



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Site Plan Review

SP-05-24

May 29, 2024

### Application Information

Proposal:	To construct a new 3,0000-square-foot residential accessory building.
Review Body:	Staff (Type I-L review)
Report Prepared By:	Vitsi Orman, Planner I
Applicant/Property Owner:	Brian Garcia, 3521 Bernard Avenue NE, Albany, OR 97322
Address/Location:	3521 Bernard Ave NE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor: 11S03W33DB Tax Lot 00500
Zoning:	Residential Single Dwelling Unit (RS-6.5)

On May 29, 2024, the City of Albany Community Development Director granted **Approval with Conditions** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC) with an effective date of December 29, 2023. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact **Vitsi Orman**, project planner, at 541-791-0073 or Current Planning Supervisor David Martineau at 541-917-7555.

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City.

This approval shall expire three years from the date of approval unless 1) the applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the City, or 2) the applicant has provided financial assurance for all required public infrastructure per ADC Section 12.600, or 3) the development did not require public infrastructure, a valid building permit exists for new construction or improvements, and work has commenced.

*Signature on file*

Community Development Director

**Appeal Deadline: June 8, 2024**

**Approval Expiration Date (if not appealed): June 8, 2027**

Attachments: Location Map, Site Plan, Elevations, Applicant's Compatibility Worksheet

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



## Conditions of Approval

- Condition 1 Prior to the issuance of a building permit, the property owner shall include a detailed storm drainage plan for the residential accessory building. The drainage plan shall show how the roof drainage from the proposed structure will be discharged to a point approved by the Engineering Department.
- Condition 2 Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval and shall comply with all applicable state, federal, and local laws.

## Information for the Applicant

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

### Planning

1. Land use approval does not constitute building or public works permit approvals.
2. Construction of the development must substantially conform to the approved Site Plan Review.

### Building

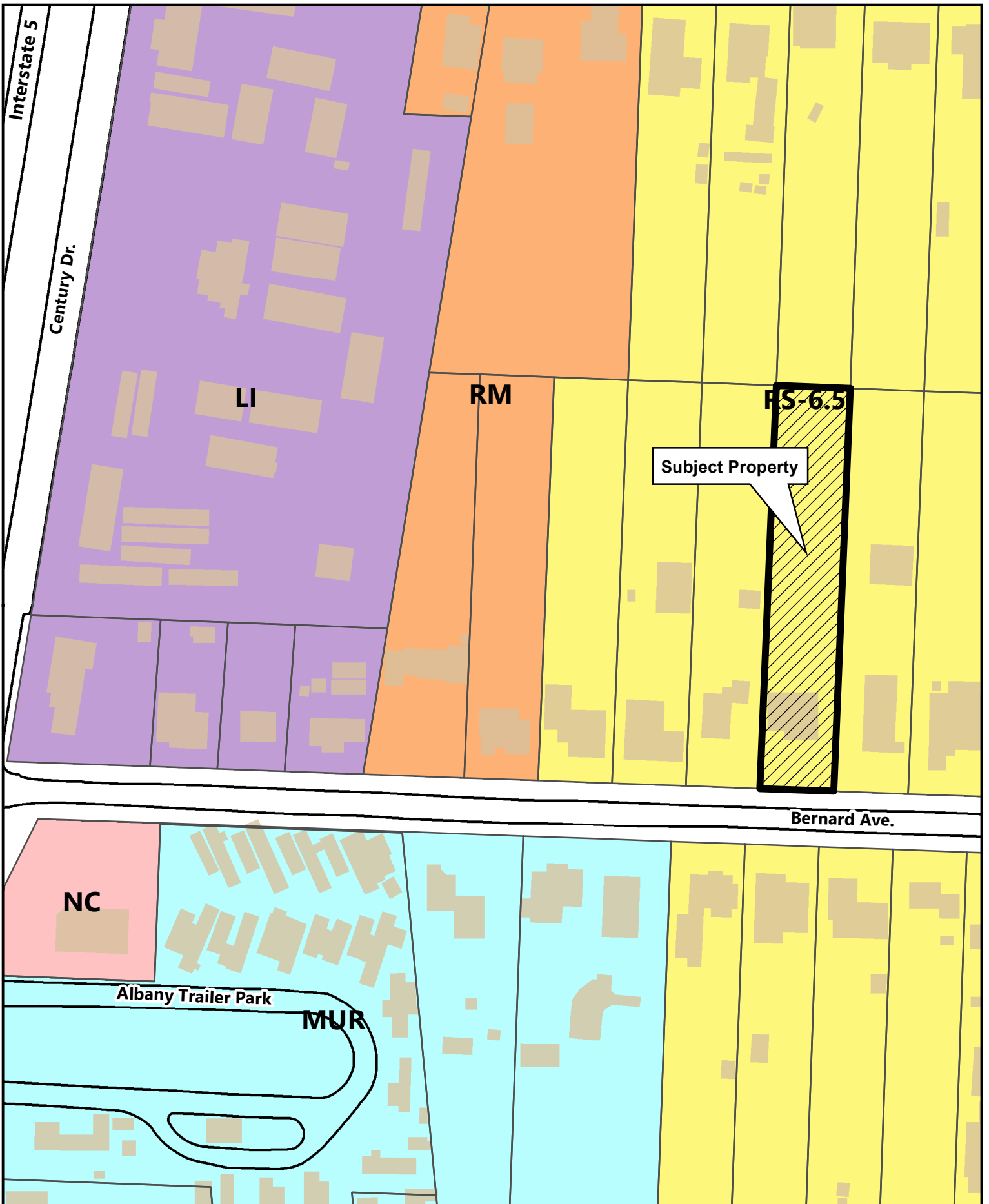
#### Permits

1. The proposed project may require permits that will need to be applied for at [www.albanyoregon.gov/permits](http://www.albanyoregon.gov/permits). For questions about permitting requirements, please email [cd.customerservice@albanyoregon.gov](mailto:cd.customerservice@albanyoregon.gov).
2. The proposed design has not been reviewed for code compliance with the Oregon Building Code and the design will need to meet the applicable Oregon Building Code requirement in effect at the time of application.

### Public Works - Engineering

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

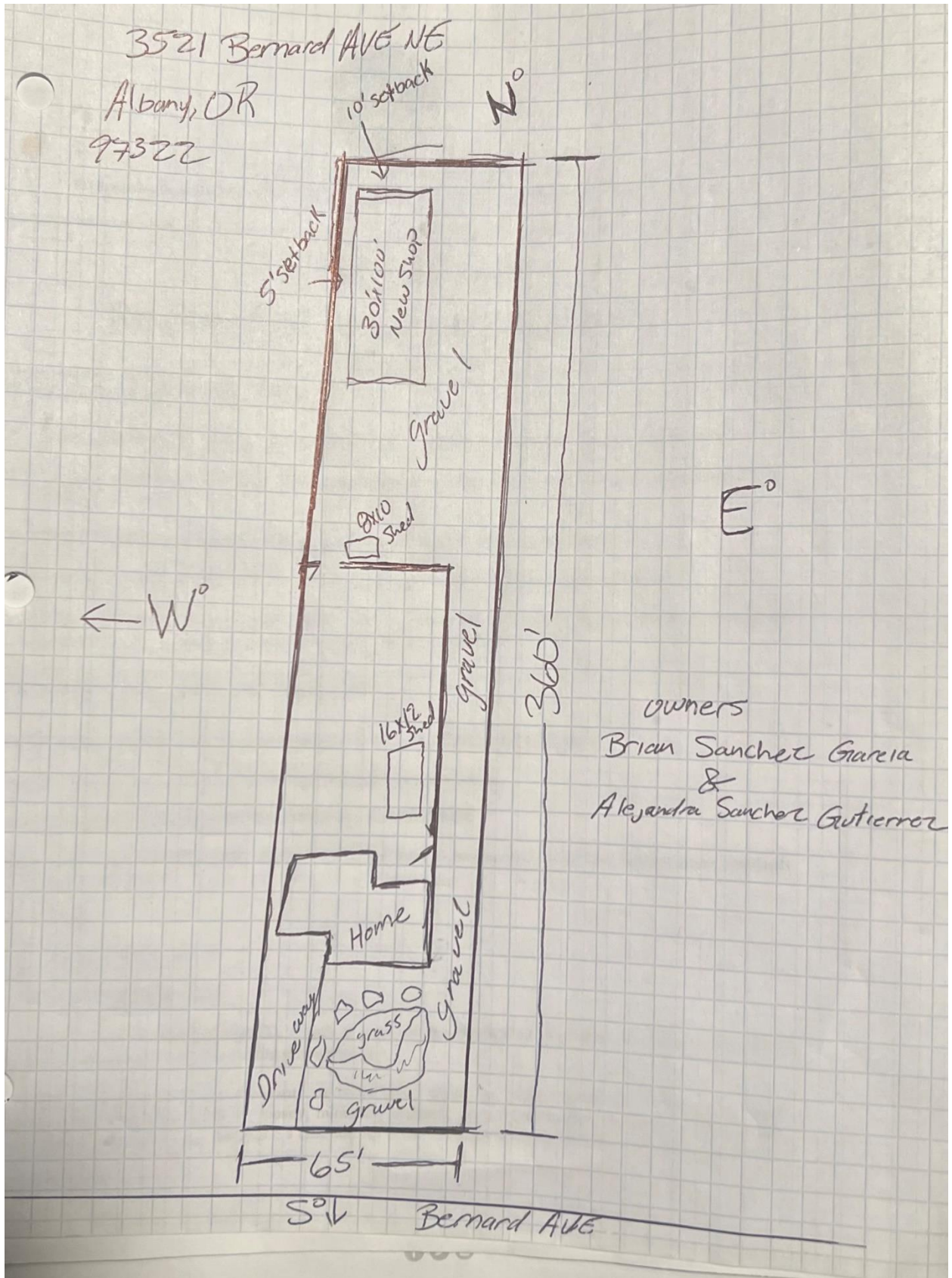
An erosion prevention and sediment control (EPSC) permit shall be obtained for land-disturbing activities affecting an area of 2,000 square feet or greater, cumulatively (AMC 12.40.030).

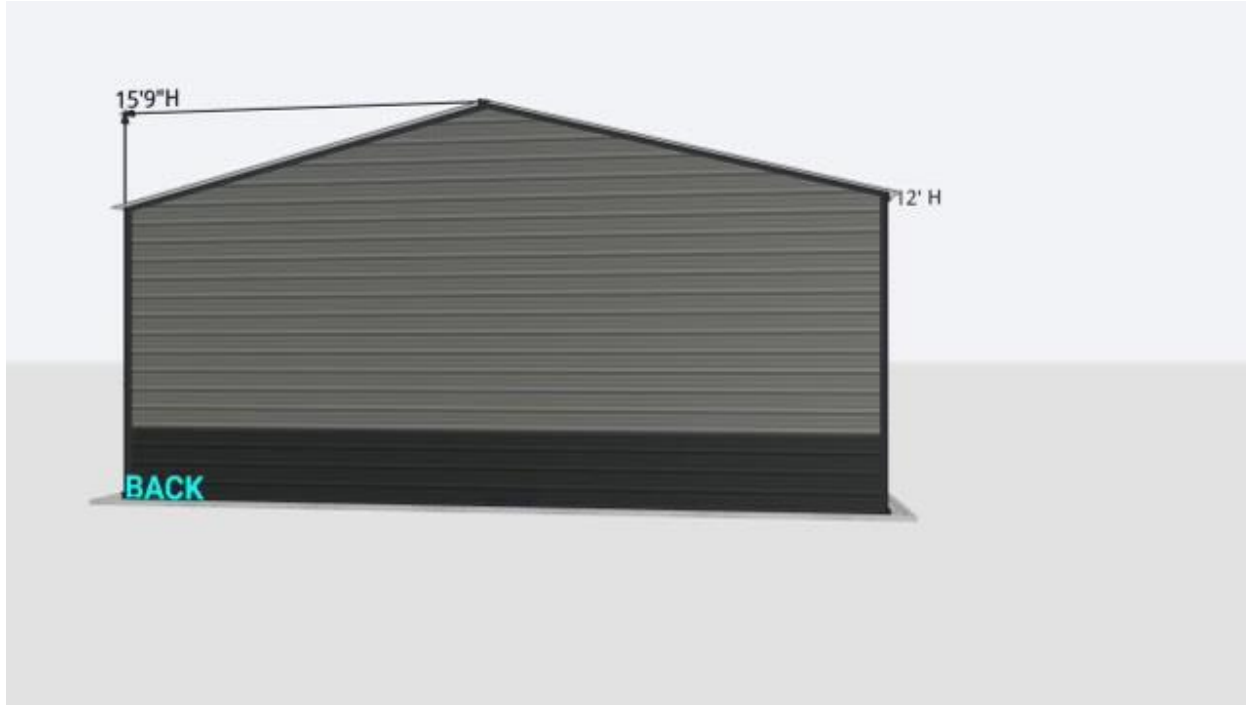
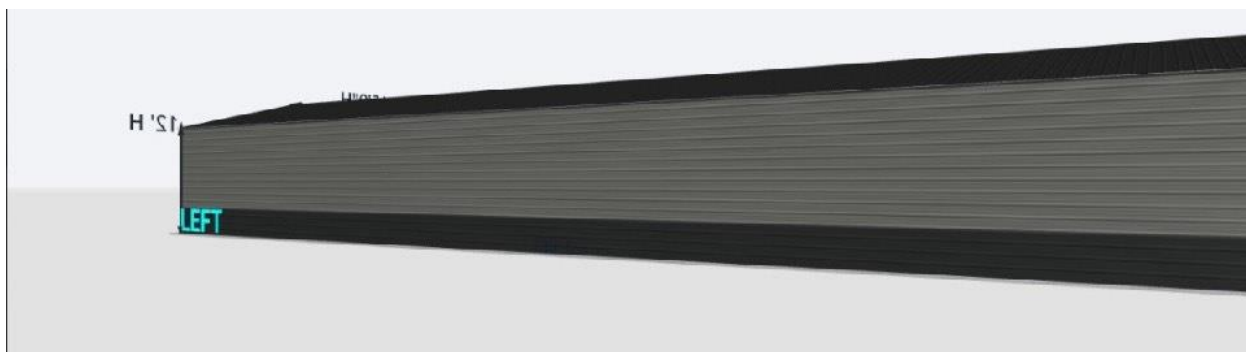
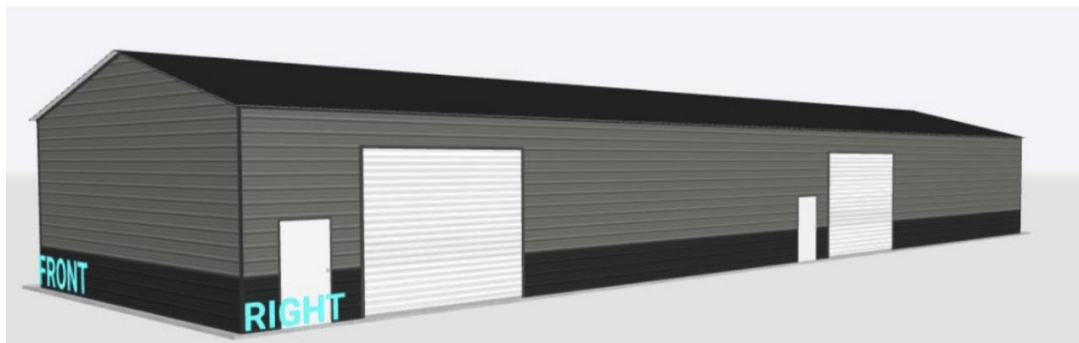


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**3521 Bernard Ave NE**







COMMUNITY DEVELOPMENT

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

Residential Accessory Structure Compatibility Worksheet

For proposed detached structures 750 sq. ft. or larger and/or with walls taller than 12 feet.

This handout addresses land use planning issues. Building permits are required for any residential accessory structure larger than 200 square feet.

Property Owner (print): Brian Sanchez
Property Address: 3521 Bernard Ave NE Albany, OR 97322
Assessor's Parcel Map No: 105-03W-33DB Tax Lot(s): 500
Zoning District: Residential
Intended Use of the Structure: Work Shop/Storage

The Albany Development Code (ADC) allows attached additions to a residence without limiting size or wall height outright; subject to meeting the applicable development standards (see Table 3.190-1).

A detached accessory structure also is allowed outright if it can meet the applicable development standards (see Table 3.230-1) and the total square footage of the proposed structure is less than 750 square feet and the wall height does not exceed 12 feet.

Other considerations related to an accessory structure include the location of existing easements, septic tanks, drain fields, wells; access (existing and proposed); and whether trees would be removed (number and diameter of the trunks).

Don't Forget! To support the information below, attach a scaled drawing of your property showing and labeling the location of all existing and proposed buildings and a scale drawing of each elevation of the proposed building.

Fill in the explanation area after each question below. If you answer "no" to Questions 1, 2, or 3, or "yes" to Questions 4 or 5, the structure will not be considered compatible.

If the structure cannot meet all the compatibility standards, you may either alter the building to meet them or submit a Site Plan Review Accessory Building application to the Planning Division.

Question 1: Will the roof and siding materials and colors on the proposed building be similar to those on the primary residential structure on the site? Yes No

Fill out (a) and (b) to demonstrate this standard would be met:

The building materials and colors of the proposed accessory building will be:
Materials: Siding: metal Roof: metal
Colors: Siding: Gray/Black Roof: Black

The building materials and colors of the primary residential structure on the property are (or will be as part of this project):



Materials: Siding: Hardie Lap siding Roof: Shingles  
 Colors: Siding: Gray Roof: Black

Question 2: If the proposed accessory building were built, would the percentage of lot coverage be similar to or less than the percentage allowed in the applicable zoning district? (See Table 3.190-1)  
 Yes  No  (you may not exceed the lot coverage threshold by Site Plan Review.)

Fill out a. through d. to demonstrate this standard would be met:

a. The maximum lot coverage allowed in the \_\_\_\_\_ zoning district is \_\_\_\_\_ percent.  
 Total land area of the property is 23,440.5 sq. ft.

The foundation (footprint) size of each building on the property is:

Primary residence: 1,056 sq. ft.  
 Proposed building: 3,000 sq. ft.  
 Other structures: 192 sq. ft., 80 sq. ft., \_\_\_\_\_ sq. ft.  
 Total foundation area of all structures on the property: 1,056 sq. ft.

Percentage of building coverage on this lot after construction of the proposed accessory building would be percent.  
 (To calculate this percentage, divide the total foundation area of all structures (c) by the total land area of the property (b). This number cannot be larger than (a).)

Question 3: Will the proposed accessory building meet the minimum setback requirements for the primary residential structure? (see Table 3.190-1) Yes  No

• Fill out a. and b. to demonstrate this standard would be met:

a. The minimum setbacks from property lines for the primary structure in this zone are:

Front: \_\_\_\_\_ ft. Sides and rear, single-story: \_\_\_\_\_ ft., or two-story: \_\_\_\_\_ ft.

The setbacks from the property lines for the proposed accessory building are:

Front: \_\_\_\_\_ ft. Sides and rear, single-story: \_\_\_\_\_ ft., or two-story: \_\_\_\_\_ ft.

Question 4: Will the proposed building be taller than the tallest building on adjacent property?

Yes  No  (Height in this case is measured to the highest point on the structure. "Adjacent" means any property bordering the property on which the accessory structure would be built or across an adjacent street.)

• Fill out a. through c. and attach a drawing showing the location of the tallest building on adjacent property in relation to your property.

a. The total height of the proposed accessory building is 15'9" feet.  
 b. The wall height of the proposed accessory building is 12' feet.  
 c. The height of the tallest building on adjacent property is Not sure feet, and it is located at (address) \_\_\_\_\_.

Question 5: Will the area of the proposed building's foundation be larger than the area of the foundation of the largest building on adjacent property? Yes  No

• Fill out a. and b. to demonstrate this standard would be met:

a. The area of the proposed accessory building's foundation is (Not sure) 3,000 sq. ft.  
 The area of the foundation of the largest building on adjacent property is Not sure sq. ft.  
 (include attached garages). The address of this building is \_\_\_\_\_;  
 currently occupied by Mr./Ms. \_\_\_\_\_, phone \_\_\_\_\_