



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Site Plan Review

SP-05-24

May 29, 2024

### Application Information

Proposal:	To construct a new 3,000-square-foot accessory structure.
Review Body:	Staff (Type I-L review)
Applicant/Property Owner:	Brian Sanchez Garcia; 3521 Bernard Avenue NE, Albany, OR 97322
Address/Location:	3521 Bernard Avenue NE, Albany, OR 97322
Map/Tax Lot:	Linn County Tax Assessor's Map No. 10S-03W-33DB Tax Lot 00500
Zoning:	Residential Single Dwelling (RS-6.5)
Overlay Districts:	None
Total Land Area:	23,760 square feet
Existing Land Use:	Residential
Neighborhood:	East Albany
Surrounding Zoning:	North: Residential Single Dwelling (RS-6.5) East: RS-6.5 South: RS-6.5 West: RS-6.5
Surrounding Uses:	North: Single-dwelling unit residential East: Single-dwelling unit residential South: Single-dwelling unit residential West: Single-dwelling unit residential

### Summary

On February 23, 2024, the applicant submitted a Site Plan Review application to construct a residential accessory structure on the subject improved residential property identified as 3521 Bernard Avenue NE, Albany, OR 97322 and Linn County Tax Assessor's Map No. 10S-03W-33DB Tax Lot 00500. The proposed accessory structure is a 3,000-square-foot, one-story structure with a wall height of 12 feet and an overall height of approximately 16 feet (Attachment C). The proposed structure will have Hardie-lap siding with composite shingles for a roof.

The property is zoned Residential Single Dwelling (RS-6.5). Accessory buildings in residential districts that are 750 square feet or larger, or have walls taller than 12 feet, are allowed outright in the RS-6.5 zone if they meet compatibility standards in Section 3.080(9) of the Albany Development Code (ADC). If the compatibility standards are not met, approval of a Site Plan permit is required.

The subject parcel is residential improved; however, because the size and height of the proposed structure exceed the maximum wall height and square footage allowed outright, the proposed accessory structure is required to be evaluated for conformance with the applicable Site Plan Review criteria in Section 2.450 of the ADC.



The analysis in this report finds that all applicable standards and criteria for a Site Plan Review permit are satisfied as conditioned.

## Notice Information

A notice of filing was mailed to property owners located within 100 feet of the subject property on May 13, 2024. No comments were received regarding the proposed accessory structure.

## Analysis of Development Code Criteria

Section 2.450 of the ADC includes the following review criteria that must be met for this application 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.

### Criterion 1

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

#### Findings of Fact

- 1.1 In accordance with the applicable requirements, the application was deemed complete on April 29, 2024.

#### Conclusion

- 1.1 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

- 2.1 The applicant proposes to construct a 3,000-square-foot accessory building to be used as a detached garage and shop.
- 2.2 Per ADC Table 3.190-1, the maximum front setback is 20 feet. Per ADC Table 3.230-1, the minimum interior setback for detached structures with walls greater than eight feet tall is five feet.
- 2.3 The submitted site plan (Attachment B) indicates the proposed accessory building will meet the minimum front setback of 20 feet and the interior setback of five feet.
- 2.4 The lot dimensions do not change with the proposed accessory structure.
- 2.5 Per ADC Table 3.190-1, the total lot coverage allowed in the RS-6.5 zone is 60 percent. Lot coverage for detached single dwelling development only includes the area of the lot covered by buildings or structures. The subject property is 23,760 square feet with an existing dwelling at 1,056 square feet and two existing sheds totaling 272 square feet. The proposed accessory building will increase the lot coverage to 18 percent.
- 2.6 Per ADC Table 3.190-1, the maximum height allowed in the RS-6.5 zone is 30 feet. ADC 22.400 "Height of Building" defines the height of a pitched roofed building as the average height of the highest gable of a pitched roof. The total height of the proposed structure is approximately 16 feet and a wall height of 12 feet.

#### Conclusion

- 2.1 The proposed development meets all current provisions, including setbacks, lot coverage, lot dimensions, building height, and other applicable standards.
- 2.2 The habitable space exceeds the maximum size of an accessory dwelling unit. A non-conversion deed restriction must be filed with the deed of the property prior to the issuance of a building permit.
- 2.3 This criterion is met without any conditions.

### 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 *Article 4 Airport Approach district:* According to Figure 4.410-1 of the ADC, the subject property is located within the Visual Approach Area within Airport Approach district. The Visual Approach Area slopes 20 feet outward for each foot upward beginning at the ends of the primary surface (200 feet from the end of the pavement) and at the same elevation as the primary surface (222 feet) and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The subject property is approximately 3,725 feet from Runway 34 and at an elevation of 218 feet; therefore, the maximum building height is 182 feet. The building elevations (Attachment C) provided by the applicant indicate that the proposed accessory structure will have a maximum height of 16 feet. The proposed development meets the standards for buildings within the Airport Approach district. The subject property is located within the 60 Day-Night Sound Level (ldn) area of the designated airport noise contour. The proposed development of an accessory building is not a habitable space; therefore, the standards of ADC 4.440 do not apply.
- 3.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* According to Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development overlay district.
- 3.3 *Article 6 Wetlands, Comprehensive Plan Plate 6:* according to Plate 6 of the Comprehensive Plan, the subject property is not located in within a jurisdictional wetland.
- 3.4 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* According to Plate 9 of the Comprehensive Plan, the subject property is not located in one of Albany's Historic Districts. There are no known archaeological sites on the property.
- 3.5 *Article 6 Floodplains, Comprehensive Plan Plate 5:* The applicable Flood Insurance Rate Map (FIRM) for the subject site is Community Panel No. 41043C0218G, dated September 29, 2010. Based on this FIRM, the subject property is not located within the floodway or the flood fringe.

#### Conclusion

- 3.1 The subject property is located within the Airport Approach district. The proposed development will not exceed the maximum height allowed within the Visual Approach Area within the Airport Approach district.
- 3.2 The subject property is located within the 60 Day-Night Sound Level area of the designated airport noise contour. The proposed development is not a habitable space; therefore, the standards in ADC 4.440 do not apply.
- 3.3 This criterion is met without conditions.

### Criterion 4

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

#### Findings of Fact and Conclusions

- 4.1 The proposed accessory structure does not have applicable design standards.
- 4.2 The review criterion is not applicable.

### Criterion 5

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

#### Findings of Fact and Conclusions

- 5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. These uses do not pertain to the proposal.
- 5.2 This review 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 standard parking requirement for a single-dwelling unit residence does not apply to this proposed structure.
- 6.2 The landscaping requirement does not apply to this proposed structure.
- 6.3 The tree protection requirement does not apply to this proposed structure.
- 6.4 The fencing requirement does not apply to this proposed structure.
- 6.5 As the use is a residential accessory structure, the environmental requirement does not apply to this proposed structure.

### Conclusion

- 6.1 This criterion is not applicable.

## 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

#### *Sanitary Sewer*

- 7.1 City utility maps show a 15-inch public sanitary sewer in Bernard Ave NE.
- 7.2 The development will have no impact on the public sanitary sewer system.

#### *Water*

- 7.3 City utility maps show a 20-inch water main in Bernard Ave NE that is located approximately 15 feet from the subject property. The subject property is currently connected to the public water system.
- 7.4 The proposed development will not negatively affect the public water system.

#### *Storm Drainage*

- 7.5 City utility maps show no piped public drainage facilities in the right-of-way of Bernard Ave NE. Bernard Avenue is not built to City standards. Bernard Avenue has street side ditches to convey stormwater runoff. Additionally, there is a drainage channel running along the western boundary line.
- 7.6 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 of the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 7.7 ADC 12.530 states that a development will be approved only where adequate provisions from 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. Roof drains shall be discharged to a collection system approved by the City Engineer. Also, no storm water may be discharged to the public sanitary sewer system.
- 7.8 The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards.

- 7.9 Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. Before beginning work, the applicant must submit to the Public Works Engineering Division a storm drainage plan for the site that shows the proposed slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drainpipes are planned, indicate the size and slope of each pipe. The city does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. Also, no storm water (including roof drainage) may be discharged to the sanitary sewer (ADC 12.530).

### Conclusions

- 7.1 The proposed development will have no adverse impact on public water, sewer, or storm systems.
- 7.2 The applicant must include a detailed storm drainage plan with building permit submittal. The drainage plan shall show how the roof drains from the proposed structure will be discharged to a location approved by the Engineering Department and Building Division.

### Condition

- 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.

### 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

- 8.1 The proposed accessory structure does not require transportation improvements.

### Conclusion

- 8.1 This criterion is not applicable.

### 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

- 9.1 See Findings under Site Plan Criterion 7 (above) related to stormwater quality standards in response to this review criterion. These findings are incorporated here by reference.

### Conclusion

- 9.1 The proposed development will have no impact on the public sanitary sewer and/or water systems.

### 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

- 10.1 There are no prior land use decisions on the subject parcel.

### Conclusion

- 10.1 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

11.1 The subject parcel is a conforming parcel and development.

### Conclusion

11.1 This criterion is not applicable.

## Overall Conclusion

This report evaluates the applicant's application for the proposed residential accessory structure that is a 3,000-square-foot, one-story structure with a wall height of 12 feet and an overall height of 16 feet. The proposed development meets all applicable Site Plan Review criteria when the following condition is met.

## Condition of Approval

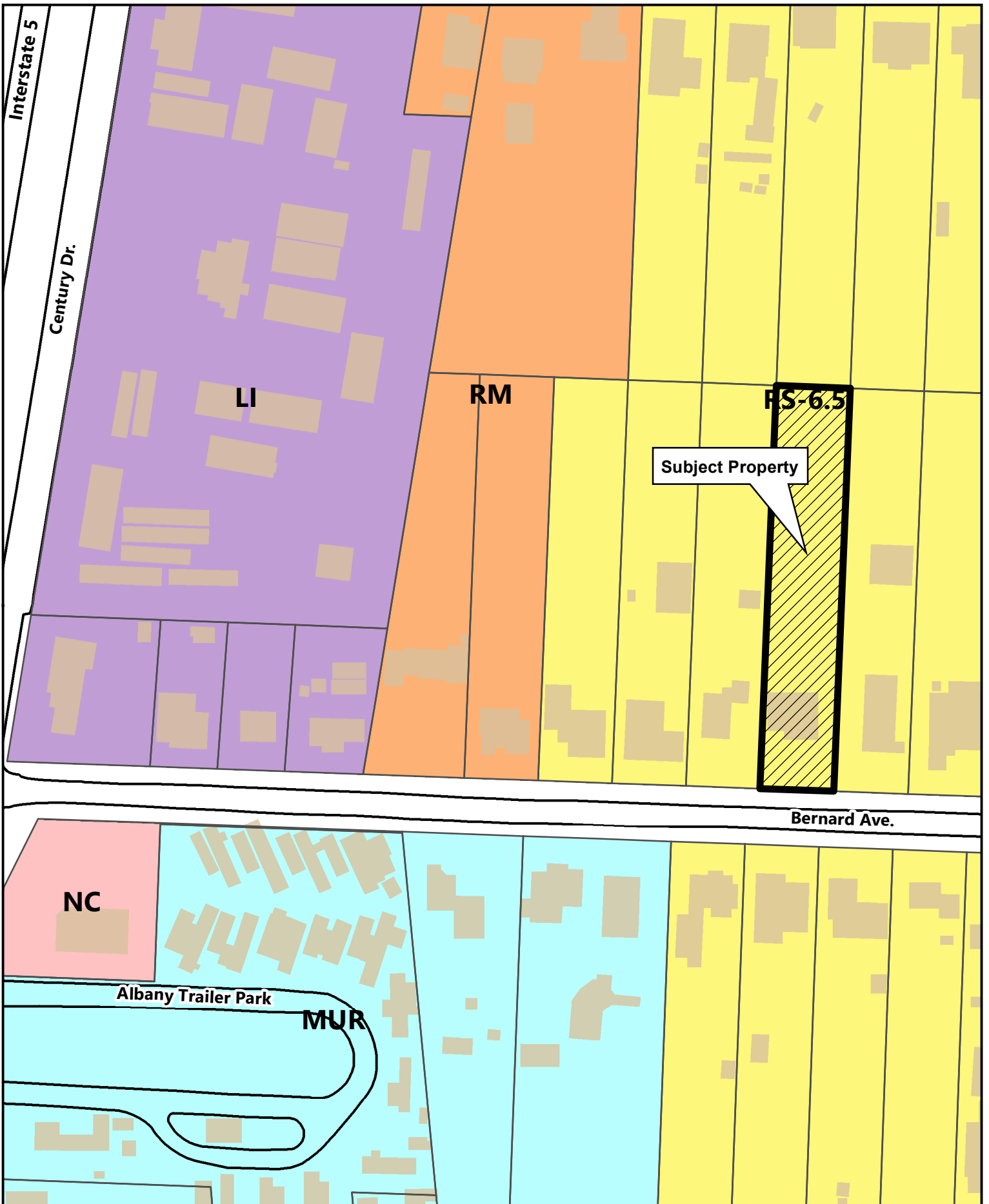
- Condition 1 Prior to the issuance of a building permit, the property owner shall include a detailed storm drainage plan for the residential accessory building. The drainage plan shall show how the roof drainage from the proposed structure will be discharged to a point approved by the Engineering Department.
- 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.

## Attachments

- A. Location Map
- B. Site Plan
- C. Elevation Drawing
- D. Applicant's Compatibility Worksheet

## Acronyms

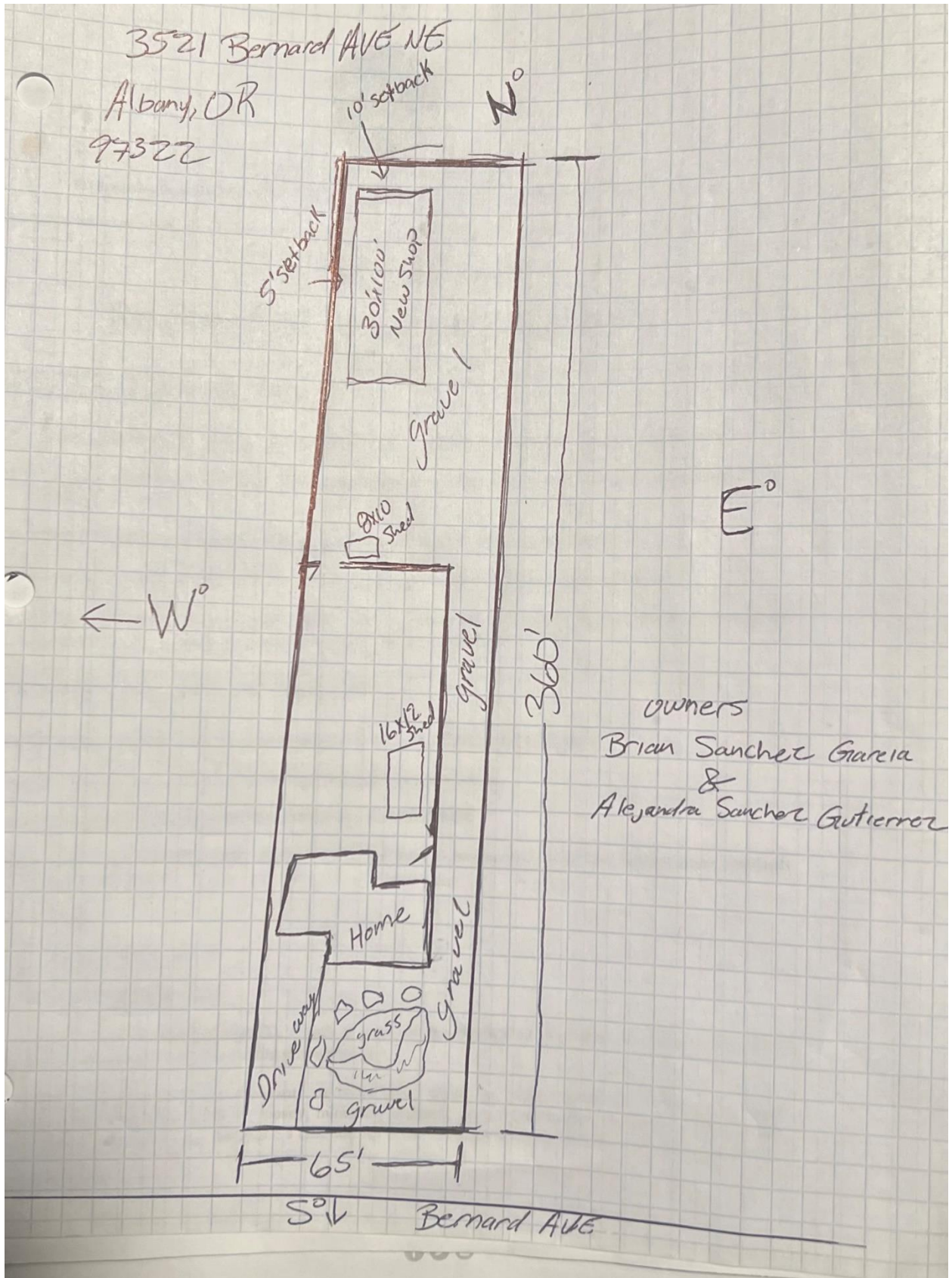
ADC	Albany Development Code
AMC	Albany Municipal Code
RS	Residential Single Dwelling
SP	Site Plan Review



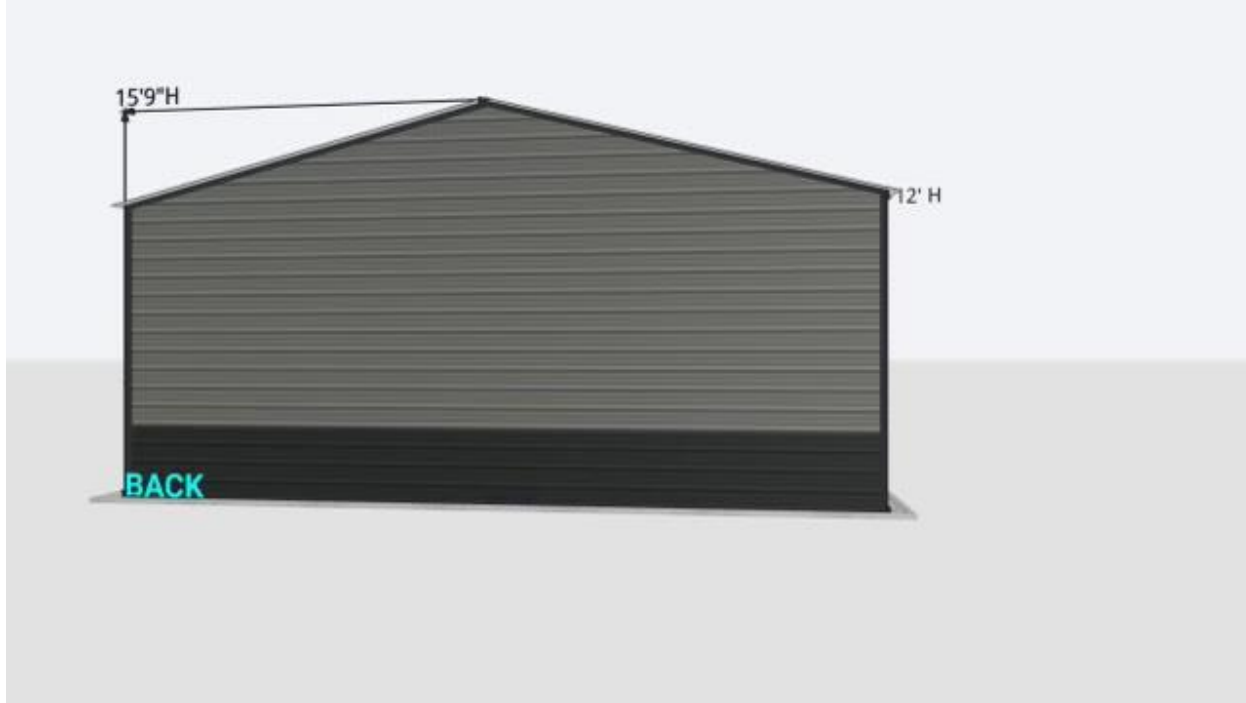
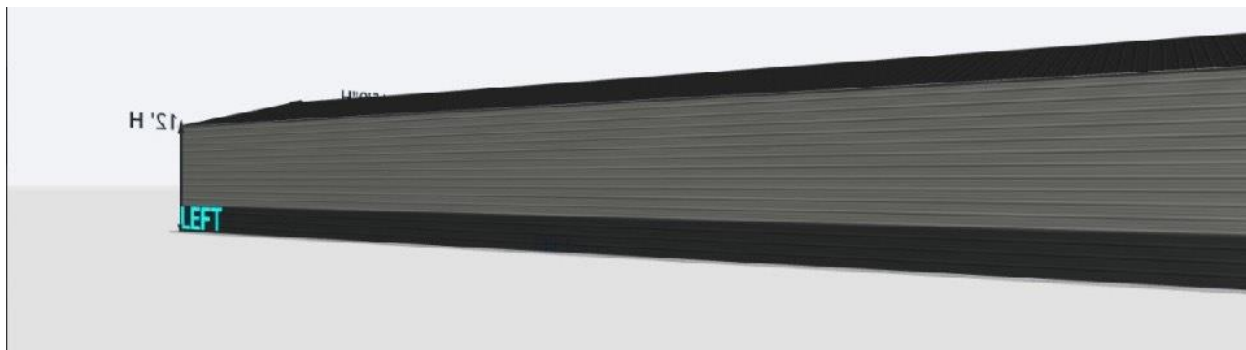
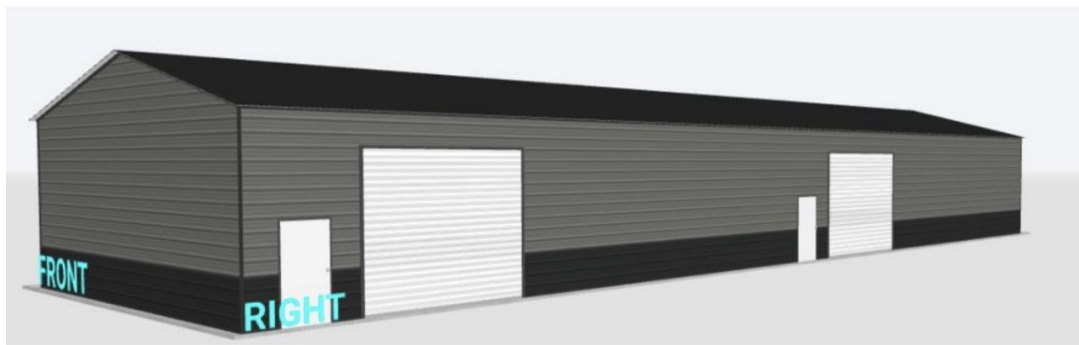
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**3521 Bernard Ave NE**









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. If the size were larger or the walls taller, the structure may be allowed without a land use review, if it meets all of the established compatibility thresholds listed below. [ADC 3.080(9)]

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). You must include information about these items on a site plan drawing submitted with this worksheet.

**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. Include distances (in feet) between all structures and property lines.

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. Question 6 calls your attention to special construction standards that will apply in all cases if the property is in a Special Purpose District, such as the 100-year floodplain. In addition to answering the questions, you must attach a site plan of the property and elevation drawings of the proposed building to the worksheet.

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. This plan review typically takes six to eight weeks to process and requires additional paperwork and a non-refundable review fee. A notice of filing will be sent to property owners within 100 feet of your property giving them an opportunity to comment on the project. Filing an application does not guarantee approval.

**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 \_\_\_\_\_