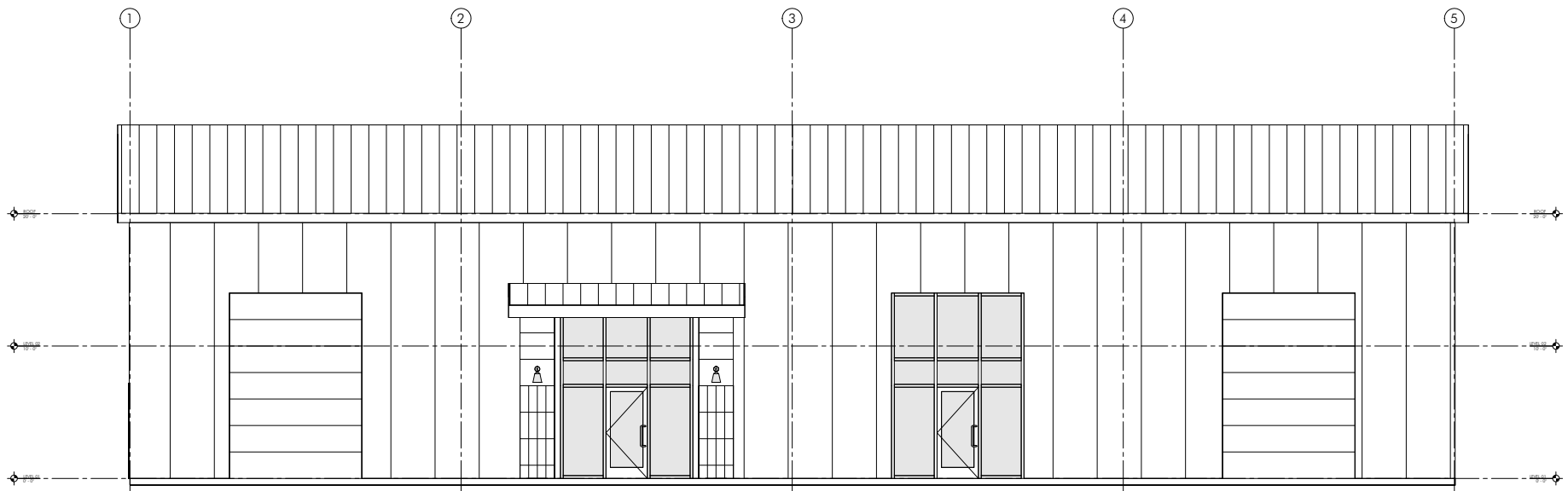
ELEVATION NOTES:

☐ SAMPLE ELEVATION NOTE

ATTACHMENT C



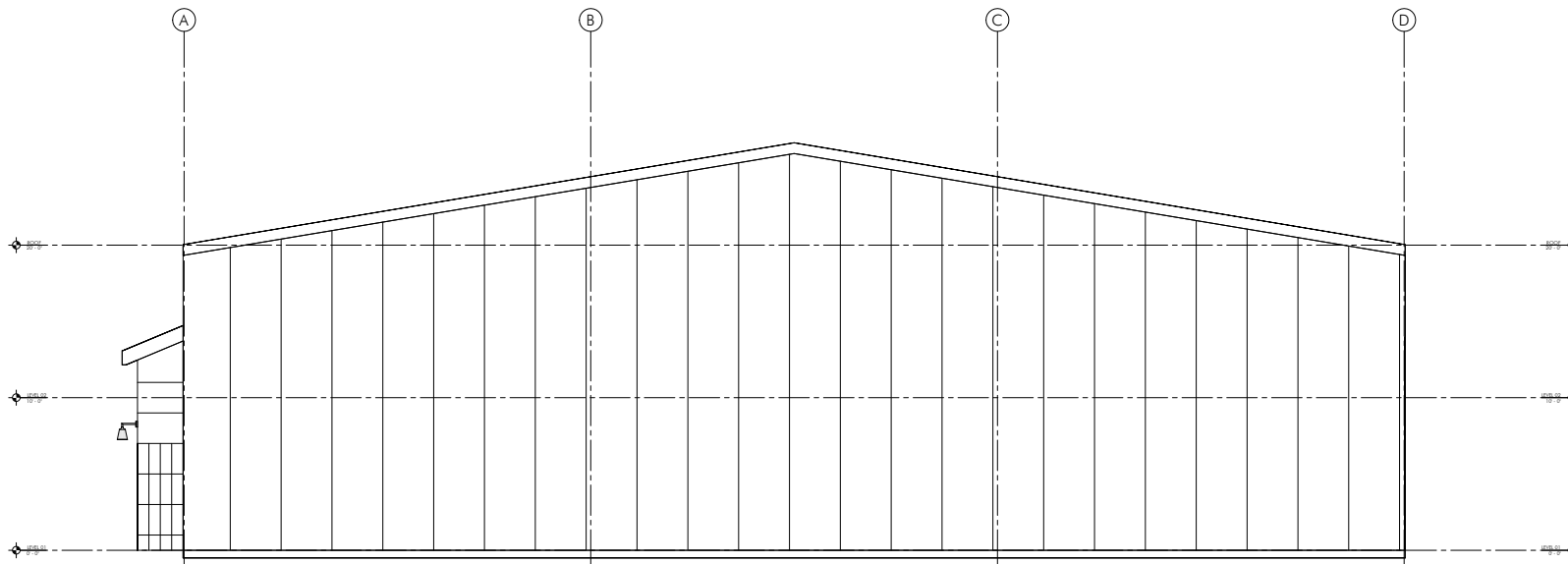
1 West  
0 1 2 4 8 12 1/4" = 1'-0"



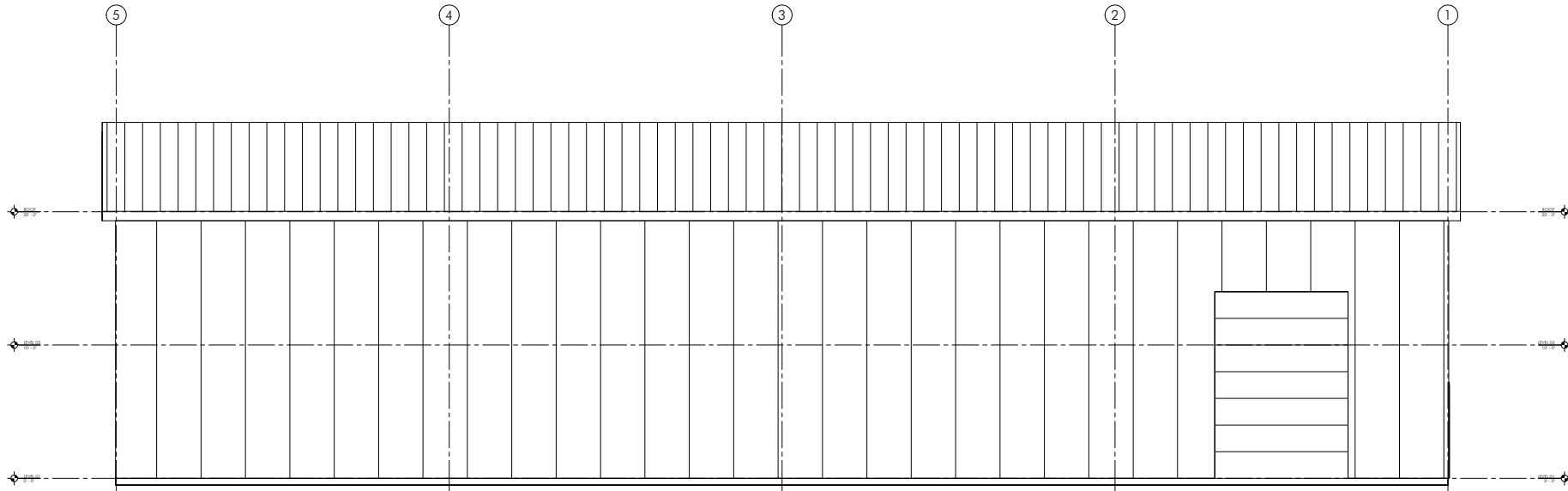
2 South  
0 1 2 4 8 12 1/4" = 1'-0"

ELEVATION NOTES:

□ SAMPLE ELEVATION NOTE



1 East  
0 1 2 4 8 12 1/4" = 1'-0"



2 North  
0 1 2 4 8 12 1/4" = 1'-0"



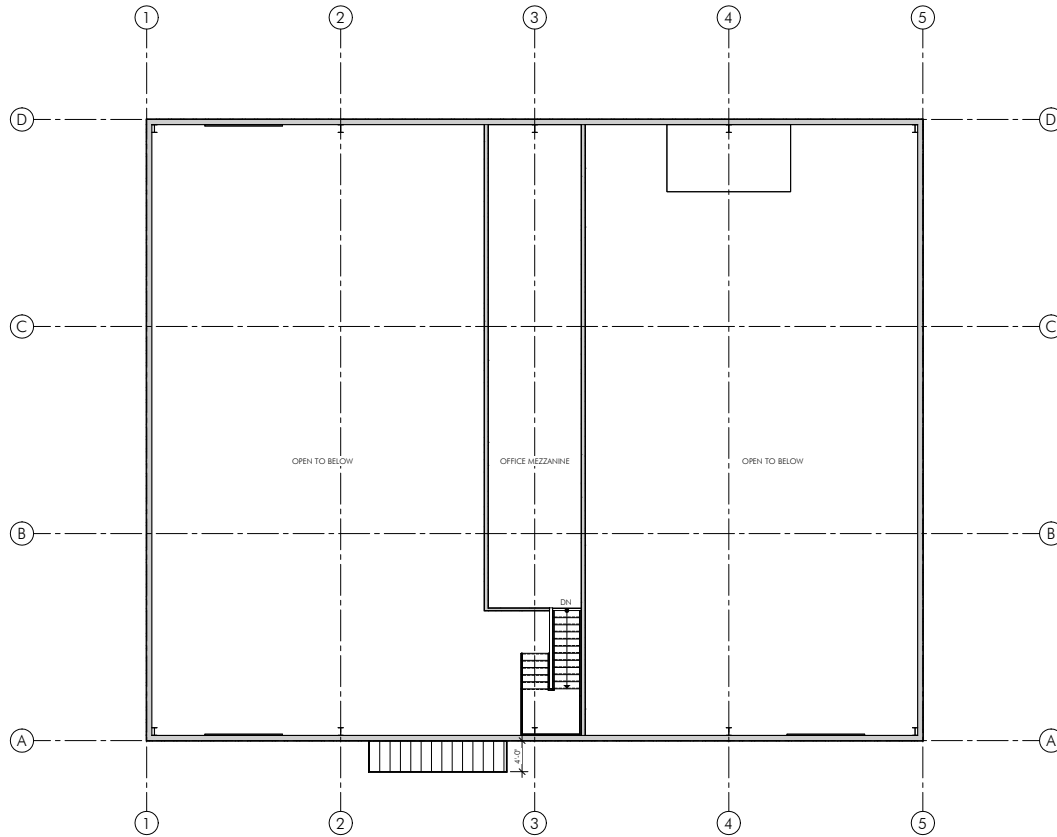
GENERAL PLAN NOTES:

1. GENERAL NOTES APPLY TO ALL DRAWINGS.
2. DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. OBTAIN CLARIFICATION OF DIMENSIONS OR DISCREPANCIES PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.
3. DIMENSIONS ARE TO FACE OF FRAMING. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.
4. SEE WALL SECTIONS FOR DESCRIPTION OF EXTERIOR WALL MATERIALS.
5. ALL INTERIOR PARTITIONS TO RECEIVE GLASS FIBER INSULATION, FULL HEIGHT.
6. COORDINATE LOCATION OF RECESSED OR SEMI-RECESSED ITEMS TO AVOID BACK TO BACK INSTALLATION AND TO REDUCE NOISE TRANSFER THROUGH PARTITIONS.
7. INSTALL WALL BACKING FOR ALL WALL MOUNTED ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DOOR STOPS, FIXTURES, WALL CABINETS, SHELVING, COUNTERS, TOILET ACCESSORIES, SECURITY EQUIPMENT, TACK BOARDS AND MARKER BOARDS, HAND RAILS AND WINDOW COVERING TRACKS.
8. SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE STILL OCCUPIED.
  - A. PROVIDE, ERECT, AND MAINTAIN TEMPORARY DUSTPROOF PARTITIONS OF SUITABLE CONSTRUCTION IN LOCATIONS INDICATED ON DRAWINGS OR AS DIRECTED.
9. PROTECT EXISTING WORK TO REMAIN.
  - A. PREVENT MOVEMENT OF STRUCTURE. PROVIDE SHORING AND BRACING IF NECESSARY.
  - B. PRECISELY CUTTING TO ACCOMPLISH REMOVALS NEATLY AND AS SPECIFIED FOR CUTTING NEW WORK.
  - C. REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.
  - D. PATCH AS SPECIFIED FOR PATCHING NEW WORK.
10. REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.
11. REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.
12. LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.
13. CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.
14. WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS, EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:
  - A. CFCI - CONTRACTOR FURNISHED - CONTRACTOR INSTALLED
  - B. OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED
  - C. OFCI - OWNER FURNISHED - OWNER INSTALLED
  - D. N/C OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.

PLAN LEGEND:

FLOOR PLAN NOTES:

- SAMPLE PLAN NOTE



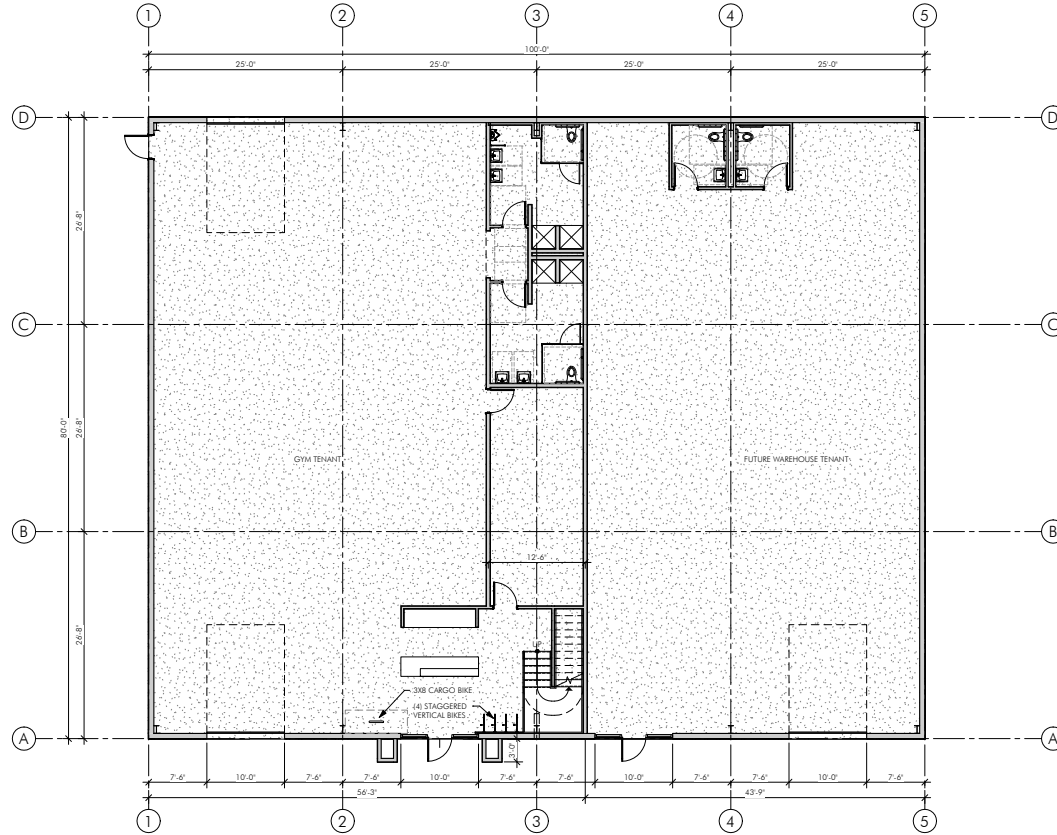
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  - B. OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED
  - C. OFCI - OWNER FURNISHED - OWNER INSTALLED
  - D. NIC OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.

**PLAN LEGEND:**

**FLOOR PLAN NOTES:**

- SAMPLE PLAN NOTE



IN THE EVENT CONFLICTS ARE DISCOVERED  
BETWEEN THE ORIGINAL DRAWING AND THESE  
DOCUMENTS PREPARED BY THE ARCHITECT,  
THESE DOCUMENTS SHALL PREVAIL. THIS IS  
APPLICABLE TO ANY ORIGINAL OR REPRODUCED  
ELECTRONIC OR CONCRETE IN ORIGINAL  
FORM AND THESE DOCUMENTS SHALL PREVAIL.

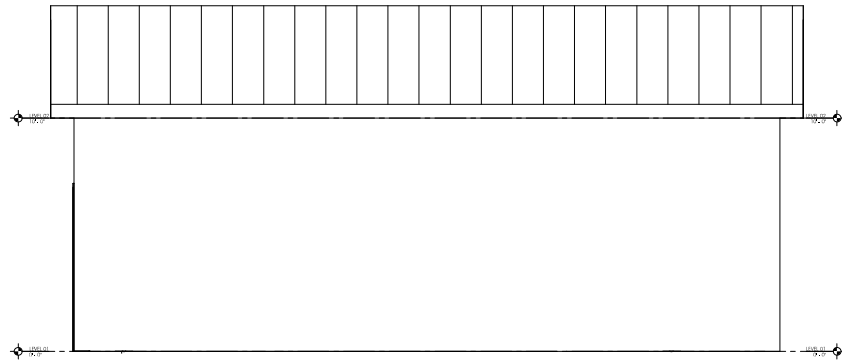
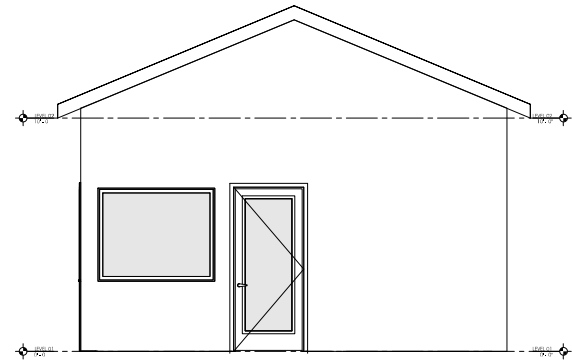
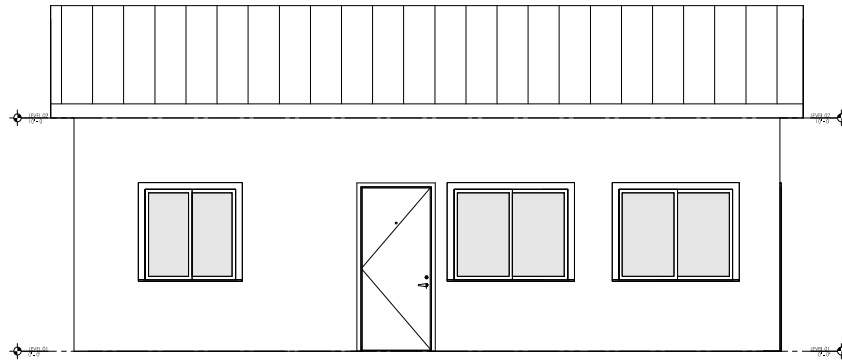
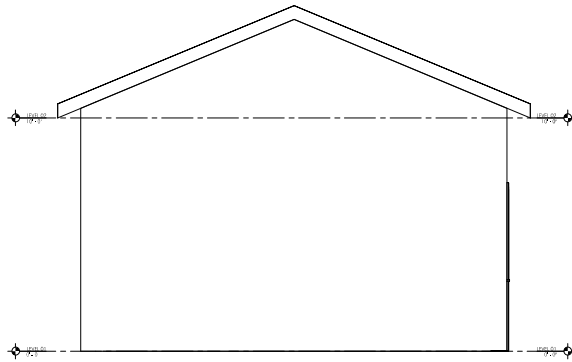
PROJECT # 2024-087  
DATE: 09/12/2024  
REVISIONS

**SECURITY DWELLING UNIT  
41ST AVE, ALBANY**  
137 41ST AVE SE, ALBANY, OR

SHEET:  
**A2.01**

**ELEVATION NOTES:**

☐ SAMPLE ELEVATION NOTE



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## REPLAT, SITE PLAN REVIEW, CONDITIONAL USE, AND MAJOR VARIANCE APPLICATIONS

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Submitted to:	City of Albany Planning Division P.O. Box 490 Albany, Oregon 97321-0144 541-917-7550 <a href="mailto:cd.customerservice@cityofalbany.net">cd.customerservice@cityofalbany.net</a>
Applicants/Property Owners:	Sona Athwal and Jaswant Sranna 2515 Geary Street Albany, OR 97322 Contact: Sona Athwal Email: <a href="mailto:athwal1@yahoo.com">athwal1@yahoo.com</a> Phone: (530) 682-2100
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355  Contact: Laura LaRoque Email: <a href="mailto:laura@udelleng.com">laura@udelleng.com</a> Phone: (541) 990-8661
Site Location:	137 41 <sup>st</sup> Avenue SE, Albany, OR 97322
Linn County Assessor's Map No.:	11S-03W-19A Tax Lots 1000 and 1100
Site Size:	±1.38-acre
Existing Land Use:	Unimproved
Zone Designation:	Light Industrial (LI) District
Comprehensive Plan Designation:	Industrial
Surrounding Zoning:	North: Heavy Industrial (HI) District South: Light Industrial (LI) District East: Light Industrial (LI) District West: Light Industrial (LI) District
Surrounding Uses:	North: Industrial South: Industrial East: Industrial West: Unimproved



24-080 Athwal  
137 41<sup>st</sup> Ave. SE  
RL/SPR/CU/VR Applications

November 5, 2024  
Page 1 of 27



## I. Executive Summary

The applicant requests approval of a phased development consisting of the following applications:

1. A Replat to consolidate Lot 5 and Tract B of Block 1, Marion Industrial Park.
2. A Conditional Use application to construct a fitness facility (in Phase 1).
3. A Major Variance to ADC 8.330(2) to allow off-street parking between the proposed fitness facility and front property line due to Bonneville Power Administrative (BPA) easement building restrictions.
4. A Site Plan Review application to construct self-serve storage, warehouse tenant space and recreational vehicle parking storage spaces, and a dwelling unit attached to a business along with associated site, utility, and parking lot improvements.

The site is located at 137 41<sup>st</sup> Avenue SE and zoned Light Industrial (LI) with an Industrial Comprehensive Plan designation.

## II. Tentative Plat Decision Criteria

ADC 11.180 includes the following review criteria for a tentative plat, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

### Criterion 1

**The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.**

#### Findings

- 1.1 This application is for a Tentative Replat to consolidate Lot 5 and Tract B of Block 1, Marion Industrial Park.
- 1.2 The subject properties have an assigned address of 137 41<sup>st</sup> Avenue SE and identified as Linn County Assessor's Map No. 11S-03W-19A Tax Lots 1000 and 1100.
- 1.3 The underlying zoning designation of the subject properties is Light Industrial (LI). Per ADC 4.020(8) the LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments.

The subject properties are currently unimproved. Findings for proposed new development are found in the Site Plan Review and Conditional Use sections below and incorporated herein by reference.

- 1.4 The lots and blocks standards listed in ADC 11.090 are only applicable to single-dwelling or middle housing land divisions.

Per ADC 22.400 a land division is defined as follows: The legal creation of a lot or parcel of land through the process of subdividing or partitioning land per ORS 92.010; or through recording a condominium plat as defined in ORS Chapter 100.; or if there were no applicable planning, zoning or land division ordinances or regulations, by deed or land sales contract.

Per ADC 22.400 a middle housing land division is defined as follows: A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) and the partition or subdivision is processed in accordance with the provisions of ORS Chapter 92 and ADC 11.610 – 11.630. The lot or parcel that is the subject of the land division is referred to as the middle housing parent lot; a lot created by the division is referred to as a middle housing child lot.

Per ADC 22.400 a single dwelling (Detached Unit) is defined as follows: A single detached building containing one dwelling unit on a lot. Dwelling units on individual lots that are part of a cottage cluster are not single-dwelling unit detached for the purposes of this Code.

As outlined in the Site Plan Review and Conditional Use sections below, no single dwellings are proposed nor are any middle housing land divisions; therefore, the standards listed in ADC 11.090 are not applicable.

Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.
- 1.2 The lot and block standards are only applicable to replat pertaining to industrial development.
- 1.3 This criterion is met without conditions.

Criterion 2

**Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.**

Findings

- 2.1 The site is owned in its entirety by the applicant
- 2.2 The proposal is to consolidate two properties into one unit of land.
- 2.3 There is no other remainder of property under the same ownership.

Conclusions

- 2.1 All property included in this replat is under the same ownership, and there is no remainder of land to consider with this application.
- 2.2 This criterion is met without conditions.



### Criterion 3

**Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.**

#### Findings

- 3.1 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by the city council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.
- 3.3 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
  - a. Property to the north has access to Marion Street SE.
  - b. Properties to the east, south, and west have access to 41<sup>st</sup> Avenue SE.

#### Conclusions

- 3.1 All adjoining properties have access to public streets through the existing transportation system, and the proposed replat will not remove that access.
- 3.2 This criterion is met without conditions.

### Criterion 4

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

#### Findings

- 4.1 The subject properties have an assigned address of 137 41<sup>st</sup> Avenue SE and identified as Linn County Assessor's Map No. 11S-03W-19A Tax Lots 1000 and 1100.
- 4.2 The submitted land use application is for a tentative replat to consolidate Lot 5 and Tract B of Block 1, Marion Industrial Park.
- 4.3 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic.
- 4.4 41<sup>st</sup> Avenue is classified as a local street and is, except for a sidewalk and landscape strip, improved city standards along the frontage of the subject property. Improvements include curb and gutter, a vehicle travel lane in each direction, on-street bike lanes, and on-street parking along both sides of the road.

- 4.5 ADC 12.290 requires all development for which land use applications are required, and all expedited and middle housing land divisions, must include sidewalks adjacent to public streets.
- 4.6 Access and sidewalk improvements along the 41<sup>st</sup> Avenue frontage is proposed with this application. As shown on the Preliminary Civil Site Plan, the size and location of these improvements complies with the city's design standards.
- 4.7 Trip generation rates are outlined in Tables 1 and 2 below.

**Table 1 – Trip Generation Rates**

ITE Land Use & Code	Ind. variable	Trip Ends Rate (trips per t.s.f)		In/Out Split (percent)		Passby Percent
		PM Peak Hour	Daily	PM Peak Hour	Daily	
Health/Fitness Club* 492	t.s.f.	3.45	34.50	57/43	50/50	0%
Mini Warehouse 151	t.s.f.	0.15	1.41	47/53	50/50	0%
Mini Warehouse 151	100's of Units	1.68	17.96	50/50	50/50	0%

\*No daily rate is available for fitness clubs. Assumed that daily is 10 times p.m. peak hour.

**Table 2 – Trip Generation Forecast**

ITE Land Use	Size (units)	PM Peak Hour Trip Ends			
		In	Out	Total	Daily
Health/Fitness Club 492	8 t.s.f.	16	12	28	276
Passby Trips (0 percent)		0	0	0	0
Mini Warehouse 151	0 t.s.f.	0	0	0	0
Passby Trips (0 percent)		0	0	0	0
Mini Warehouse 151	0.38 100's of Units	0	0	1	7
Passby Trips (0 percent)		0	0	0	0
<b>TOTALS</b>					
<b>Passby</b>			<b>0</b>	<b>0</b>	<b>0</b>
<b>Non Passby</b>			<b>16</b>	<b>12</b>	<b>28</b>
<b>Total</b>			<b>16</b>	<b>12</b>	<b>283</b>



- 4.8 The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips.
- 4.9 Albany's Transportation System Plan (TSP) does not identify any capacity or safety issues occurring along the street frontages of this development.

#### Conclusions

- 4.1 The site has frontage on 41<sup>st</sup> Avenue and is, except for a sidewalk and landscape strip, improved city standards along the frontage of the subject property. Access and sidewalk improvements along the 41<sup>st</sup> Avenue frontage is proposed with this application. The size and location of these improvements complies with the city's design standards.
- 4.2 The development is not projected to generate enough trips to require submittal of a trip generation estimate or traffic impact analysis.
- 4.3 Albany's TSP does not identify any capacity or safety issues occurring along the frontage of this site.
- 4.4 This criterion is met without conditions.

#### Criterion 5

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

#### Findings

##### Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main in the 41<sup>st</sup> Avenue right-of-way along the frontage of the subject property.
- 5.2 As shown in the preliminary utility plan, a new service lateral will either be installed or financially guaranteed prior to recordation of the final plat.
- 5.3 ADC 12.470 requires all new developments to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 5.4 AMC 10.01.080(2) states that 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.
- 5.5 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extensions shall be in a dedicated street right-of-way (AMC 10.01.110(2)(b)). All parcels shall have independent sanitary sewer laterals.
- 5.6 The proposed replat will not negatively affect public sanitary sewer service or impact sewer service availability for future development on the created parcel.



## Water

- 5.7 City utility maps show a 12-inch public water main in the 41<sup>st</sup> Avenue right-of-way along the frontage of the subject property.
- 5.8 As shown in the preliminary utility plan, a new service line will either be installed or financially guaranteed prior to recordation of the final plat.
- 5.9 ADC 12.410 requires all new developments to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.
- 5.10 The proposed parcel must connect to the public water system upon development.
- 5.11 The proposed replat will not negatively affect public water service or impact water availability for future development on the created parcel.

## Storm Drainage

- 5.12 City utility maps show an 18-inch public storm drainage main in the 41<sup>st</sup> Avenue right-of-way along the frontage of the subject property.
- 5.13 As shown on the preliminary utility plan, a connection to the existing public storm main will either be installed or financially guaranteed prior to recordation of the final plat.
- 5.14 ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.
- 5.15 AMC 12.45.030 and 12.45.040 require that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development, where more than 8,100 square feet of impervious surfaces will be created or replaced.
- 5.16 Because more than 5,000 square feet of impervious surfaces will be created or replaced, the applicant must obtain a stormwater quality permit and construct stormwater quality facilities that meet all City Engineering Standards pertaining to stormwater quality.
- 5.17 The applicant has submitted a preliminary drainage plan that shows a private storm lateral from 41<sup>st</sup> Avenue to the subject property and a private detention system. Final design details for these storm drainage facilities will be reviewed in conjunction with the partition. Before any work is done on or around a public storm drainage main the applicant must obtain an Encroachment Permit from the City's Engineering Division.

## Conclusions

- 5.1 Public sanitary sewer and water facilities are in place and adequate to serve the proposed development.
- 5.2 The applicant shall construct stormwater detention facilities to provide storm and flood-water controls. Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards. Before the City issues any occupancy permit for the proposed



24-080 Athwal  
137 41<sup>st</sup> Ave. SE  
RL/SPR/CU/VR Applications

November 5, 2024  
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project, the applicant will construct stormwater detention facilities that comply with the City's Engineering Standards.

- 5.3 The applicant will obtain a stormwater quality permit for or the project and construct stormwater quality facilities that satisfy the City's Engineering Standards.
- 5.4 Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system an Encroachment Permit must be obtained from the Public Works Department.
- 5.5 Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.
- 5.6 This criterion is met without conditions.

#### Criterion 6

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

#### Findings

- 6.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is not located in the Airport Approach District.
- 6.2 Article 6: Topography. Comprehensive Plan, Plate 7: Slopes, According to Plate 7 of the Comprehensive Plan, the subject property is outside the Hillside Development District.
- 6.3 Article 6: Floodplains. Comprehensive Plan Plate 5: Floodplains. According to the FEMA FIRM Community Panel No. 41043C0526G, dated September 29, 2010, the subject property is in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).
- 6.4 Article 6: Significant Natural Vegetation and Wildlife Habitat. Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat, does not show any areas of vegetation or wildlife habitat on the property.
- 6.5 Article 6: Riparian Corridor. The subject property is not located within the Riparian Corridor Overlay District.
- 6.6 Article 6: Wetlands. Comprehensive Plan Plate 6: Wetland sites, the subject property is not located within a Significant Wetlands Overlay District.
- 6.7 Article 7: Historic Districts. Comprehensive Plan Plate 9: The subject site is not located in a historic district. There are no known archaeological sites on the property.

#### Conclusions

- 6.1 No development is proposed that would impact special purpose overlay districts.



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6.2 This criterion is met without conditions.

### III. Conditional Use Code Criteria

Section 2.250 of the ADC includes the following review criteria, which must be met for this application to be approved. Development 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 proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.**

#### Findings of Fact

- 1.1 Proposed Use. The applicant proposed construction of a fitness facility (in Phase 1).
- 1.2 Intended character of the LI zoning district. The proposed development will occur on a site that is zoned Light Industrial (LI). Surrounding properties to the south, east, and west are also zoned LI. Surroundings properties to the north are zoned Heavy Industrial (HI).  
  
According to ADC 4.020(8), the LI district was established for the following purpose: “The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors, and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.”
- 1.3 Conditional Uses. According to ADC 2.230, “The City does not allow some uses outright, although they may have beneficial effects and serve important public interests. These uses are subject to the Conditional Use regulations because they may have adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use review process provides an opportunity to allow the use when it will have minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.”
- 1.4 Operating Characteristics of the Neighborhood. The subject property is in the South Albany Neighborhood and Marion Industrial Park. The sites in the Marion Industrial Park are predominantly developed with commercial and industrial warehousing, manufacturing, and related office uses which are consistent with the light industrial nature of the zoning. To the north is a vacant parcel owned by Oregon Metallurgical Corporation zoned Heavy Industrial.

While there are variables associated with surrounding land uses, typical “site active” occurs between standard business hours and vehicle trips are generally related to employee, limit customers, and deliveries. Properties also have outdoor spaces on the sides, front, and rear portions of the property that are used for landscaping, storage, and parking.



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- 1.5 Operating Characteristics of the Proposed Use. The subject property will be entirely served from 41<sup>st</sup> Avenue. The proposed development will be compatible with existing or anticipated industrial uses in size, building scale, and style. Parking will be compatible with the adjoining or abutting properties due to the buffering and screening. Site lighting will be provided. Lighting will be provided from wall-mounted fixtures on all of the buildings or from light poles in the parking lot. Front and side glare shields will be placed on all lighting fixtures to reflect the light from the wall-mounted or pole fixture onto the buildings and access aisles within the development. No lighting will reflect on adjacent properties, streets, or into the night sky.

#### Conclusions

- 1.1 The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
- 1.2 The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.
- 1.3 This criterion is satisfied without conditions.

#### Criterion 2

**The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.**

#### Findings of Fact

- 2.1 Definition of Compatible. "Compatible" does not mean "the same." Merriam Webster's Collegiate Dictionary, Eleventh Edition, defines "compatible" as "(1) capable of existing together in harmony."
- 2.2 Existing and Anticipated Uses. The subject property is presently vacant and undeveloped. The land is relatively flat. Two BPA easements diagonally transverse the property: one along the rear of the property and the other along the front of the property.
- 2.3 Industrial uses and industrial tenant spaces are located to the south, east, and west of the subject property. Heavy industrial-zoned land owned by Oregon Metallurgical Corporation borders the subject property to the north. There is still considerable infill development potential on the HI-zoned lots; however, at the present time, no plans are being reviewed. The applicant is not aware of any other anticipated uses on abutting properties.
- 2.4 Building Size, Scale, and Style. The proposed development will consist of one (1) 80-foot by 100-foot warehouse building with two tenant suites; one of which is to be utilized as a fitness facility.

Building scale focuses on the size and proportion of a building in relation to its immediate environment and the human figure typically in correlation to the public right-of-way. In

this case, the warehouse building with fitness facility tenant space will be oriented to the center of the site approximately 90-feet/122-feet from the front property line, 61-feet/117-feet, 58-feet/113-feet from the interior (side property lines), and 112-feet/182-feet from the interior (rear property lines).

The building style of the fitness center can be best described as industrial architecture via the inclusive of the following elements: open floor plan, high ceilings, minimalist aesthetics, and exposed materials and utilities. The building style of the storage units can be described as industrial too (i.e., metal cargo containers).

Based on these characteristics the proposed development will not adversely impact the neighborhood in terms of size, scale, and style.

2.5 Intensity and Lot Coverage of the Proposed Development. The subject property is 77,589 square feet (1.78 acres) in size. It is in the Light Industrial (LI) zoning district, which has no maximum building height and no maximum lot coverage. The proposed amount of impervious surface area is 60,708 square feet, which is approximately 78 percent lot coverage.

2.6 Building and Parking Lot Setbacks. ADC 4.090, Table 4-2, shows no front or interior setback requirement except in cases where the property abuts a residential district, which is not applicable in this case.

The proposed the warehouse building with fitness facility tenant space will be oriented to the center of the site approximately 90-feet/122-feet from the front property line, 61-feet/117-feet, 58-feet/113-feet from the interior (side property lines), and 112-feet/182-feet from the interior (rear property lines).

The proposed parking lot will locate between the fitness facility and abutting public street approximately 24-feet/69-feet from the front property line, 5-feet/56-feet from the interior (side property lines), and 173-feet/265-feet from the interior (rear property lines).

7.1 Landscaping and Screening. Findings for this Criterion are found in Section III, Criterion Six, above and are incorporated by reference.

### Conclusions

2.1 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, building style, intensity, setbacks, and landscaping.

2.2 This criterion is satisfied without conditions.

### Criterion 3

The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.



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Findings of Fact and Conclusion

3.1 Findings for this section are found in Section II, Criterion 4, above and are incorporated by reference.

**Criterion 4**

**Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.**

Findings of Fact and Conclusion

4.1 According to ADC 4.060(7)(d) exercise, health clubs, and gyms must meet additional criteria in Special Condition (11)(b).

- i. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan; and
- ii. The development will not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use; and
- iii. The new commercial user shall acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.

Trip generation is outlined in Section II, Criterion 4 above, and incorporated herein by reference. ADC 4.060 (11)(b)(ii) is not applicable since the site is undeveloped. The acknowledgment of ADC 4.060 (11)(b)(iii) is noted.

**Criterion 5**

**The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.**

Findings of Fact

- 5.1 The proposed development is greater than 0.25-miles from any residential zoned land.
- 5.2 Noise. Noise will primarily originate from vehicles entering and departing the facility to and from 41st Avenue. Any noise emitting from the development will be well within the Department of Environmental Quality (DEQ) and the City of Albany's standards for the purposes of noise regulations.
- 5.3 Glare. Site lighting will be provided. Lighting will be provided from wall-mounted fixtures on all the buildings or from light poles in the parking lot. Front and side glare shields will be placed on all lighting fixtures to reflect the light from the wall-mounted or pole fixture onto the buildings and access aisles within the development. No lighting is expected to reflect on adjacent properties, streets, or into the sky.
- 5.4 Odors. According to ADC 9.470, continuous, frequent, or repetitive odors or the emission of odorous gases or other matter in such quantities as to be readily detectable at any point



beyond the property line of the use creating the odors is prohibited, with one exception: an odor detected for less than 15 minutes per day is exempt. Odor is regulated by the Department of Environmental Quality. No odor exceeding these thresholds will be emitted from the proposed development.

- 5.5 Litter. Litter will be controlled by a dedicated employee responsible for the cleanliness of the entire facility. An enclosed refuse containment area will be provided onsite. No other problems concerning odor or litter are anticipated.
- 5.6 Hours of Operation. Hours of operation are anticipated to be Monday – Sunday 6:00 a.m. to 9:00 p.m.
- 5.7 Privacy and Safety Issues: The proposed site plan includes landscaping, buffering, and screening as required by the Albany Development Code. The site will be served by a security and monitoring system and the site will be partially enclosed by a security fence at least six feet tall.

Additionally, the site is served by the Albany Police and Fire Department may provide protection as needed.

#### Conclusion

- 5.1 Given the above analysis and proximity to residential zoned land, the proposed development is not expected to have significant, adverse impacts on the livability of nearby residentially zoned lands due to noise, glare, odor, litter, hours of operation, and privacy and safety issues.

#### Criterion 6

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

#### Findings of Fact and Conclusion

- 6.1 Findings for this section are found in Section II, Criterion 6, above and are incorporated by reference.

#### IV. Major Variance Code Criteria

Section 2.690 of the ADC includes the following review criteria, which must be met for this application to be approved. Development 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 property has unique or peculiar physical circumstances or conditions such as, irregular shape, width or depth; or exceptional natural or physical conditions such as topography, trees, native vegetation, wetlands, riparian areas, wildlife habitat, or drainage ways.**



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- 1.1 As shown on the existing condition plan sheet, two BPA easements diagonally transverse the subject property. The terms of the easements prohibit structures from being constructed in the boundaries of the easements thus limiting the site's net buildable area to 0.66-acres or 40% of the total site area.

### **Criterion 2**

**The proposal will be consistent with the purpose, overview, and description for the zone in which the property is located, and with the purpose of the Significant Natural Resource Districts, if applicable; and**

- 2.1 Per ADC 4.010 includes the overview of Article 4 of Commercial and Industrial Zoning Districts is as follows: "The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole. Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Natural Resource Districts, and Article 7, Historic Overlay Districts."
- 2.2 ADC 4.020(8) includes the purpose/description of the Light Industrial zoning district, which is as follows: "The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses."
- 2.3 The Significant Natural Resource overlay districts include Riparian Corridors (/RC) and Significant Wetlands (/SW) and fish-bearing waterways throughout the city, and a Habitat Assessment area (/HA) designated specifically for turtle habitat in and around Thornton Lakes in North Albany. None of these overlay districts are found on the subject property.
- 2.4 Findings pertaining to Article 4, including consistency with ADC 4.010 and 4.202(8) are outlined in Sections III and IV, above, and are incorporated by reference.

### **Criterion 3**

**If more than one Major Variance is requested, the cumulative effect of the variances results in a project that is still consistent with the purpose, overview and description of the zone; and**

- 3.1 Only one variance request is requested in association with this application; therefore, this criterion is not applicable.

#### Criterion 4

**The requested Major Variance is the minimum necessary to address the peculiar or unusual conditions of the site; and**

4.1 As outlined in the section above, the requested major variance is the minimum necessary to address the unusual site conditions; therefore, this criterion is met.

#### Criterion 5

**Any impacts resulting from the Major Variance are mitigated to the extent practical; or**

5.1 ADC 8.330 states that the purpose of the parking location design standard is to: “help create an attractive streetscape and pleasant pedestrian environment that is conducive to walking, and to help further Crime Prevention Through Environmental Design (CPTED) principles such as natural surveillance of public spaces.

5.2 The basic principles of CPTED are access control, territoriality, and natural surveillance. Natural surveillance is often the most utilized for parking facilities, which emphasizes the use of landscaping to facilitate “eyes” on a location. In other words, the ability of people walking by a parking lot or looking out the window of a business to view the activities going on inside the parking facility to enhance the security of the facility.

5.3 ADC 9.208 states that the purpose of the regulations is to “provide screening and buffering between uses in order to reduce the potential objectionable impacts of higher intensity uses on adjacent lower intensity uses.”

5.4 A parking lot buffer is proposed in association with this application to mitigate the impact of parking when placed between a building and streetside property line. The submitted landscaping plan set utilizes CPTED landscaping concepts within the proposed landscaping buffer area.

#### Criterion 6

**Application of the regulation in question would preclude all reasonable economic use of the site.**

6.1 What is meant by “all reasonable economic use” is not defined or elaborated on in the Albany Development Code.

6.2 In this case, application of ADC 8.330(2) would require the proposed off-street parking to be oriented to the side or rear of the proposed fitness facility.

6.3 Orientation of the parking lot to the side of the proposed fitness center would reduce the amount of available on-site parking and prohibit the construction of the proposed storage containers and a dwelling unit attached to a business. Therefore, the application of ADC 8.330(2) would prohibit most of the self-storage use and the entirety of the temporary security dwelling use. The remaining area for self-storage use would result in this use not being economically viable.

6.4 Orientation of the parking lot to the rear of the proposed fitness center would result in a loss of all RV storage spaces or reorientation of the proposed RV storage to the front of the fitness

center and reduction the amount of RV storage spaces. Therefore, the application of ADC 8.330(2) would either prohibit all the RV storage use or a portion therein (if reoriented to the front of the site). The remaining area for RV storage use (if reoriented to the front of the site) would result in this use not being economically viable.

#### V. Site Plan Review Code Criteria

Section 2.450 of the ADC includes the following review criteria, which must be met for this application to be approved. Development 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 and Conclusions

- 1.1 The submitted application includes the supplemental submittal requirements outlined in ADC 1.160(1) and will therefore, be deem complete in accordance ADC 1.160, upon the submittal date.
- 1.2 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

- 4.2 The underlying zoning designation of the subject properties is Light Industrial (LI). Per ADC 4.020(8) the LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments.
- 4.3 The proposal includes a phased development consisting of a Site Plan Review application to construct self-serve storage, warehouse tenant space and recreational vehicle storage spaces, and a dwelling unit attached to a business along with associated site, utility, and parking lot improvements.
- 4.4 Per Table 4.050-1, self-serve storage, warehousing, and dwelling units attached to a business are permitted with Site Plan Review approval.
- 4.5 Per ADC 4.090, Table 4.090-1, the LI zoning district has the following applicable development standards: 15-foot minimum front setback and 100 percent maximum landscape area within yards adjacent to streets.
- 4.6 Per ADC 4.220 Parking and loading spaces must not be in a required front or interior setback, except for paved driveways.

- 4.7 According to ADC 4.060(12) self-serve storage facilities are subject to the following standards:
- a. The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
  - b. The maximum storage unit size is 1,000 square feet.
  - c. All outdoor lighting shall be shielded to prevent glare and reflection on adjacent properties.
  - d. Repair of autos, boats, motors, and furniture and the storage of flammable materials are prohibited on the premises, and rental contracts shall so specify.

As shown on the site, the outlined self-storage facility standards are met. A condition of approval may include a requirement for a copy of the rental contract to be provided outlining the required prohibitions.

- 2.4 ADC 4.300 requires any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. All refuse materials must be contained within the screened area. Refuse disposal areas may not be in required setbacks or buffer yards and must be placed at least 15 feet from any dwelling window.

As shown on the site plan, the refuse area will be greater than 15 feet from any dwelling units and will be screened by a six-foot-tall sight-obscuring fence. Notably, Section 4.300 does not include a requirement for the refuse containers to be covered.

#### Conclusions

- 2.1 The proposed uses are allowed in the LI zoning district with site plan review and conditional use approval.
- 2.2 The proposal meets all development standards and special conditions in the LI zoning district.
- 2.3 This review criterion is met.

#### 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 Findings for this section are found in Section II, Criterion 6, above and are incorporated by reference.



## Criterion 4

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

#### Findings of Fact

- 4.1 Applicability. According to ADC 8.310 and 8.315 the standards of ADC 8.320 through 8.390 apply to the development of new commercial developments where commercial and/or institutional uses, as defined in Article 22, are existing or proposed.

The proposed self-storage facility and fitness facility are listed as commercial uses in Table 4.050-1; therefore, the below standards are applicable to these uses.

- 4.2 Relationship to Historic Overlay Districts. ADC 8.320 requires designated historic resources to comply with the standard in Article 7.

The site is not located in a historic district, nor does it contain a designated historic resource. This standard is not applicable.

- 4.3 Entrance Orientation and Parking Locations.

- ADC 8.330(1) states that new buildings must be oriented to existing or new public streets. Building orientation is demonstrated by placing buildings and their public entrances close to streets and providing pedestrians with a direct connection from the street sidewalk to building entrances in conformance with ADC 8.370(2)(b).

As shown on the site plan, Bonneville Power Administration easements exist on site and prohibit orientation of the proposed permanent structures to the 41<sup>st</sup> Avenue right-of-way. However, a direct pedestrian connection is provided from the street sidewalk to the building entrance in conformance with ADC 8.370(2)(b).

- ADC 8.330(1)(a) states that at least one main entrance must be designed to include at least three architectural features. As shown in the building elevation plans, three architectural features are proposed.
- ADC 8.330(2) states that off-street parking must be located to the side or rear of the building(s) and not between the building and the street, except when one or more of the below conditions apply:

*(a) Locating parking to the side or rear of the building is not feasible due to the dimensions of the site including, but not limited to, the width, shape, or size of the site or the amount of site frontage.*

*(b) Locating parking to the rear or side of the building is not feasible due to the conservation of designated natural resources or the preservation of five or more trees over 25 inches in circumference (approximately 8 inches in diameter) or one or more individual trees equal to or greater than six and one-half feet in circumference (approximately 25 inches in diameter). Trees must be healthy specimens that can and will be retained and which are not exempt from site plan review for tree felling pursuant to ADC 9.204.*

(c) Locating parking to the rear or side of the building is not feasible due to topographic constraints or natural hazards on the site.

(d) The site frontage is subject to access restrictions from a public street that would preclude placement of the parking to the side or rear of the building.

(e) The site is larger than three acres and the parking lot has been designed in accordance with the standards in Section 9.130(6), regardless of the number of parking spaces.

As shown on the existing condition plan sheet, building development is restricted to areas outside of BPA easements. Compliance with these building restrictions results in off-street parking between the proposed fitness facility and front property line. A Major Variance has been requested. See findings under Section V, below incorporated herein by reference.

- ADC 8.330(3) states that where a landscape buffer is required pursuant to ADC 8.330(2), a minimum 10-foot-wide landscape buffer meeting the landscaping standards in ADC 9.240 must be placed between the parking area and the street, running the length of the parking area. In zoning districts that require a landscaped front setback, the parking lot buffer requirement may be met by the required front setback standard if landscape plantings are provided at the same or greater density.

A parking lot buffer is proposed in association with this application to mitigate the impact of parking when placed between a building and streetside property line.

- 4.4 Façade design, articulation, and windows. According to ADC 8.345(1), the standards in this section pertain to any façade that faces towards or within 45 degrees of a front lot line, except where there is more than one building on the site.

ADC 8.345(2) requires a minimum of two architectural features. As shown in the site plan and building elevations two façade details are proposed for the regulated façade (i.e., south building elevation).

Per Table 8.345-1, ground-floor windows percentages are not applicable to development within the LI zoning district.

- 4.5 Pedestrian Amenities. ADC 8.360(1) requires any new building area over 20,000 square feet to provide 1 point per 2,500 sf for the first 20,000 sf plus 1 point per 5,000 sf for new building area over 20,000 sf up to a maximum of 20 points. The point value of acceptable pedestrian amenities is specified in Table 8.360-2.

Proposed new building areas between zero and 20,000 square feet require one pedestrian amenity point per 2,500 square feet. The proposed warehousing tenant space is ±8,000 square feet; therefore, the proposal requires 3 pedestrian amenity points ( $8,000 / 2,500 = 3.2$ ). Table 9.360-2 assigns point values of pedestrian amenities. As shown on the elevation and site plan drawings a 3 pedestrian point value is proposed. This standard is met.

4.8 Compatibility Standards. ADC 8.390 requires commercial and institutional development shall be designed to comply with the following compatibility standards and any other improvements needed to reduce negative impacts on adjacent uses:

*(1) On site impacts. Any undesirable impacts produced on the site, such as noise, glare, odors, dust, or vibrations have been adequately screened from adjacent properties.*

*(2) Off-site impacts. The site is protected from any undesirable impacts that are generated on abutting properties.*

*(3) Screening. Service areas, equipment, utilities, and similar exterior improvements shall be screened as provided in (a) through (c) below and must meet the standards in (d). (a) Service areas, such as waste and recycling containers, outdoor storage, and ground-level mechanical equipment shall be screened by a sight-obscuring fence, wall, or hedge. (b) Roof-mounted equipment or utilities shall be screened by a parapet wall or sight-obscuring structure or located so that it is not visible from abutting public rights-of-way. (c) Wall-mounted equipment or utilities shall be architecturally incorporated into the building or shall be screened by a sight-obscuring fence, wall, hedge, or structure. (d) Screening required in subsections (a) through (c) above must be of appropriate height and width so that the item to be screened is not visible from a public sidewalk or from abutting residential districts or development. Hedge screens must be composed of evergreen shrubs that will grow to form a continuous hedge that is sight-obscuring within two years of planting.*

The proposed building is not anticipated to generate any undesirable on-site or off-site impacts and site storage uses will be obscured from public view by fencing. This standard is met.

#### Conclusion

4.1 All applicable Commercial Design Standards are met.

#### Criterion 5

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

#### Findings of Fact and Conclusion

5.1 Article 10 contains provisions related to manufactured home development standards which are not proposed in association with this application; therefore, this 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 proposal includes a phased development consisting of a Site Plan Review application to construct self-serve storage, warehouse tenant space and recreational vehicle storage spaces,



and a dwelling unit attached to a business along with associated site, utility, and parking lot improvements.

- 6.2 ADC 9.020 states that off-street parking and loading must be developed in accordance with the standards of Article 9.

ADC Table 9.020-1 lists the maximum number of permitted off-street parking spaces. ADC 9.020, Table 9-1, stipulates the maximum amount of off-street required parking for athletic/fitness gyms at 1 space per 300 square feet; self-serve storage units at 1 space per 100 units with a minimum of three, plus one per employee caretaker; and warehouse/open storage as 1 space per 2 employees plus 1 per 300 square feet of patron serving area.

The maximum amount of parking for the proposed development is 98 spaces. A total of 18 off-street parking spaces are shown on the site plan; one space is designated as carpool/vanpool; one space is designated as ADA; and four spaces are designated as future electric vehicle charging spaces. Therefore, the maximum parking standard is met.

- 6.3 ADC 9.030 states that bicycle parking must be provided in the amounts specified in Table 9.030-1 for all new developments and changes of use. Per Table 9.030-1, athletic/fitness gyms are required to provide the greater of two bicycle parking spaces, or one bicycle parking space per 1,000 square feet of exercise area. Warehousing requires the greater of two spaces or one space per 15,000 square feet. Self-serve storage is required to provide the greater of two bicycle parking spaces, or one bicycle parking space per 20 units.

The exercise area of the gym, warehouse, and storage units are approximately 3,000 square feet, 23,441 square feet, and 12 storage units, respectively. Therefore, the minimum required bicycle parking equates to seven spaces, two of which must be sized for cargo bicycles. Bicycle parking spaces in conformance with the required dimensional standards are denoted on the site plan and floor plan.

Per ADC 9.035 when parking is provided, at least one standard-sized parking space shall be reserved for carpool/vanpool parking, or ten percent of employee-use parking spaces provided, whichever is greater. (2) Preferential carpool/vanpool parking spaces must be closer to the employee entrance of the building than other parking spaces, except for ADA accessible parking spaces. (3) Required carpool/vanpool spaces must be clearly marked "Reserved – Carpool/Vanpool Only." (4) residential development is not required to provide carpool/vanpool spaces.

As indicated on the site plan, one carpool/vanpool parking space is proposed. Markings and/or signage will be installed prior to building occupancy.

- 6.4 ADC 9.050 states that pursuant to ORS 455.417, electrical service capacity sufficient for a level 2 electric vehicle charging station must be provided for no less than 20 percent of all new vehicle parking spaces for non-residential developments. Additionally, electric vehicle charging capacity must be provided for 25 percent of ADA and Carpool/Vanpool spaces in non-residential developments.

18 off-street parking spaces are shown on the site plan of which one is designated as carpool/vanpool and four are designated as future electric vehicle charging spaces.

6.5 ADC 9.100 states that all public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards. When the total surface parking area for the development site exceeds 10,890 square feet, parking area improvements must comply with the standards in Section 9.130. The proposed parking lot is 5,634 square feet; therefore, the proposal is not subject to the standards in ADC 9.130.

- ADC 9.100(1) All parking spaces must be improved in accordance with these standards and available for use at the time of project completion.
- ADC 9.100(2) All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.
- ADC 9.100(3) requires parking areas and loading areas to have a durable, dust-free surface. The site plan indicates the entirety of the parking area will be paved. This standard is met.
- ADC 9.100(4) requires that all parking lots provide a drainage system to dispose of stormwater runoff. Findings regarding the proposed stormwater system are found Section II, Criterion Five, above and are incorporated by reference.
- ADC 9.100(5) requires perimeter curbing around all parking areas. The site plan indicates that perimeter curbing has been provided along the entirety of the parking lot. This standard is met.
- ADC 9.100(6) requires wheel bumpers be used when parking stalls front a sidewalk, alleyway, street, or property line. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required. The site plan indicates 7-foot-wide sidewalks with 6-inch curbs along parking stalls adjacent to the fitness buildings and no wheel stops.
- ADC 9.100(7) requires parking spaces to be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley. The site plan indicates a parking lot served by a travel aisle for off-street backing and turnaround movements.
- ADC 9.100(8) requires parking stalls to be permanently and clearly striped. The site plan indicates the parking lot will be striped.
- ADC 9.100(9) requires parking lots to connect to adjacent existing or future parking areas. All abutting sites have direct access to a public street and no shared parking lots are proposed with this development.
- ADC 9.100(10) requires conformance with the parking lot landscaping standards found in ADC 9.150. Findings pertaining to parking lot landscaping are included below.

- Per ADC 9.100(11) no more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words “Compact Car Only.” 18 off-street parking spaces are shown on the site plan. Therefore, a maximum of eight compact parking spaces can be improved in association with this development. Markings and signage will be installed prior to building occupancy.
- ADC 9.100(12) requires accessible parking at least 9 feet wide and 17 feet long with adjacent access aisle at least 8 feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space to be provided in conformance with the Oregon Specialty Code.

As indicated on the site plan, accessible parking and an accessible route to the building are proposed with the development. Conformance with the Oregon Specialty Code will be assessed at the time of building permit.

- ADC 9.100(13) requires lighting to be arranged to reflect light away from any abutting or adjacent properties. Any new lighting will be arranged to reflect light away from any abutting or adjacent properties.
- ADC 9.100(14) requires walkways and accessways to be provided for all new off-street parking lots and additions, to connect sidewalks adjacent to new development to the entrances of new buildings. The site plan indicates a sidewalk and access path will be provided from the public sidewalk adjoining the main building entrances and 41<sup>st</sup> Avenue.

6.6 ADC 9.120 states that all off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design, and supplemental drawings in Figures 1 and 2.

6.7 The proposed parking lot is 5,634 square feet; therefore, the proposal is subject to the standards in ADC 9.120. The site plan indicates that the proposed parking lot complies with the below standards.

- a. ADC 9.115 states that when new development, including expansions to existing structures, results in the conversion or elimination of existing off-street surface parking areas for a use other than bicycle-oriented and transit oriented facilities (bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities), all existing parking areas that are physically impacted by the development must be improved to the standards in Article 9.
- b. ADC 9.120(5) states that parking stall and aisle dimensions must comply with Table 9.120-1. Stall dimensions are measured from inside the stripes. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles,



to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. See also Figures 9.120-1 and 9.120-2.

- c. ADC 9.120(6)(7) states that compact spaces shall be at least 8 feet wide by 16 feet long and accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.
- d. ADC 9.120(8) states long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent planter islands must be at least 9.5 feet wide. Stall dimensions are measured from inside the stripes.

As shown on the site plan, these standards are met.

6.8 ADC 9.130 states that in addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), and to parking lot additions of 5,000 square feet or more when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking area of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping.

6.9 ADC 9.140 includes landscaping requirements by type of use. ADC 9.140(1) includes residential landscape standards. ADC 9.140(1) states that all front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. However, in this case the landscaping buffer and screening requirements are more restrictive and are therefore applicable to the proposed development.

A parking lot buffer is proposed in association with this application to mitigate the impact of parking when placed between a building and streetside property line.

According to the buffering and screening matrix in Table 9.210-1, a 10-foot-wide landscape buffer and screen is required along parking lots with five or more parking spaces.

ADC 9.240 states: *The minimum improvements within a buffer consist of the following: (a) One row of trees. These trees will be not less than ten feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart, and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart; (b) Five 5-gallon or ten 1-gallon shrubs, trees or accent plants for each 1,000 square feet of required buffer area; (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*

ADC 9.250 states: *Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above: (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or (2) A fence or*

*masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation*

South Property Line: A 107-foot portion of the south property borders a parking area with a required 10-foot buffer. At least one row of either four (4) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; five (5) five-gallon shrubs or ten (10) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

The south (streetside) property boundary is 107-feet minus the 25-foot accessway and 63-foot storm detention facility which equates to a 1,070 feet buffer area. The landscaping plan indicates that the required landscaping buffer and screening requirements can be met. A condition of approval may require the submittal of final landscaping and irrigation plans for review and approval in association with the building permit and installation of required landscaping prior to building occupancy.

- 6.10 ADC 9.150 provides parking lot landscaping standards, which includes requirements for planter bays, entry landscaping, parking space buffers, alternative plans, and landscape protection. As shown on the site plan and landscaping plan, the parking lot includes parking space buffers, planter bays, and landscape protection in accordance with the standards of ADC 9.150.
- 6.11 ADC 9.150(1) states that parking areas shall be divided into bays of not more than 12 parking stalls and that the end of each parking bay shall be a curbed planter at least five feet wide. The site plan indicates that all proposed parking areas will conform to this standard.
- 6.12 ADC 9.150(2) requires that both sides of the parking lot entrance should be bordered by a minimum five-foot-wide landscape planter strip. As shown on the site plan and landscaping plan, a planter bay greater than five feet in width is proposed at the parking lot accessways.
- 6.13 ADC 9.150(3) requires parking areas to be separated from the exterior wall of a structure by pedestrian walkways or loading areas, or by a five-foot strip of landscaping materials. As shown on the site plan, the proposed structure is separated from parking areas by a 7-foot-wide sidewalk.
- 6.14 ADC 9.165 requires that all landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation.
- 6.15 Environmental Standards. ADC 9.440 - 9.500 includes environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of a dwelling unit attached to a business are comparable to other residential developments in the vicinity and therefore no adverse environmental impacts are anticipated.



## Conclusions

- 6.1 The parking lot plan complies with the travel aisle and stall dimensional standards of ADC 9.130.
- 6.2 A maximum of 96 vehicle parking spaces are permissible based on the proposed uses. 18 parking spaces are proposed on-site.
- 6.3 A minimum of 7 bicycle parking spaces is required based on the uses proposed. 7 bicycle parking spaces are included in the proposed development.
- 6.4 The landscaping plan indicates that the required landscaping buffer and screening requirements can be met. A final landscape and irrigation plan will be provided prior to the issuance of building permits.
- 6.5 The proposal conforms with the applicable environmental standards.
- 6.6 As proposed, all applicable Article 9 standards can be met.

## 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

- 7.1 Findings for this Criterion are found in Section II, Criterion Five, above and are incorporated by reference.

## 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 and Conclusion

- 8.1 Findings for this section are found in Section II, Criterion 4, above and are incorporated by reference.

## 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 and Conclusion

- 9.1 Findings for this section are found in Section II, Criterion 5, above and are incorporated by reference.

## 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 and Conclusion

10.1 There are no prior vested land use decisions for this property to meet; therefore, 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 and Conclusion

11.1 The site is not considered nonconforming; therefore, this criterion is not applicable.

**VI. Overall Conclusion**

As proposed, the applications for replat, conditional use, major variance and site plan review satisfies all applicable review criteria as outlined in this report.

**III. Attachments**

A. Preliminary Plan Set

1. Existing Conditions
2. Tentative Partition Plat
3. Preliminary Civil Site Plan
4. Preliminary Phasing Plan
5. Preliminary Grading and Drainage Plan
6. Preliminary Utility Plan
7. Preliminary Fire Department Plan
8. Preliminary Fire Department Plan

B. Preliminary Stormwater Report

C. Preliminary Planting Plan

D. Preliminary Architectural Plan Set

1. North and West Elevations
2. East and North Elevations
3. Floor Plan
4. Floor Plan



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Conditional Use Review

CU-02-24

December 31, 2024

### Application Information

Review Body:	Hearing Board (Type III review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Property Owner/Applicant:	Angela Kelly & Sarah Soric
Representative:	Christina Larson, Varitone Architecture, 231 2nd Avenue SW, Albany, OR 97321
Address/Location:	506 Ferry Street SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No: 11S-03W-07BB Tax Lot 07500
Zoning:	Hackleman Monteith (HM) District
Overlays:	Monteith National Register Historic District
Total Land Area	7,035 square feet
Existing Land Use:	Single Unit Dwelling
Neighborhood:	Central Albany
Surrounding Zoning:	North: Historic Downtown (HD) & Downtown Mixed Use (DMU) zones East: DMU Zone, Office Professional (OP) zone South: Hackleman Monteith (HM) zone West: HM zone
Surrounding Uses:	North: Church & Institutional Uses East: Church & Government Offices South: Single Unit & Single Room Occupancy Units West: Single Unit & Single Room Occupancy Units
Prior History:	None

### Summary

The proposal is for Conditional Use approval to use the existing structure on the property as an outpatient treatment center, which is classified as Community Service.

The Conditional Use review criteria contained in ADC 2.250 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

In summary, the proposed development application satisfies applicable review criteria; therefore, the staff recommendation is APPROVAL with CONDITIONS.



## Notice Information

A notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on December 20, 2024. The Notice of Public Hearing was posted on the subject property on December 27, 2024. No written testimony has been received as of the date of this report.

## Appeals

Within five days of the hearing board's final decision on this application, the Community Development Director will provide a written notice of decision to the applicant and any other parties entitled to notice. Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the hearing board to the city council by filing a notice of appeal and associated filing fee within ten days from the date the City mails the notice of decision.

## Analysis of Development Code Criteria – Conditional Use

Albany Development Code (ADC) includes the following approval review criteria for Conditional Use applications (ADC 2.250). Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria. Staff also acknowledge the applicant's written response provided to these criteria (Attachment C).

### Criterion 1

**The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.**

#### Findings of Fact

- 1.1 Proposed use. The applicant proposes to convert the existing structure on the property into an outpatient treatment center, which is classified as a Community Service. No exterior changes are proposed at this time, however exterior changes are subject to regulations in Article 7 of the ADC and any proposed changes would need to comply with these regulations.
- 1.2 Intended character of the base zones. The subject property is located within the Hackleman Monteith (HM) zoning district. The purpose of the Hackleman Monteith zone is “primarily to preserve the existing residential character of the Hackleman and Monteith National Register Districts. Conversion of single-dwelling unit residential structures to non-residential or multiple-dwelling unit residential uses is not allowed”.  
  
Due to changes enacted by the state legislature, the purpose statement has been deemed to no longer be compliant with state law and is subject to a Code Text Amendment (CP-02-24) that is currently under review. The newly proposed purpose statement reads as follows: “The HM district is intended primarily to preserve the historic character of the existing residential resources in the Hackleman and Monteith National Register Historic Districts. Low-density residential infill that is compatible with the historic character of the district is permitted.”
- 1.3 Operating Characteristics of the Neighborhood. Directly to the north of the subject property is the First Christian Church, which hosts addiction-related support groups, Al-ANON (support group for persons impacted by another person's alcoholism) and NA (Narcotics Anonymous) meetings. Directly to the south of the subject property (530 Ferry Street SW) is an Adult Care Home (specific type unknown). Further to the south on the same block is an Oxford Home (532 Ferry Street SW), which is a national system of homes for individuals in recovery from a substance use disorder. Directly to the east is the United Presbyterian Church, which provides childcare and other related community services. On the northwest corner of the block, there is a small business center (507 Washington Street SW). This business center has a law office and a financial advisor's office as tenants.
- 1.4 Conditional uses. The proposed treatment center is classified as “Community Service” in ADC 22.190 and is allowed in the HM zoning district with conditional use approval. According to ADC 2.230, “Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. The proposed use is subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public

services, change the desired character of an area, or create major nuisances. A review of the proposed use is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.” The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.

## Conclusions

- 1.1 The proposed development is allowed with Conditional Use Type III review approval in the HM zoning district per ADC 3.050.
- 1.2 The proposal does not appear to have an impact on the operating characteristics of the neighborhood because the primary use of the property will be consistent with the surrounding uses.
- 1.3 As proposed, the use is consistent with the intended character of the base zones and the operating characteristics of the neighborhood.
- 1.4 This criterion is met without conditions.

## Criterion 2

**The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.**

## Findings of Fact

- 2.1 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”
- 2.2 Proposed Use. The proposal is to convert an existing structure in the HM district into a treatment center. No exterior alterations are currently proposed.
- 2.3 Existing and Anticipated Uses. The subject site is currently developed with a structure that is approximately 3,442 square feet in size. The surrounding area is developed with existing structures, with the exception of a parking lot to the east which serves the United Presbyterian Church. New development is not anticipated in this area due to existing development.
- 2.4 Building Size, Scale, Setbacks and Style. The applicant does not propose any exterior alterations to the structure. Furthermore, the structure is inventoried as a Historic Contributing resource in the Monteith National Register District, which limits changes that the applicant can make to the exterior of the structure.
- 2.5 Intensity and Lot Coverage of the Proposed Development. The applicant does not propose any new structures with the application; therefore, Lot Coverage will not be changed with this proposal. In regard to intensity, the applicant states that the proposed use will have five private rooms for one-on-one counselors, who are expected to see up to six clients per day. Group therapy sessions will have up to twelve clients with a single staff member. Two to four employees will work outside the office with clients, including care coaches and peer support. Overall, it is anticipated that the maximum number of people in the building at any one time will not exceed 30.
- 2.6 Landscaping. The existing landscaping consists of a residential-style lawn, trees, and shrubs. No changes are planned to the existing landscaping and regular maintenance of existing conditions is planned.

## Conclusions

- 2.1 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, intensity, setbacks, and landscaping.

### Criterion 3

**The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.**

#### Findings of Fact

- 3.1 The subject property is located at 506 Ferry Street SW. The project will change the use of the existing building from a single-dwelling home to a drug and alcohol treatment facility.
- 3.2 Both 5th Avenue and Ferry Street are classified as local streets and both are improved to city standards along the frontage of the development site. Improvements include curb and gutter, sidewalk, vehicle travel lanes in each direction, and on-street parking along both sides of the street.
- 3.3 The site currently has a driveway off Ferry Street. The applicant does not propose any changes to site access.
- 3.4 The applicant did not submit a trip generation estimate or Traffic Impact Analysis (TIA) with the application. Albany's threshold for submittal of a trip generation estimate is 50 peak hour trips. Developments that generate 100 or more peak hour trips are required to submit a TIA.
- 3.5 Staff has provided an estimated site trip generation based on the Institute of Transportation Engineers (ITE) trip generations rates. Trip generation for the proposed use was estimated by using ITE trip rates for category 210 "Single-Family Detached Housing" and category 712 "Small Office Building". The proposed use was estimated to generate nine (9) trips during the peak PM traffic hour.
  - ITE 210- 0.94 peak PM traffic hour per dwelling
  - ITE 712- 4,170 square foot building, 7.2 PM traffic hour.
- 3.6 Albany's Transportation System Plan does not identify any congestion or capacity issues occurring along the frontage of the site.

#### Conclusions

- 3.1 The site's street frontages along 5th Avenue and Ferry Street are improved to city standards.
- 3.2 Access to the site will be provided by the existing driveway off Ferry Street.
- 3.3 Based on ITE trip generation rates, the proposed development will generate 7.2 trips during peak PM traffic hour.
- 3.4 The development is not projected to generate sufficient trips to require submittal of a trip generation estimate or TIA. Albany's TSP does not identify any congestion or capacity issues occurring adjacent to the site.
- 3.5 The public street system can accommodate the proposed development.

### Criterion 4

**Public services for water, sanitary and storm sewer, water management, and for fire and police protection, are capable of servicing the proposed use.**

#### Findings of Fact

##### *Sanitary Sewer*

- 4.1 City utility maps show an 18-inch public sanitary sewer main in Ferry Street. The subject property is currently connected to the public sewer system.
- 4.2 Albany Municipal Code (AMC) 10.01.080 (2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges (SDCs) and any other applicable fees for connection to the public sanitary sewer system.
- 4.3 There are no anticipated impacts to the public sanitary sewer system with this development.

### Water

- 4.4 City utility maps show an 8-inch public water main in 5th Avenue and an 8-inch public water main in Ferry Street. The existing development on the property is currently connected to the public water system.
- 4.5 There are no anticipated impacts to the public water system with this development.

### Storm Drainage

- 4.6 City utility maps show a 12-inch public storm drainage main in 5th Avenue.
- 4.7 The proposed development is a change of use of an existing building and does not propose any redevelopment of the site.
- 4.8 There are no anticipated impacts to the public storm drainage system.

### Fire Department

- 4.9 The Fire Department states that there are no concerns with the proposed use and the necessary level of service.

### Conclusions

- 4.1 The existing development on the site is currently served by public sanitary sewer, water, and storm drainage.

### Criterion 5

**The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.**

### Findings of Fact

- 5.1 The properties located to the south and west are zoned Hackleman Monteith (HM), which is defined as a residential zone. Properties to the north and east are zoned Downtown Mixed Use (DMU) and Historic Downtown (HD), which are defined as mixed-use zones.
- 5.2 Noise. Noise associated with the use is anticipated to be minimal as there will be no music, movement or other modes of treatment that can produce loud noises.
- 5.3 Glare. No architectural changes or additions are proposed. If new exterior lights are installed, shielding will be required to maintain compatibility with surrounding uses.
- 5.4 Odors. The applicant does not propose any uses that would create odors from the property.
- 5.5 Litter. Litter will be controlled by employees on the site. Existing garbage services are provided by Republic Services.
- 5.6 Hours of operation. Expected hours of operation are 8:00 a.m. to 7:00 p.m., Monday through Saturday. The applicant states these will coincide with operating hours for various businesses within a five-block radius.
- 5.7 Privacy/Safety. The proposed activities will take place inside the building and will not be visible to neighbors. Employees and clients of the treatment center are of similar composition to those already served by businesses and services in the immediate area.

### Conclusion

- 5.1 The impacts due to glare, litter, noise, odors, hours of operation, and safety are not expected to affect the surrounding uses.
- 5.2 The proposal will not have significant adverse impacts on the livability of nearby properties.
- 5.3 This criterion is met without conditions.

## Criterion 6

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

### Findings of Fact

- 6.1 Article 6 Significant Natural Vegetation and Wildlife Habitat: *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any inventoried features on the subject property.
- 6.2 Article 6: Floodplains: *Comprehensive Plan Plate 5: Floodplains*, shows no Floodway or 100-year floodplains on the subject property. FEMA/FIRM Community Panel No. 41043C0213H, dated December 5, 2016, shows that the subject property is outside the 100-year floodplain.
- 6.3 Article 6: Wetlands: *Comprehensive Plan Plate 6: Wetland Sites*, shows no inventoried wetlands on the subject property.
- 6.4 Article 6: Topography: *Comprehensive Plan, Plate 7: Slopes*, does not show any steep slopes on this property.
- 6.5 Article 7: Historic and Archaeological Resources: *Comprehensive Plan, Plate 9: Historic Districts*, shows the property is located in the Monteith National Register District. The structure is further inventoried as a Historic Contributing structure, which indicates that it still retains its historic integrity. At this time the applicant does not propose any exterior alterations but does note that an accessibility ramp may be required in the future. Any exterior alterations must comply with regulations contained in Article 7.

### Conclusions

- 6.1 The proposed development complies with all policies regarding the Special Purpose Districts. No additional reviews are currently required based on the scope of work.
- 6.2 This criterion is met with a condition of approval notifying the owner of the potential of historic review

### Conditions

**Condition 1 Historic Review.** Exterior changes to the structure may require further review. Please contact the Historic Planner at 541-791-0176 prior to undertaking any exterior work to confirm if a review is required.

## Overall Conclusion

As proposed and conditioned, the application for a Conditional Use Review satisfies all applicable review criteria as outlined in this report.

### Conditions of Approval

**Condition 1 Historic Review.** Exterior changes to the structure may require further review. Please contact the Historic Planner at 541-791-0176 prior to undertaking any exterior work to confirm if a review is required.

## Options for the Hearings Board

The hearings board has three options with respect to the proposed conditional use:

- Option 1: Approve the request as proposed and conditioned; or
- Option 2: Approve the request with amendments; or
- Option 3: Deny the request.

### Staff Recommendation

Based on the analysis provided in this report, staff recommends the hearings board choose Option 1 and approve the proposal with conditions of approval.



If the hearings board follows this recommendation, the following motion is suggested:

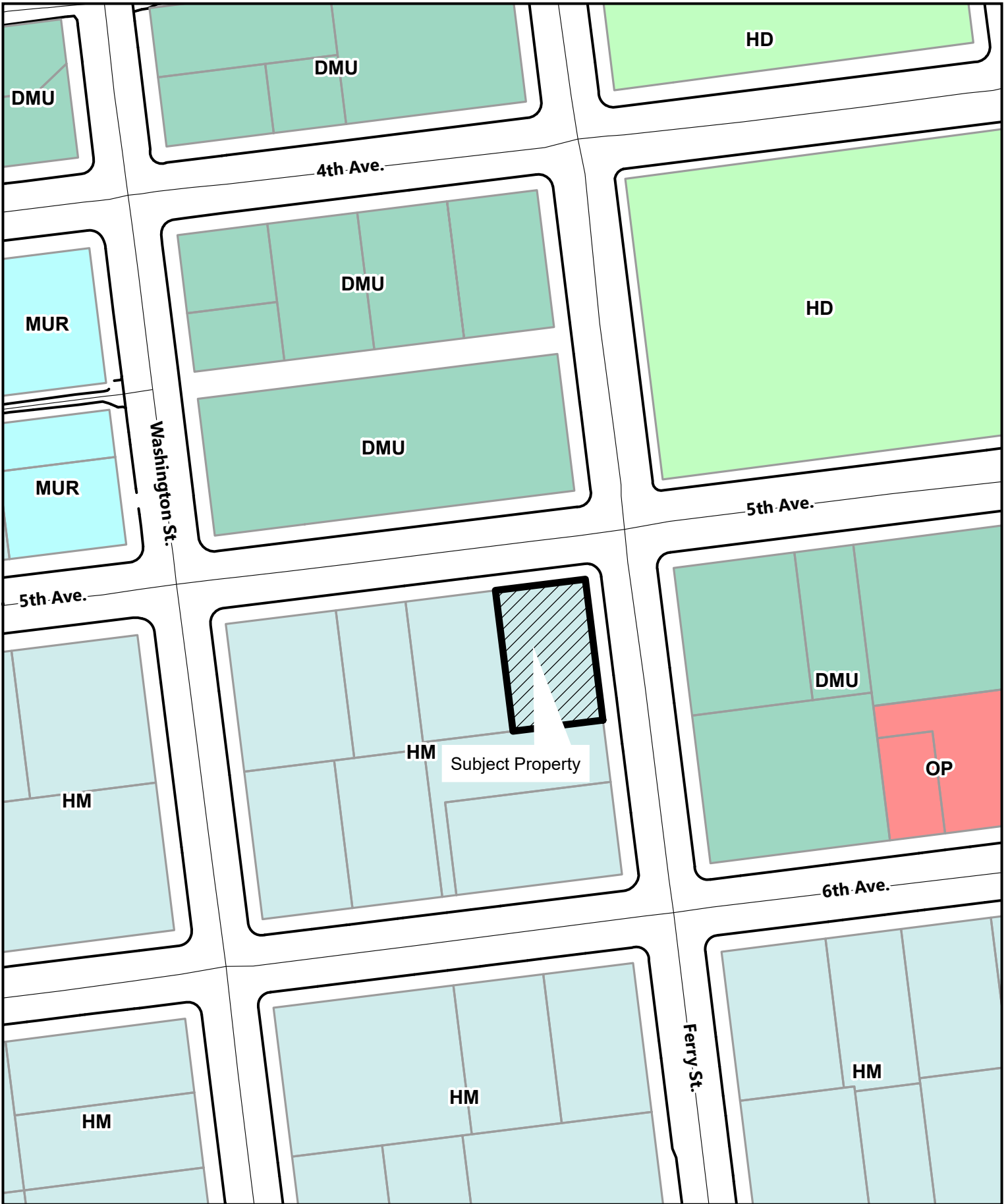
*I move to approve the proposed Conditional Use Review as conditioned under planning file CU-02-24. This motion is based on the findings and conclusions in the December 31, 2024, staff report and the findings in support of the application made by the hearings board during deliberations on this matter.*

## Attachments

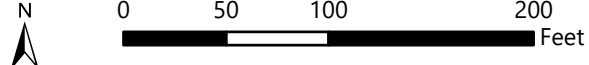
- A. Location Map
- B. Site Plan
- C. Applicant's Submittal

## Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CP	Comprehensive Plan Amendment
CU	Conditional Use (Review)
DMU	Downtown Mixed Use Zone
FEMA	Federal Emergency Management Agency
FIRM	Floodplain Insurance Rate Map
HD	Historic Downtown Zone
HM	Hackleman Monteith Zone
ITE	Institute of Transportation Engineers
TSP	Transportation Systems Plan



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Date: 10/30/2024 Map Source: City of Albany

506 Ferry St SW

Location Map



**VARITONE**  
ARCHITECTURE  
231 2nd Avenue SW  
Albany, Oregon 97321  
Ph: 541.497.2954

PREPARED FOR CONDITIONAL USE APPLICATION  
NOT FOR PERMITTING, BIDDING, OR CONSTRUCTION

**RECOVERY FIRST**  
506 FERRY ST SW, ALBANY, OR 97321

Issue: CONDITIONAL USE  
Date: 10/10/2024

Revision: Date:

SITE PLAN

LU0.10

**LOT INFORMATION**

EXISTING ADDRESS 506 FERRY ST SW, ALBANY, OR 97321  
 MAP # 11S03W07BB07500  
 OWNER: SORIC SARAH J & KELLY ANGELA DIANE  
 RECOVERY FIRST LLC  
 615 IDYLWOOD DRIVE SE, SALEM OR 97302  
 AKELLY@DYANMCSR.HUSH.COM  
 PH: 503-289-0899

ZONING: HACKLEMAN MONTEITH - (HM)  
 HISTORIC DISTRICT: MONTEITH

**LOT COVERAGE**

GROSS SITE 7,035 SF  
 BUILDING AREA 1ST FLOOR: 1,414 SF  
 SECOND FLOOR: 1,260 SF (BUILDING FOOTPRINT)  
 ATTIC: 768 SF  
 BASEMENT: 728 SF  
**TOTAL: 4,170 SF**

EXISTING PAVING 665 SF  
 TOTAL COVERAGE 5,090 SF

**\*\*NOTE: THESE CALCULATIONS ARE NOT BASED ON A LICENSED SURVEY. AREAS PROVIDED ARE BASED ON ARCHITECT'S FIELD VERIFICATION AND PUBLICALLY AVAILABLE INFORMATION SUCH AS TAX MAPS.**

**BICYCLE PARKING REQUIREMENTS**  
 REQUIREMENT - 5 PER 1000 GROSS SQUARE FEET  
 2 BICYCLE PARKING SPACES PROVIDED

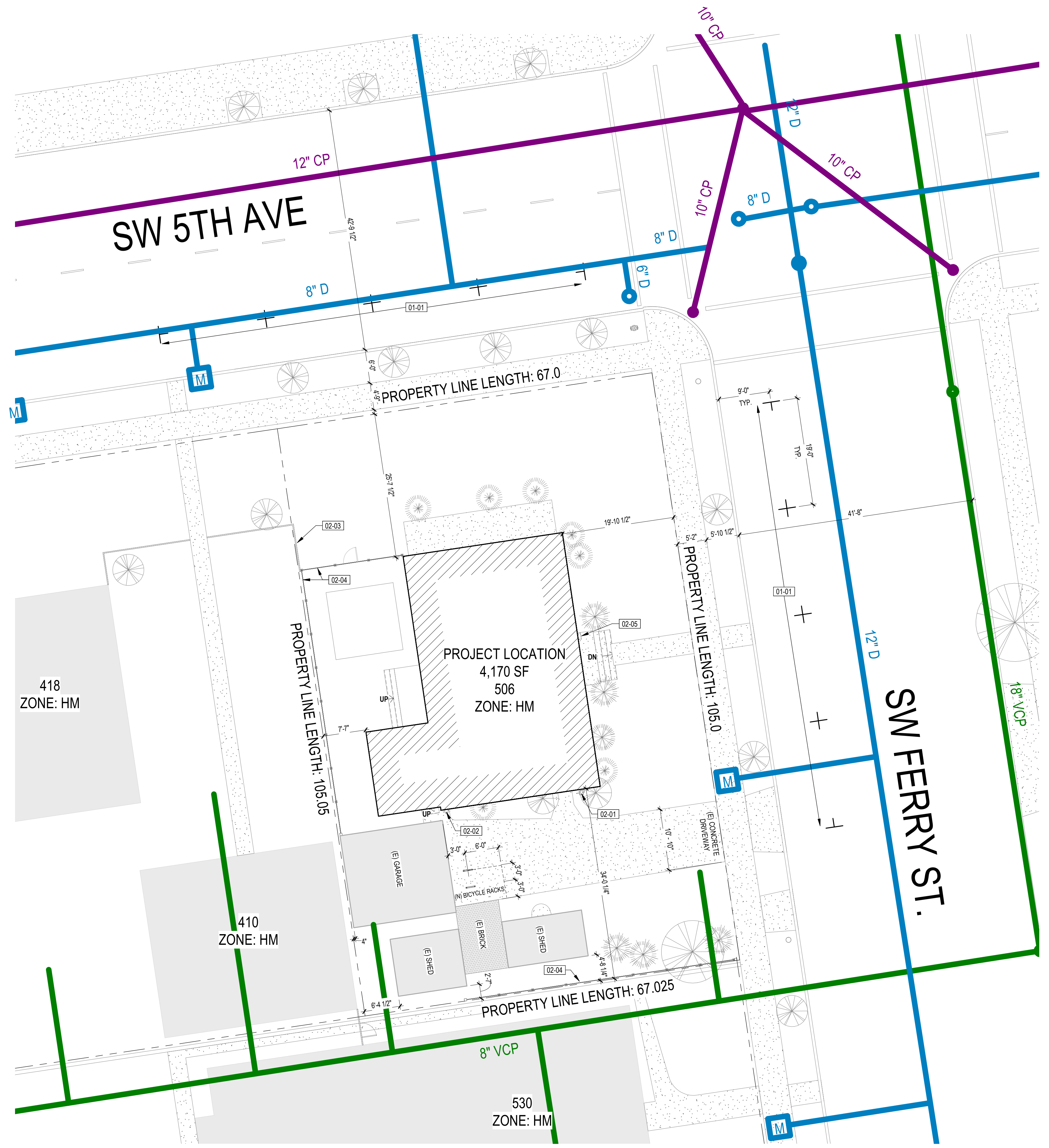
**UTILITIES**  
 ALL UTILITIES ARE EXISTING TO REMAIN

**LEGEND:**

- PROPERTY LINE
- - - SETBACK LINE
- EASEMENT LINE
- XX" XXX MATERIAL OF PIPE  
DI OF PIPE IN INCHES  
**SANITARY SEWER**
- XX" XXX MATERIAL OF PIPE  
DI OF PIPE IN INCHES  
**STORM SEWER**
- XX" XXX MATERIAL OF PIPE  
DI OF PIPE IN INCHES  
**WATER MAIN**

**KEYNOTE LEGEND**

#	Keystone Description
01-01	STREET PARKING
02-01	(E) GAS METER LOCATION
02-02	(E) ELECTRICAL METER LOCATION
02-03	(E) WOOD FENCE
02-04	(E) PLASTIC FENCE
02-05	(E) MAILBOX



01 SITE PLAN  
1" = 10'-0"



**VARITONE**  
ARCHITECTURE  
231 2nd Avenue SW  
Albany, Oregon 97321  
Ph: 541.497.2954

PREPARED FOR CONDITIONAL USE APPLICATION  
NOT FOR PERMITTING, BIDDING, OR CONSTRUCTION

**RECOVERY FIRST**  
506 FERRY ST SW, ALBANY, OR 97321

Issue:	CONDITIONAL USE
Date:	10/10/2024
Revision:	
Date:	

FLOOR PLAN

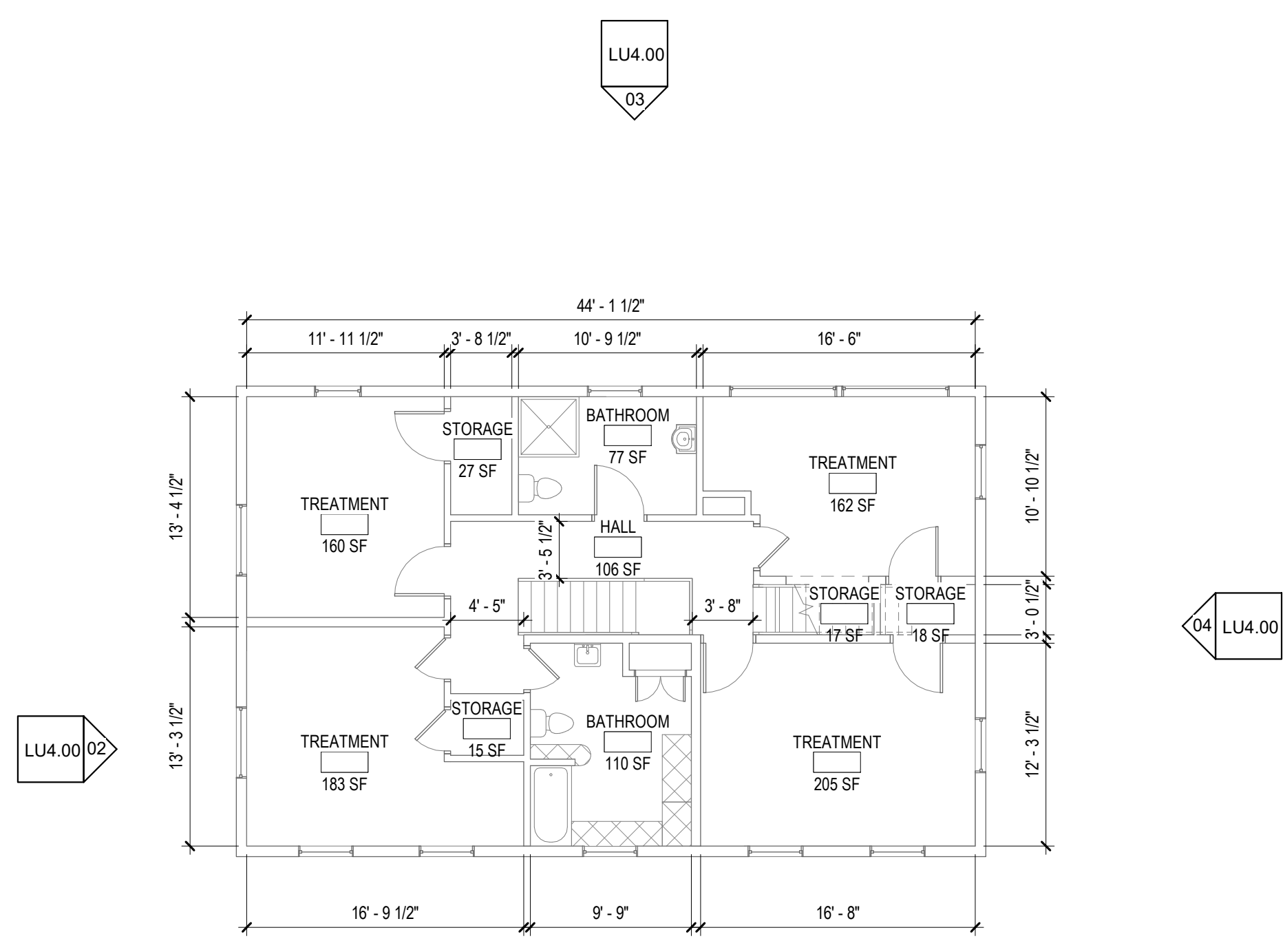
LU1.00

**GENERAL FLOOR PLAN NOTES:**

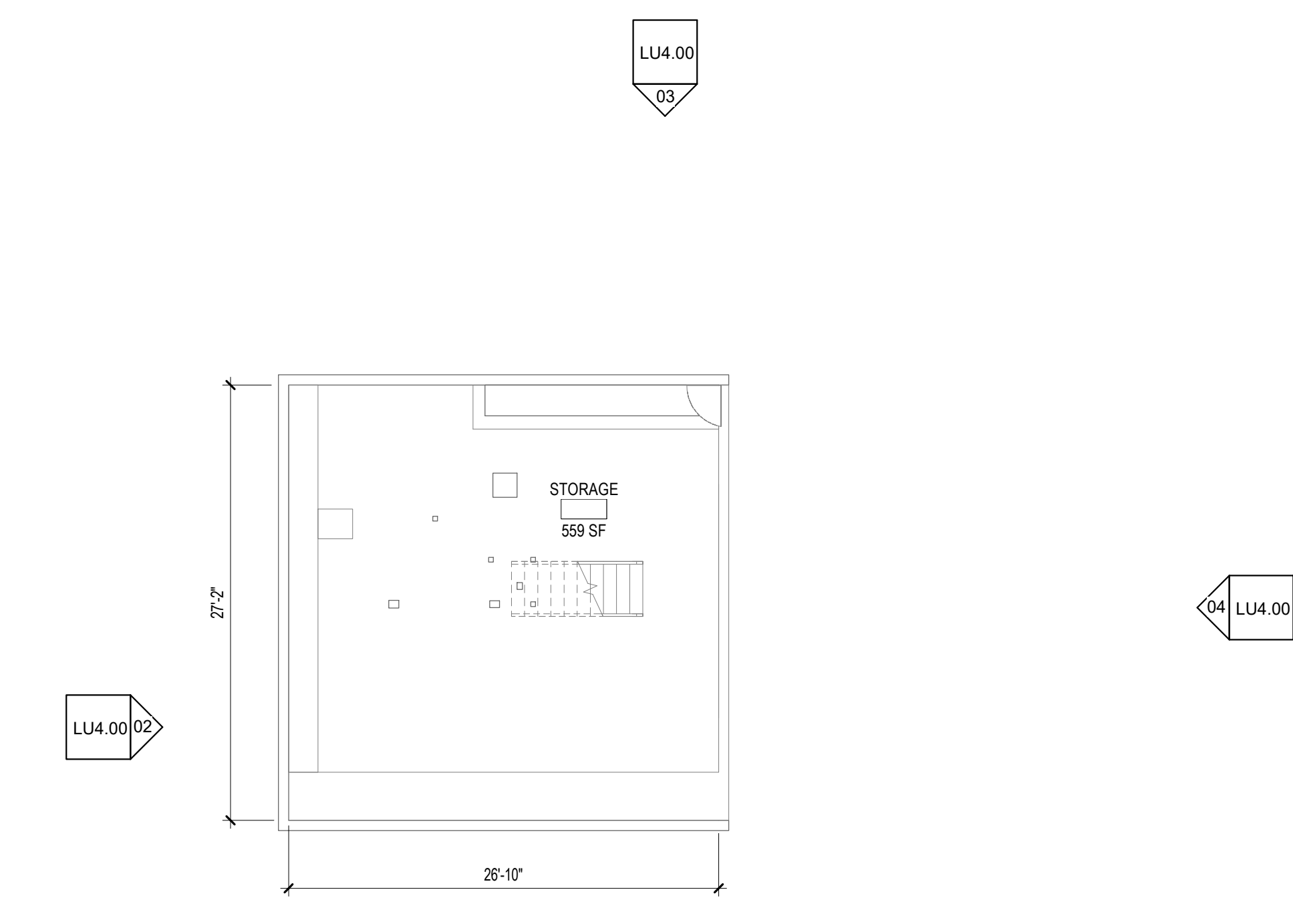
- DIMENSIONS ARE BASED ON WOOD FRAMED CONSTRUCTION. ALL INTERIOR WALL DIMENSIONS ARE TO THE CENTER OF STUD U.O.N. DIMENSIONS AT EXTERIOR WALLS ARE TO THE EXTERIOR FACE OF STUD U.O.N.

**LEGEND:**

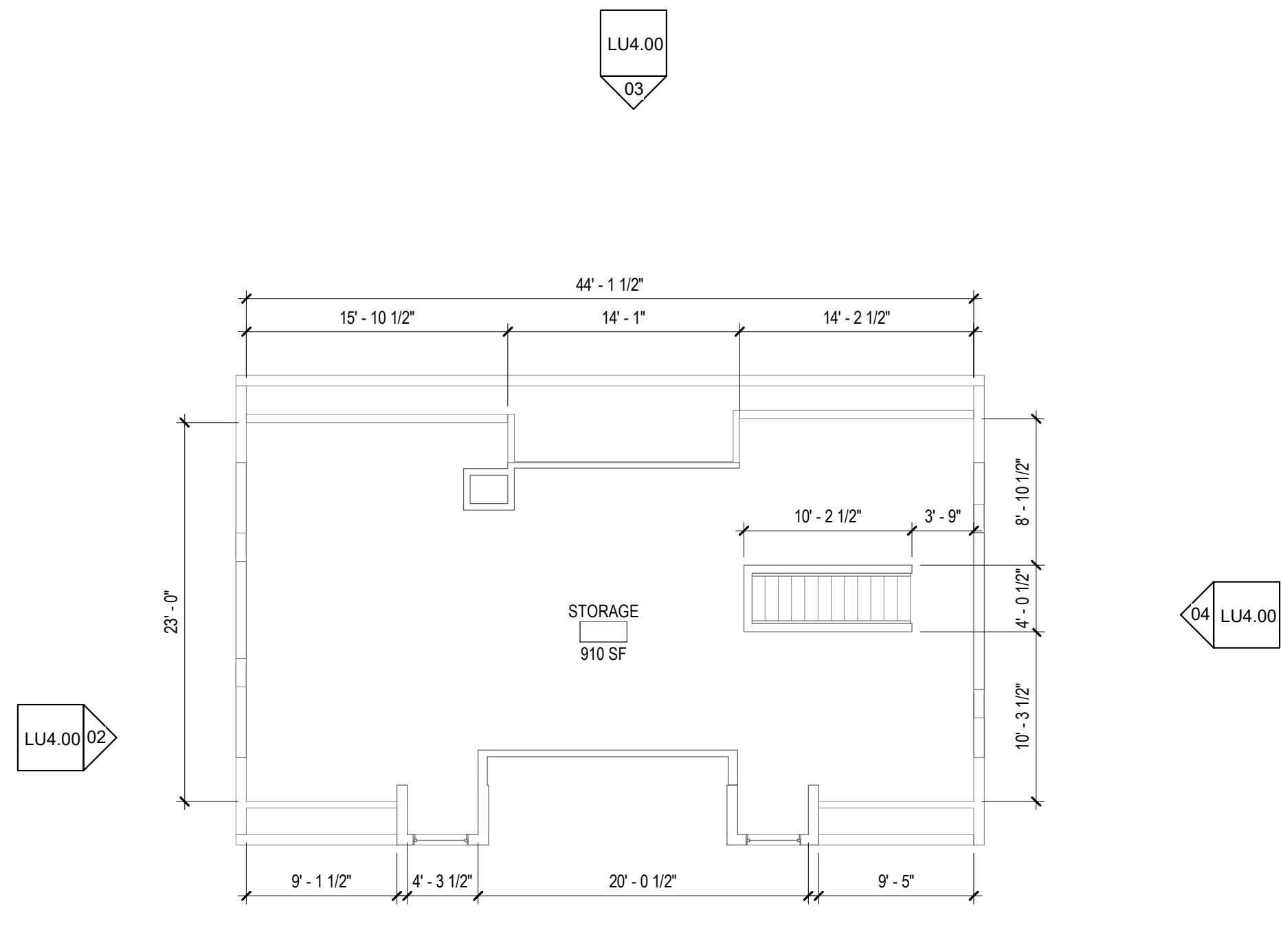
- NEW DOOR
- NEW WALL
- EXISTING DOOR
- EXISTING WALL
- EXISTING TOILET
- EXISTING CASEWORK
- EXISTING WALL HUNG SINK
- EXISTING PEDIestal SINK
- EXISTING DOUBLE SINK
- EXISTING SINK
- EXISTING TUB
- EXISTING SHOWER



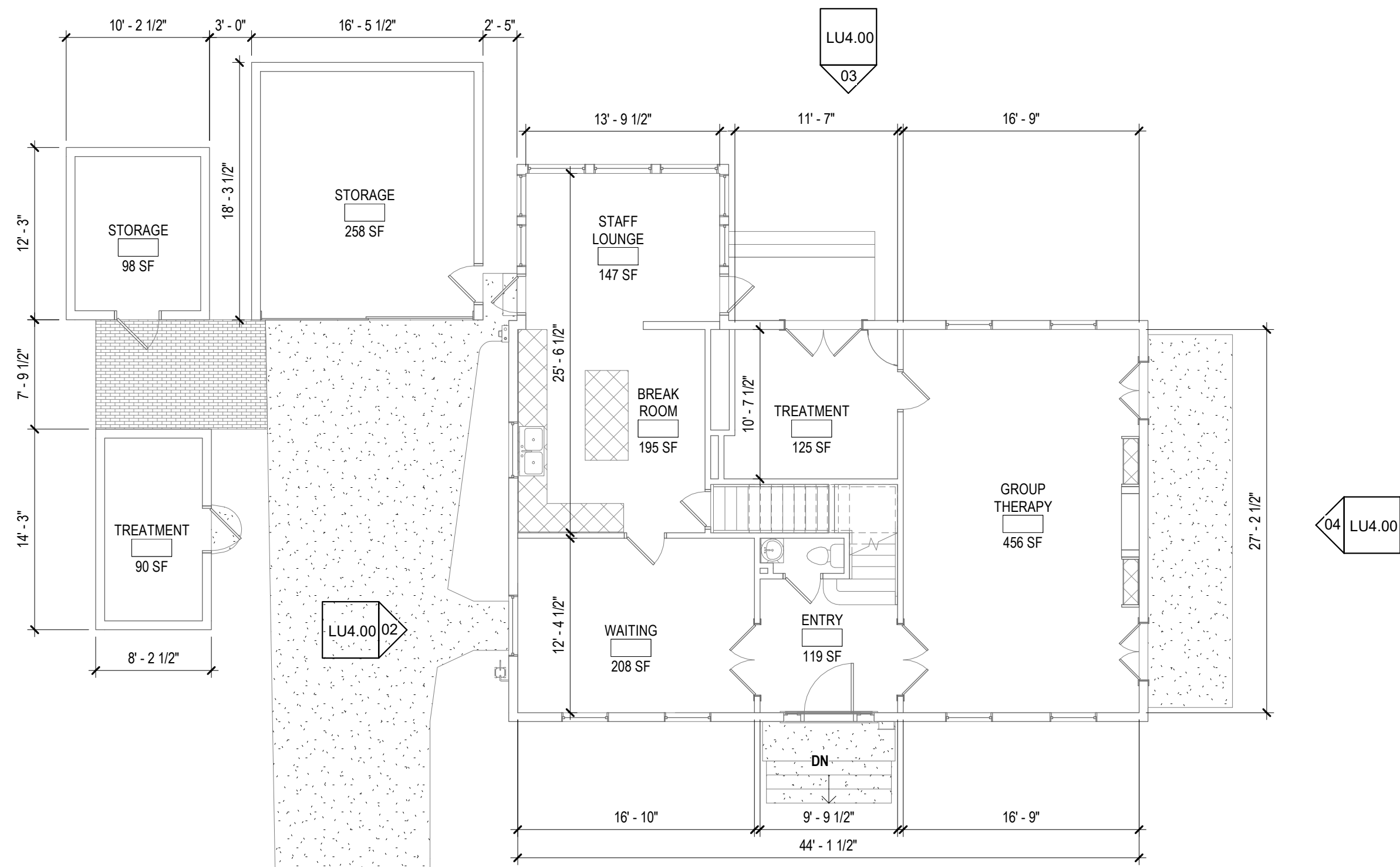
**03 SECOND FLOOR PLAN**  
1/8" = 1'-0"



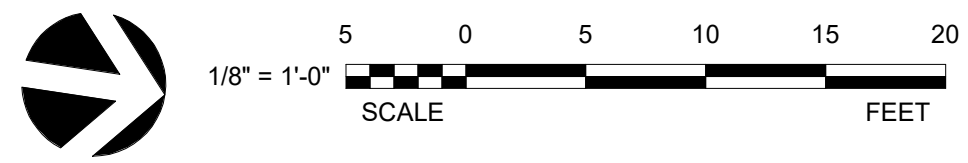
**01 BASEMENT FLOOR**  
1/8" = 1'-0"



**04 ATTIC FLOOR PLAN**  
1/8" = 1'-0"



**02 FIRST FLOOR PLAN**  
1/8" = 1'-0"





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**RECOVERY FIRST**  
506 FERRY ST SW, ALBANY, OR 97321

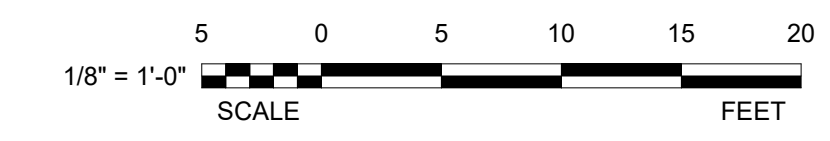
Issue:	CONDITIONAL USE
Date:	10/10/2024
Revision:	Date:

**EXTERIOR ELEVATIONS**

**LU4.00**

EXTERIOR FINISH SCHEDULE			
ID	LOCATION	FINISH	COLOR
A	WALL	LAP SIDING	BEIGE
B	WALL	TRIM BOARD	BEIGE
C	ROOF	ASPHALT SHINGLES	GRAY

KEYNOTE LEGEND	
#	Keynote Description



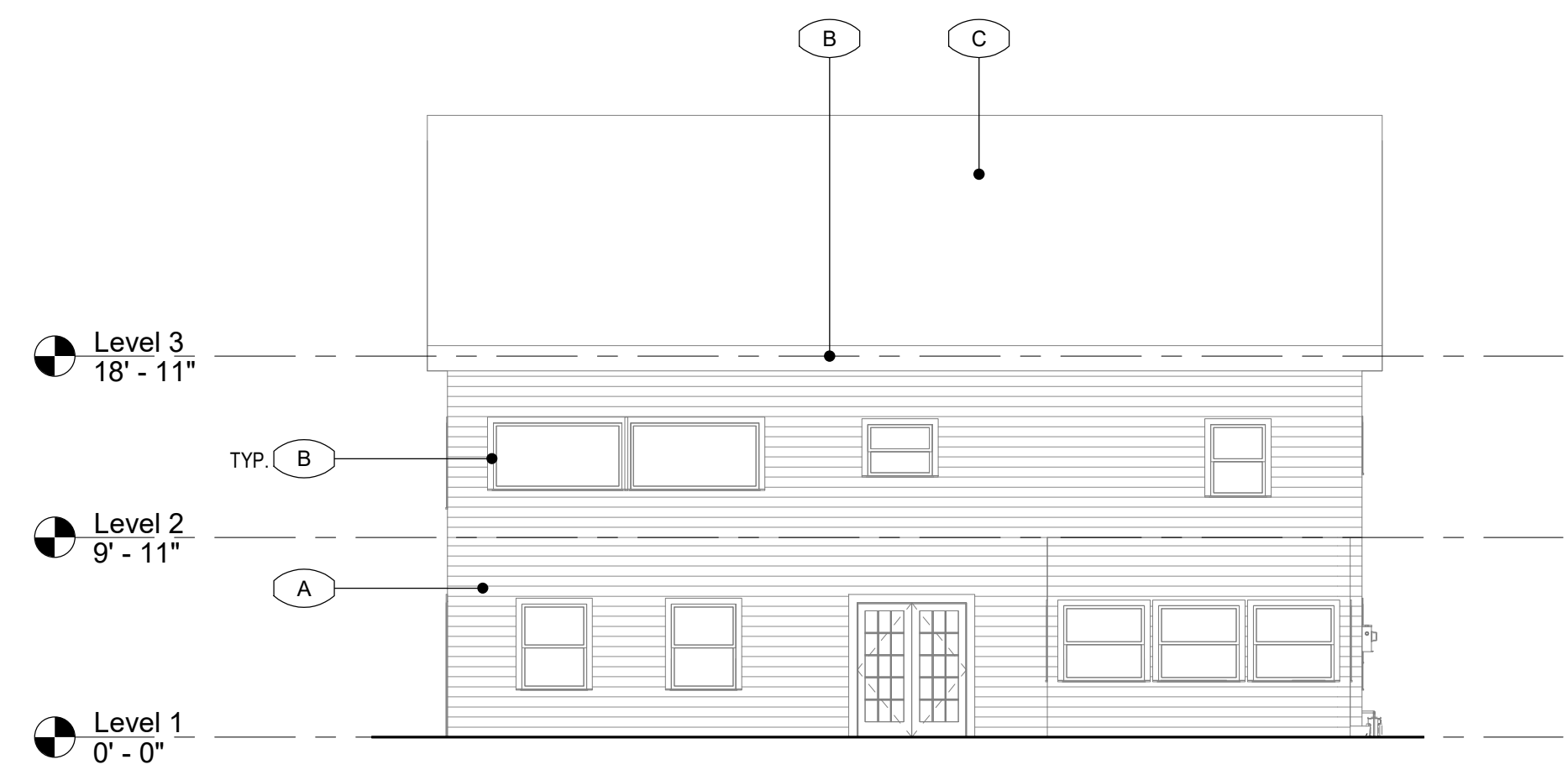
**05 STORAGE SHED**  
1/8" = 1'-0"



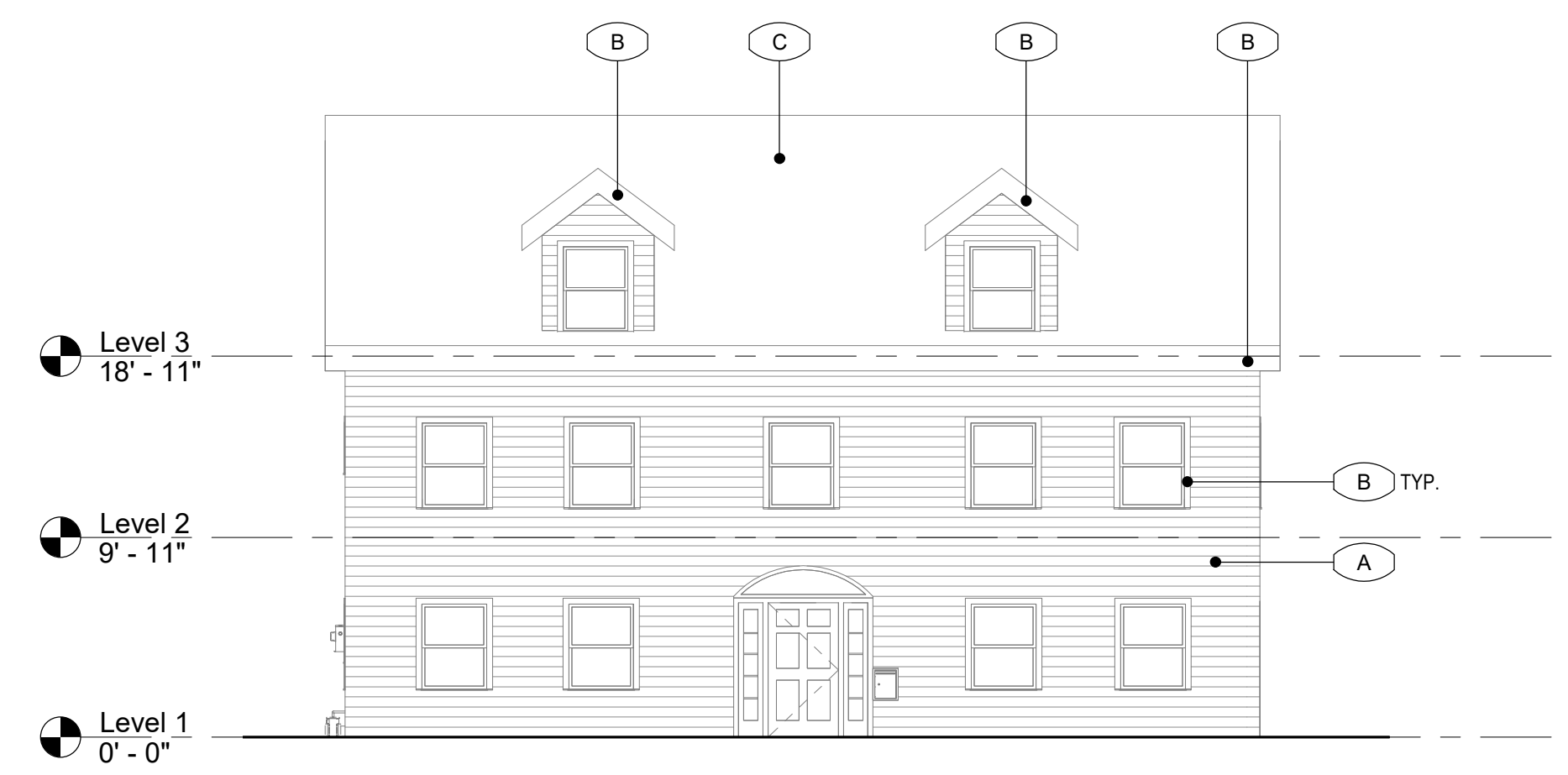
**06 TREATMENT**  
3/16" = 1'-0"



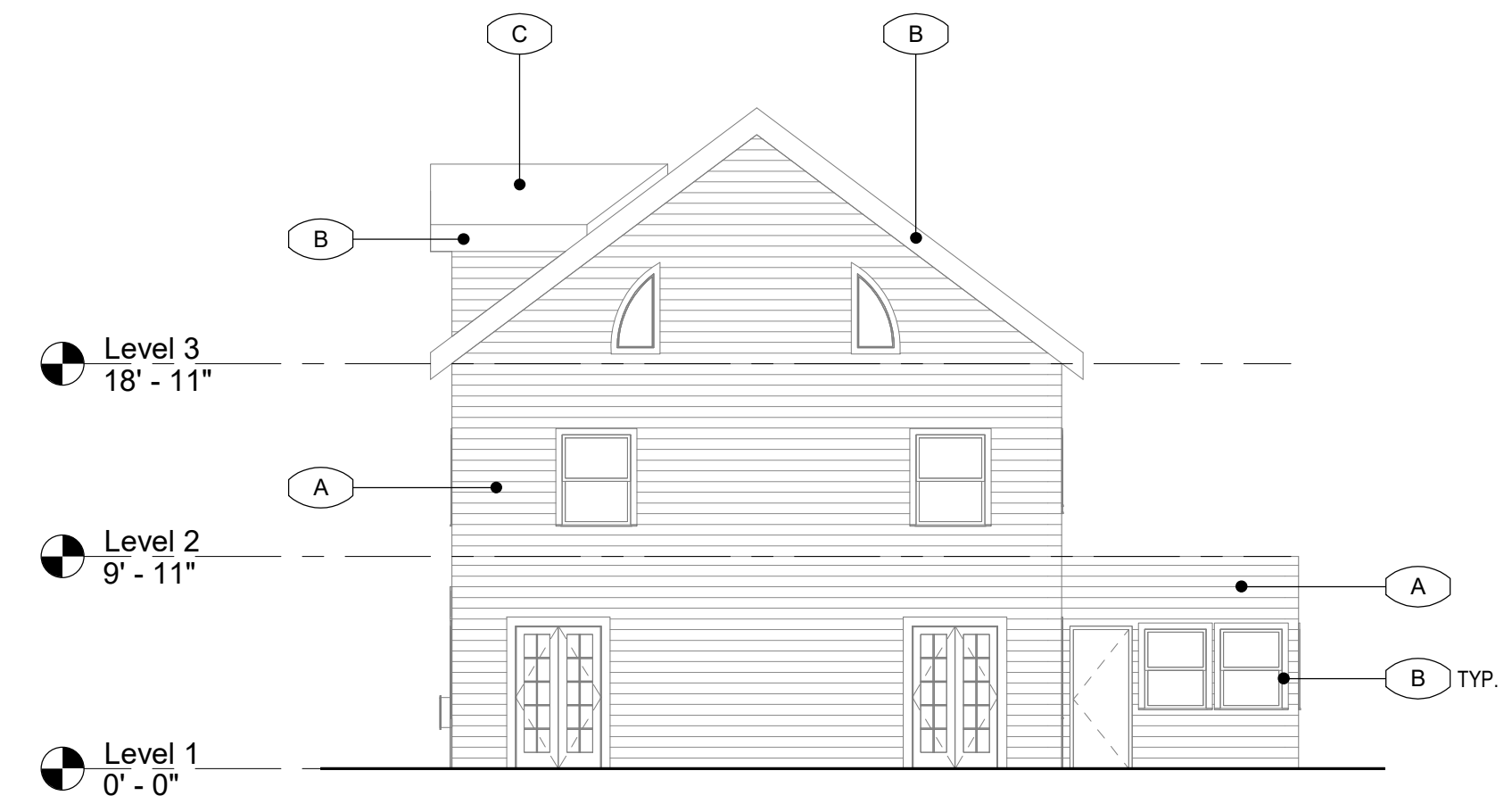
**07 GARAGE**  
1/8" = 1'-0"



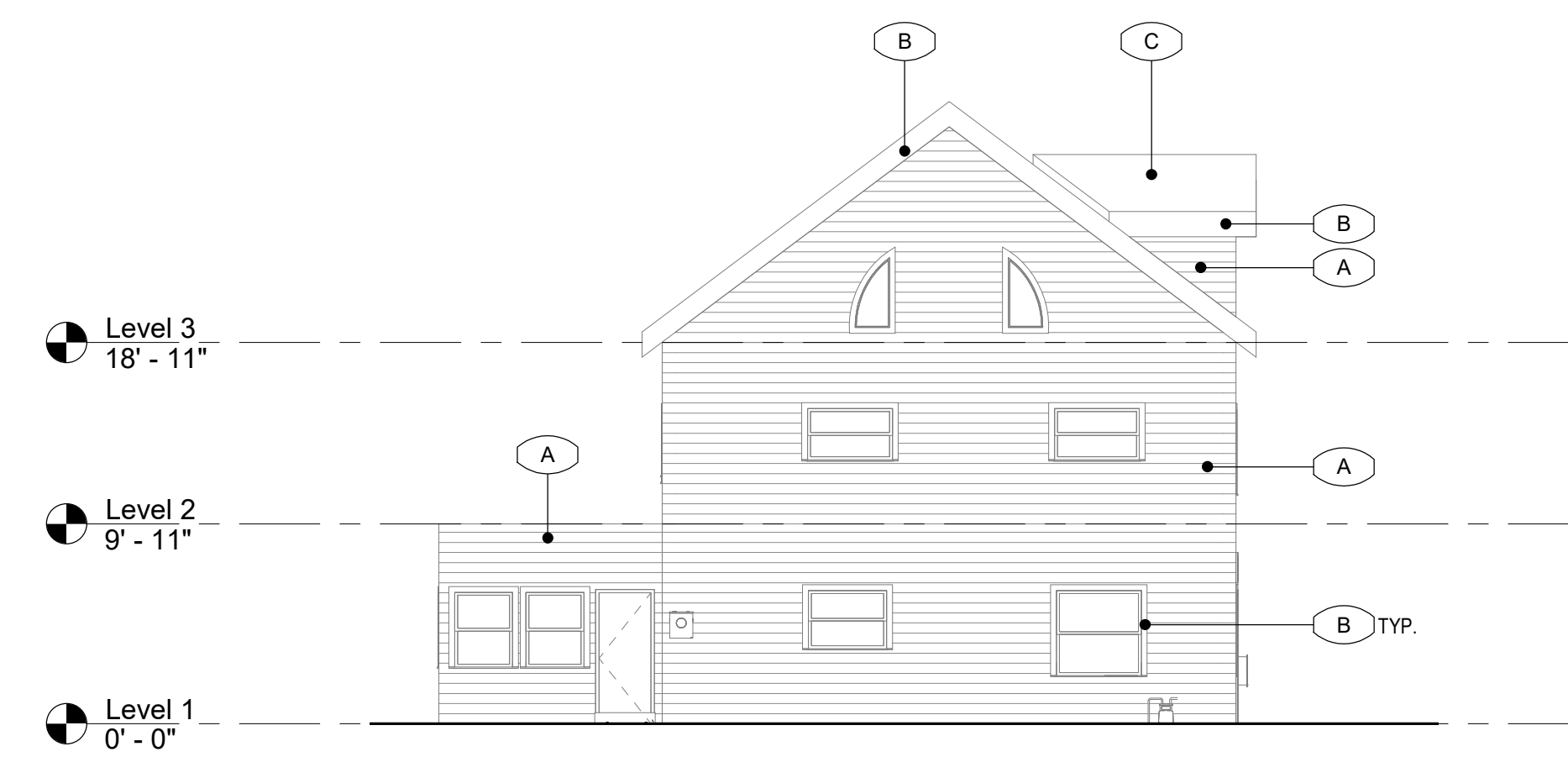
**03 EAST ELEVATION**  
1/8" = 1'-0"



**01 WEST ELEVATION**  
1/8" = 1'-0"



**04 EAST ELEVATION 1**  
1/8" = 1'-0"



**02 NORTH ELEVATION**  
1/8" = 1'-0"



**GENERAL INFORMATION**  
**PLANNING APPLICATION | CONDITIONAL USE TYPE II**  
**REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES**

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**DATE OF APPLICATION:** 10/12/204  
**FILE:** APP-0075-24 (pre-application meeting)  
**TYPE OF APPLICATION:** Conditional Use review to use historic residential building as an outpatient treatment center (community service use category per 3.050-1) in the historic Hackleman-Monteith District.

**REVIEW BODY:** Planning Commission  
**PROPERTY OWNER:** Angela Kelly and Sarah Soric  
**APPLICANT:** Angela Kelly and Sarah Soric  
 615 Idylwood Drive SE  
 Salem OR 97302  
 E: akelly@dynamicsr.hush.com  
 E: ssoric@dynamicsr.hush.com  
 C: 503-269-0899

**APPLICANT REP:** Christina Larson, AIA  
 Varitone Architecture, LLC  
 231 SW 2<sup>nd</sup> Ave.  
 Albany, OR 97321  
 p. 541.497.2954 Ext. 101  
 c. 541.224.2210  
 christina@varitonearchitecture.com

**ADDRESS/LOCATION:** 506 SW Ferry Street  
 Albany, OR 97321

**MAP/TAX LOT:** 11S03W07-BB-07500  
**ZONING:** Hackleman-Monteith District (HM)  
**EXISTING LAND USE:** Single-family residential  
**HISTORIC STATUS:** Historic Contributing  
**NEIGHBORHOOD:** Monteith Historic  
**SURROUNDING ZONING:** North: HD (Historic Downtown)  
 South: PB (Pacific Boulevard)  
 East: LE (Lyon/Ellsworth)  
 West: ES (Elm Street) and RS-6.5 (Residential Single Family)

### **Background Information**

Angela Kelly and Sarah Soric are the clinical supervisors and owners of Recovery First, LLC, an addiction rehabilitation center. In early 2024, they purchased the single-family residential building on 506 Ferry Street SW to serve as the primary place of business for the center. Their intention is to use the building as an outpatient center, with one-on-one treatment and group therapy.

The area around the building is diverse in terms of use and building types. See criteria 1. No exterior construction is planned for this building (i.e., no new development). However, an accessible route may be provided for the building's transition from residential to commercial use. This could include work such as improvements to the sidewalk and adding an accessible ramp at the back or side of the house. The decision on whether this work will take place depends on the total construction cost for the interior of the building, if any, that would be needed to change the building from residential to commercial B occupancy. If work on the interior is necessary, then 25% of the project cost affecting the primary function area would need to be allocated for accessibility upgrades as per Oregon Revised Statute (ORS) 447.241. Any of this work would require review by the City's Landmarks Commission to ensure that the proposed work is consistent with the historical nature of the building and surrounding area.

### **Review Criteria**

The Albany Development Code includes the following review criteria, which must be met for this application to be approved. The code criteria are written in **bold italics** and are followed by findings and conclusions.

#### ***CRITERIA 1. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.***

##### Findings of Fact

- 1.1 See the findings about other operating characteristics of the treatment center (such as noise, glare, odor, litter, and hours of operation) under Review Criterion (5).
- 1.2 The property is zoned HM (Hackleman-Monteith District). Per ADC 4.020(7), "The HM district is intended primarily to preserve the existing residential character of the Hackleman and Monteith National Register Historic Districts."
- 1.3 The building is a historic contributing building.
- 1.4 No changes are planned to the building's exterior historic architecture. In the future, there is potential for creating an accessible route from the public way to a point of entry to the building. Should that occur, such work would be subject to Landmarks Commission review to ensure it is consistent with the residential character of the existing building.
- 1.5 ADC 4.050 includes a Schedule of Permitted Uses. The schedule lists uses and whether they are allowed in a particular zoning district. Community services may be permitted for conditional use in HM zoning districts. ADC 22 has a broad definition of community services, detailing that such uses provide local service to people of the community, with those services and employees provided on an on-going basis on site. Community services, per correspondence with the City Planner (Alyssa Schrems, email dated 07/02), drug and alcohol centers are included in the City's definition of community centers
- 1.6 The following uses are within the immediate area of the proposed outpatient treatment center:
  - a) First Christian Church, directly across the street, hosts addiction-related support groups AL-ANON (support group for persons impacted by another person's alcoholism) and NA (Narcotics Anonymous).
  - b) Within the same block (532 SW Ferry Street), there is an existing Oxford House, a nationally recognized system of homes for individuals in recovery from a substance use disorder.
  - c) Dynamic Self Recovery (1010 SW 11th Ave), a mental health outpatient clinic offering therapy for addictions, trauma, anxiety, and mood disorders is .7 miles away.

- d) Linn County plans to open a Crisis Recovery Center (CRC) on at 1050 SW 7<sup>th</sup> (.2 miles away). A CRC provides immediate resources for individuals undergoing crises related to mental health and substance abuse.
- 1.7 This property is in a residential neighborhood bordering the Historic Downtown district. Within a two-block radius of walking distance, the following uses occur.
  - a) Three churches with various community services.
  - b) A childcare center.
  - c) Linn County Circuit Court.
  - d) Mixed commercial use centers.
  - e) Dining establishments.
  - f) Single family homes.
  - g) Subdivided apartment homes.

### Conclusions

- 1.1 Based on the findings above and the findings under Review Criterion (3) and (5) below, the proposed outpatient treatment center will be consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

**CRITERIA 2. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.**

## 2 Findings of Fact

- 2.1 Size, building scale, and style: No building size, scale, or style changes are proposed; the existing building's architectural style and historical nature are to be left as-is. In the future, there is potential for creating an accessible route from the public way to a point of entry to the building. Should that occur, such work would be subject to Landmarks Commission review.
- 2.2 Intensity. The Development Code does not define "intensity" in the definitions section (Article 22). Without an ADC definition, we look to the dictionary definition for guidance. Webster's Collegiate Dictionary, Tenth Edition, defines intensity as an extreme degree of strength, force, energy, or feeling. As an indicator of intensity, these findings outline existing and proposed occupants of the building and use:
  - h) The proposed project has five private rooms for one-on-one counselors, who are expected to see up to six clients per day.
  - i) Group therapy sessions will have up to twelve clients with a single staff member.
  - j) Two to four employees will work outside the office with clients, including the care coaches and peer support.
  - k) It is anticipated that the maximum number of people if the building will not exceed 30.
  - l) See review criteria (1) for uses and functions within the immediate area.
- 2.3 Landscaping. The existing landscaping consists of a residential-style lawn, trees, and shrubs typical of the neighboring houses. No changes are planned to the existing landscaping, and regular maintenance of existing conditions is planned.

### Conclusions

The proposed use is compatible with the existing or anticipated uses in terms of size, building, scale, and style, as none of the said factors are changing. Setbacks are existing and unchanged. The intensity of the proposed use is similar to that of neighboring churches and other businesses. No mitigation of differences is required.



**CRITERIA 3. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.**

Findings of Fact

- 3.1 See criteria (2) for findings related to the intensity of use and the conclusion that there is no change in intensity of use.
- 3.2 The clinic will have 6-10 employees with cars, two of whom take their appointments in the community and, therefore, spend most of their time outside the clinic.
- 3.3 The property has one existing driveway on Ferry Street that can accommodate a single car.
- 3.4 Two bicycle parking spots will be provided in the existing driveway.
- 3.5 The Downtown Albany Association oversees a free downtown parking lot on Water Avenue for area employees, an 8–10-minute walk.
- 3.6 Sarah Soric owns Dynamic Self Recovery. See review criteria (1). This neighboring mental health center provides insight into the transportation habits of potential Recovery First clients and is served by the same public transportation system. Most Dynamic Self Recovery patients use public transportation or other means of drop-off transport. A small percentage (less than 15%) drive themselves to appointments.
- 3.7 A public parking lot is available on Ferry and Third for clients with vehicles.
- 3.8 Ferry and Fifth Street both have on-street parking.
- 3.9 Public transportation services are available in the vicinity. Albany Transit provides public bus service along 4<sup>th</sup> Street, and the nearest bust stop is on 4<sup>th</sup> and Ellsworth, a five minute walk away (.3 miles).

Conclusions

The transportation system has adequate capacity to accommodate the vehicle and pedestrian traffic generated by the outpatient center.

**CRITERIA 4. Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.**

Findings of Fact

- 4.1 Sanitary Sewer and Water. The proposed project does not plan to install new plumbing fixtures, and none are required due to changes in occupant load.
- 4.2 Fire. The Albany Fire Department serves this neighborhood and surrounding areas.
- 4.3 Police. The Albany Police Department will serve this neighborhood. See the discussion about privacy and safety concerns under Review Criterion (5) below.

Conclusions

- 4.1 Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.

**CRITERIA 5. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.**

Findings of Fact

- 5.1 Noise. The proposed project is consistent with the diverse uses in the immediate area. See review criteria (1). Talk therapy is used for group counseling; no music, movement, or other modes of treatment that can produce loud noises are planned.
- 5.2 Glare. No architectural changes or additions are proposed.
- 5.3 Odors. The proposed use is not associated with any activities, such as commercial cooking, that could directly impact odors.

- 5.4 Litter. The proposed project can adequately be served by the same garbage service that served the property as a single-family home.
- 5.5 Hours of operation. Expected hours of operations are 8am to 7pm, Monday through Saturday, and coincide with operating hours for various businesses within a 5 block radius.
- 5.6 Privacy Issues: All proposed activities will take place inside the building and will not be visible to neighbors.
- 5.7 Safety issues. Employees and clients of treatment center are of similar composition as those already served by businesses and services in the immediate area. See review criteria (1).

#### Conclusions

- 5.1 The proposal will not significantly impact the livability of nearby residentially zoned lands.

### **CRITERIA 6. Any special features of the site (Such as topography, floodplain, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.**

#### Findings of Fact

- 6.1 Topography. There are no proposed changes to topography.
- 6.2 Floodplain. The City of Albany's Floodplain (100 Year) Web Mapping Application does not show this property in a floodplain.
- 6.3 Wetlands. The City of Albany's Natural Resources Web Mapping Application does not show any wetlands on the property. The City does not have a Local Wetlands Inventory that includes this property. The National Wetlands Inventory map does not show any wetlands on this property.
- 6.4 Vegetation. There are no proposed changes to vegetation.
- 6.5 Historic sites. This building is in a historic district and is considered a historic contributing building on the City's Inventory of Historic Properties.

#### Conclusions

- 6.1 This provision is not currently applicable. Any future changes to the property visible from the public would be subject to review by the City's Landmarks Commission.