



Hearings Board AGENDA

Thursday, April 6, 2023
4:00 p.m.

This meeting includes in-person and virtual participation.

Albany City Council Chambers

333 Broadalbin Street SW

Or join the meeting here:

<https://council.cityofalbany.net/groups/hrb/zoom>

You can use your microphone or dial in using your phone.

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

Meeting Id: 872-7129-3237 Passcode: 902546

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
 - March 23, 2023
4. Scheduled Business:

A. Business from the Public:

Persons wanting to address the commission during "business from the public" must send their written comments by email to cdaa@cityofalbany.net. 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."

B. Public Hearing: CU-01-23, Type III – Quasi-Judicial Process

Summary: Conditional Use Review to expand the existing shelter for low barrier occupancy, create a warming center, and a five-room respite facility. The subject property is located at 1100 & 1122 Jackson Street SE & 450 11th Avenue SE and is zoned Light Industrial (LI). (Project planner – Liz Olmstead, liz.olmstead@cityofalbany.net)

*Persons wanting to address the commission during public hearing have two options. **Before noon on the day of the meeting:***

- *Email your comments to cdaa@cityofalbany.net. Please include your name, address, and subject of the public hearing. Written comments will be received by City staff **before noon on the day of the meeting**, in order to be considered by the commission.*

cityofalbany.net



- *Register to testify virtually at the hearing by emailing cdaa@cityofalbany.net, with your name, address, phone number, and if you are speaking for, against, or neutral on the project. During the public testimony, the chair will call upon those who have registered to speak first, followed by any others.*

5. Business from the commission

6. Next Meeting Date: April 27, 2023

7. Adjournment

If you have a disability that requires accommodation, please notify city staff at least 48-hours in advance of the meeting at: cdaa@cityofalbany.net or call 541-917-7550



CITY OF ALBANY
Hearings Board

MINUTES

Thursday March 23, 2023

Hybrid – 4:00 p.m.

Approved: DRAFT

Call to Order

4:00 p.m.

Member Cardosa called the meeting to order at 4:00 p.m.

Pledge of Allegiance

Roll Call

Board Members Present: Karen Cardosa, Sonja Neperud, Stacey Bartholomew

Board Members Absent: None

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

Approval of Minutes

4:01 p.m.

Board Member Neperud moved to approve the meeting minutes from February 9, 2023, Member Cardosa seconded the motion, which passed 3-0.

Business from the Public

4:01 p.m.

None.

Public Hearing – Type III – Quasi-Judicial Process

4:02 p.m.

File CU-03-22: Conditional Use Review to construct a new city park. The subject property is located north of 373 Timber Ridge Street NE and is zoned Residential Single Dwelling (RS-5).

Commissioner Cardosa opened the public hearing at 4:04 p.m.

Declarations by the Commission

4:04 p.m.

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

4:06 p.m.

Project Planner Liz Olmstead presented the staff report for CU-03-23. *

Board member Neperud inquired about the property size, which Olmstead replied that it was 1.85 acres total. Member Neperud also questioned if the park would be a city or private park, which Olmstead addressed that it would be a city park.

Applicant Testimony

4:08 p.m.

Applicant Katherine Sheie, with Lango Hansen Landscape Architects provided that no additional information needed to be presented but was available to answer any questions that the Hearings Board had.

Board member Bartholomew commented that she noticed that there were no sewer connections for restroom facilities. Sheie addressed, and City of Albany Parks and Facilities Maintenance Manager Rick Barnett provided additional clarifications.

Public Testimony

4:14 p.m.

None.

Procedural Questions

4:14 p.m.

None.

Board member Cardoso closed the public hearing at 4:14 p.m.

Discussion

None.

Motion

4:15 p.m.

Board member Cardoso moved to approve the proposed Conditional Use Review as conditioned under planning file CU-03-23. This motion is based on the findings and conclusions in the March 16, 2023, staff report and the findings in support of the application made by the hearings board during deliberations on this matter. Member Neperud seconded the motion which passed 3-0.

Business from the Commission

4:17 p.m.

None.

Next meeting date: April 6, 2023

Adjournment

4:17 p.m.

Hearing no further business, Member Cardoso adjourned the meeting at 4:17 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.*



COMMUNITY DEVELOPMENT

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

Staff Report

Conditional Use Review

CU-01-23

March 29, 2023

Summary

The proposal is to expand the existing shelter for low barrier occupancy, create a warming center, and a five-room respite facility. The subject property is located at 1100 & 1122 Jackson Street & 450 11th Avenue SE, and is zoned Light Industrial, LI (Attachment A).

Per ADC 22.190, the proposed use is classified as “Community Services”. The Conditional Use review criteria contained in ADC 2.250 is 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.

Application Information

Review Body:	Hearing Board (Type III review)
Staff Report Prepared By:	Liz Olmstead, project planner
Property Owner:	Gary Rodgers 904 N Albany Road, Albany, OR 97321
Applicant:	Clinton Kendall C.H.A.N.C.E. Recovery 231 Lyons Street, Albany, OR 97321
Address/Location:	1100 & 1122 Jackson Street SE & 450 11th Avenue SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map: 11S-03W-07BD Tax Lot: 0300
Zoning:	Light Industrial (LI) District
Total Land Area	0.79 acres
Existing Land Use:	Community Services - Shelter
Neighborhood:	Jackson Hill
Surrounding Zoning:	To the north and south, Light Industrial (LI); to the east and southeast, Residential Medium Density (RM); to the west, Heavy Industrial (HI)
Surrounding Uses:	North: Warehousing and Distribution East: Community Services/Jail and Detention Facilities South: Contractor/Industrial West: Warehousing and Distribution
Prior History:	<u>CU-01-16</u> : Conditional use approval for a short-term housing shelter in the building located at 450 11th Avenue SE;

CU-05-13: Conditional Use approval March 6, 2014, for a church together with community service uses within existing buildings located at 1100 and 1122 Jackson Street SE;

CU-05-06: Conditional Use approval for a children's specialized care facility called the Family Tree Relief Nursery in the building located at 1100 Jackson Street SE;

CU-07-04: Conditional Use approval to establish a mental health drop-in center in an existing building at 1122 Jackson Street SE;

SP-14-88: Site Plan Review for change of use from a ceramics shop to a church in an existing building at 450 11th Avenue SE;

SP-73-86: Site Plan Review for change of use from an exercise studio to a ceramic manufacturer with an associated sales shop at 450 11th Avenue SE;

SP-42-86: Site Plan Review for change of use from warehousing and office space to seed and bulb storage with sales and research offices and a loading ramp;

CU-05-84: Conditional Use approval for an aerobics and fitness center at 1100 and 1122 Jackson Street.

Notice Information

A notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on March 16, 2023. The Notice of Public Hearing was posted on the subject property on March 27, 2023. The staff report was posted on the City's website March 30, 2022. 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 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 10 days from the date the City mails the notice of decision.

Analysis of Development Code Criteria

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).

Conditional Use 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 requests approval to expand the existing shelter, and create a warming center and five-room respite facility described as follows:

1100 Jackson Street SE: The applicant proposes to create a 2,000-square-foot low barrier overnight shelter with a maximum capacity of 40 people and a 1,000-square-foot warming center/emergency low barrier shelter (currently in operation) with a maximum capacity of 40 people in the existing building. The remaining 4,700 square foot building is used for offices, laundry, and storage.

1122 Jackson Street SE: The applicant proposes to create a 1,900-square-foot five-bed respite facility for overnight sleeping.

Conditional use approval was given for a short-term housing shelter in the building located at 450 11th Avenue SE in 2016 (CU-01-16). The applicant proposes to expand the shelter use into additional buildings on the site as described above.

- 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 shelter expansion and respite facility are classified as “Community Services” in ADC 22.190 and is allowed in the LI 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. They are 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 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 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 Operating characteristics of the neighborhood. The immediate neighborhood is characterized by places of employment for several types of businesses including light manufacturing, warehousing and storage, transportation, auto repair, distribution, rail yard, and law enforcement facilities. The operating characteristics of these uses include employee travel to and from work, visitors to the jail, delivery trucks, movement of buses and truck transports, and general through traffic. The business activities in this area mainly occur inside buildings during core weekday working hours. The law enforcement offices across Jackson Street are staffed 24 hours a day.

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 and a shelter is currently operating on the site.
- 1.3 As proposed, the use is consistent with the intended character of the base zone 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 expand the existing shelter and create a five-room respite facility. The applicant does not propose any additions to the existing buildings.
- 2.3 Existing and Anticipated Uses. The site consists of three separate buildings. The existing and anticipated uses of each building on the subject site are as follows:

Building Address	Existing Use	Anticipated Use
1100 Jackson Street SE	Storage Office	Shelter (currently in operation) Warming Center (currently in operation) Office Storage/Laundry
1122 Jackson Street SE	Food Pantry	Respite Center
450 11th Avenue SE	Dormitory	No change

Portions of the existing development were approved through conditional use review (CU-05-13 & CU-01-13). The shelter and warming center are currently in operation.

No additional development to the subject property is proposed. No adverse impacts are anticipated from uses within the existing buildings.

- 2.4 Building Size, Scale, and Style. ADC 4.090, Table 1 contains the development standards for properties located within the LI zoning district. There are three existing buildings on site as follows:

1100 Jackson Street SE: Single-story with loft in east portion of the building; 7,770 square feet.

1122 Jackson Street SE: Single-story building; 1,900 square feet.

450 11th Avenue SE: Single-story building; 3,920 square feet.

The existing buildings on the subject site are compatible with the neighboring buildings in the area. The applicant does not propose any additional development on the subject property. No adverse impacts are anticipated from use within the existing buildings.

- 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 is 34,769 square feet and contains 14,590 square feet of buildings and an approximately 19,000 square feet of parking lot and driveways. The total coverage of the subject property is approximately 96 percent which is consistent with the LI zoning district. No new development will occur as part of this proposal. Therefore, the proposed and existing uses on site meet the lot coverage standards and does not intensify the use of the subject property.
- 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 applicant is proposing to expand a shelter and create a warming center and respite facility within the existing buildings on the subject property. No new exterior development is proposed.
- 2.7 Minimum Parking. OAR 660-012-0440(3) states: “Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors.” The subject property has a transit stop at the intersection of 11th Avenue SE and Jackson Street SE, which provides service at least once an hour. The applicant does not propose any additional parking and meets the standards of OAR 660-012-0440(3). The applicant states that there are 20 existing bicycle parking spaces on site. There is one rack located outside of the warming center, and one rack located outside of the dormitory on the loading dock.
- 2.8 Lighting. The applicant does not propose to alter existing lighting on the site.
- 2.9 Landscaping. ADC 9.140(2) requires all front and interior setbacks (exclusive of accessways and other permitted intrusion) must be landscape, or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setback yards in all commercial and industrial districts is as follows:

- a) *One tree at least six feet tall for every 30 feet of street frontage.*

- b) *Five five-gallon or eight one-gallon shrubs, trees, or accent plants.*
- c) *The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*
- d) *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 LI district requires a front yard setback of 15 feet. ADC 9.140(2) allows the setback area landscaping of the yard adjacent to a street of an industrially zoned property if across a right-of-way from other industrially or commercially zoned property to be reduced to 30 percent.

Currently 11th Avenue SE has approximately 88 feet of frontage (exclusive of accessways and other permitted intrusions), requiring 1,320 square feet of landscaped setback area. Thirty percent of the required 1,320 square feet of required landscape is 396 square feet. Therefore, per ADC 9.140(2) the following landscape improvements are required in the front setback along 11th Avenue SE: three trees at least six feet tall; two five-gallon shrubs or three one-gallon shrubs; and the remaining area treated with attractive landscaping. There is one existing tree located along 11th Avenue SE, therefore, two additional trees must be planted.

Jackson Street SE has approximately 110 feet of frontage (exclusive of accessways and other permitted intrusions), requiring 1,650 square feet of landscaped setback area. 30 percent of the required 1,650 square feet of required landscape is 495 square feet. In 2015, the City of Albany reconstructed the sidewalk along the east side of Jackson Street SE, reducing the landscape setback to approximately two feet in width (220 square feet). Due to the reduction in width, trees cannot feasibly be planted in the landscape setback area. The existing landscape setback contains mature shrubs, therefore, satisfying the landscaping requirements as feasible.

Table 4.090-1 of the ADC states an interior setback is not required in the LI district unless the use abuts a residential zoning district. The subject property is surrounded by properties within the LI zoning district.

- 2.10 Buffering and Screening. Buffering between higher intensity uses on adjacent lower intensity uses is required in order to reduce the potential objectionable impacts. The subject property is located within the LI zoning district and surrounded by LI zoned properties. The proposed uses on the site, a shelter and respite facility, are considered a Community Services. Pursuant to ADC 22.200 a Community Services are considered an institutional use. ADC table 9.210-1, the buffer and screening matrix indicates there is no buffering or screen requirements for between institutional uses and the LI district. Because no buffering is required between the institutional use and the LI district, staff finds this requirement is met.
- 2.11 Parking Lot Landscaping. No new parking or changes to the parking lot are proposed, therefore, this criterion does not apply.
- 2.12 Irrigation: ADC 9.160 requires that all required landscape areas be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. Additional trees are required, therefore prior to issuance of a building permit, an irrigation plan shall be provided to the City, or a letter from a qualified landscape professional stations that irrigation is not required. As conditioned, staff finds this standard is met.
- 2.13 Fences. No fence is proposed with this application.
- 2.14 Outside Storage and Screening of Refuse Areas. No outside storage or refuse area is proposed with this project.

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, lighting, and landscaping when the following conditions are met.

Conditions

Condition 1 Site Improvements. Prior to certificate of occupancy, two trees and two five-gallon or three one-gallon shrubs or accent plants must be planted within the landscape setback along 11th Avenue SE.

Condition 2 Irrigation Plan. Prior to issuance of a building permit, an irrigation plan shall be provided to the City or a letter from a qualified landscape professional stating that irrigation is not required.

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 proposed development will change the occupancy of two existing buildings on site from a food pantry to a respite center and storage to a shelter and warming center. The existing structures are approximately 14,590 square feet in size and are located at 450 11th Avenue SE, & 1100 & 1122 Jackson Street SE. No changes are proposed to the site's driveway access or on-site circulation pattern.
- 3.2 Jackson Street SE and 11th Avenue SE are improved to city standards with curb and gutter along the subject property frontages.

Conclusions

- 3.1 No changes are proposed to the site's driveway access or on-site circulation pattern.
- 3.2 The public streets adjoining this development are constructed to city standards.

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 eight-inch public sanitary sewer main in Jackson Street SE and an eight-inch sanitary sewer main along the western property line. The existing development on the site is currently connected to the public sanitary 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 and any other applicable fees for connect to the public sanitary sewer system.

Water

- 4.3 City utility maps show a 24-inch public water main in Jackson Street SE and a 12-inch public water main in 11th Avenue SE. The existing development on the site is currently connected to the public water system.

Storm Drainage

- 4.4 City utility maps show a 24-inch public storm drainage main in Jackson Street SE and a 60-inch main in 11th Avenue SE. The subject property is currently developed with a buildings and associated parking/paving with on-site private storm drainage facilities that connect to the public storm drainage system.
- 4.5 Jackson Street SE and 11th Avenue SE are improved to city standards with curb and gutter along the subject property frontages.

Conclusions

- 4.1 Existing public utilities (sanitary sewer, water, storm drainage) are available and adequate to serve the proposed use.

- 4.2 The existing development on the site is currently served by public sanitary sewer, water, and storm drainage. No changes are proposed to these existing public service connections.
- 4.3 Prior to issuance of 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.

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 subject property and surrounding properties are zoned LI. Surrounding uses include Warehousing and Distribution, Community Services, Jail and Detention Facilities, and Contractor/Industrial uses.
- 5.2 Noise. The applicant proposes to expand the existing shelter for low barrier occupancy and create a warming center and five-roomed respite facility within the existing buildings. The hours of operation will remain the same and will be conducted entirely within the existing buildings. Noise impacts are not anticipated.
- 5.3 Glare. The site contains existing exterior lighting fixtures. Exterior lighting fixtures are directed downward, so no glare or light pollution should reach the neighboring properties.
- 5.4 Odors. The proposed use, contained within the existing building is not expected to generate odors, and no new odor-generating facilities or activities are proposed.
- 5.5 Litter. No new trash facilities or changes to trash collection are proposed in conjunction with this request. Available evidence does not indicate the need for additional measures with respect to litter collection.
- 5.6 Hours of operation. The applicant does not propose to change the current hours of operation. No appreciable impact is anticipated.
- 5.7 Privacy/Safety. No safety concerns are anticipated with the current building configuration and landscaping on the site.
- 5.8 Fencing. The property contains existing fencing, and no new fencing is proposed.

Conclusion

- 5.1 There are no proposed changes to glare, litter, noise, odors, hours of operation, and safety.
- 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

- 6.1 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.
- 6.2 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0213H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside the 500-year floodplain.
- 6.3 Article 6: Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the subject property. The National Wetlands Inventory does not show any wetlands on the 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 not located in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 There are no special purpose districts associated with the subject property; therefore, this criterion is not applicable.

Overall Conclusion

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

Conditions of Approval

Condition 1 Site Improvements. Prior to certificate of occupancy, two trees and two five-gallon or three one-gallon shrubs or accent plants must be planted within the landscape setback along 11th Avenue SE.

Condition 2 Irrigation Plan. Prior to issuance of a building permit for the shelter expansion, an irrigation plan shall be provided to the City or a letter from a qualified landscape professional stating that irrigation is not 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 with conditions and approved the proposed Conditional Use Review to expand the existing shelter for low barrier occupancy and create a five-room respite center.

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-01-23. This motion is based on the findings and conclusions in the March 29, 2023, staff report and the findings in support of the application made by the hearings board during deliberations on this matter.

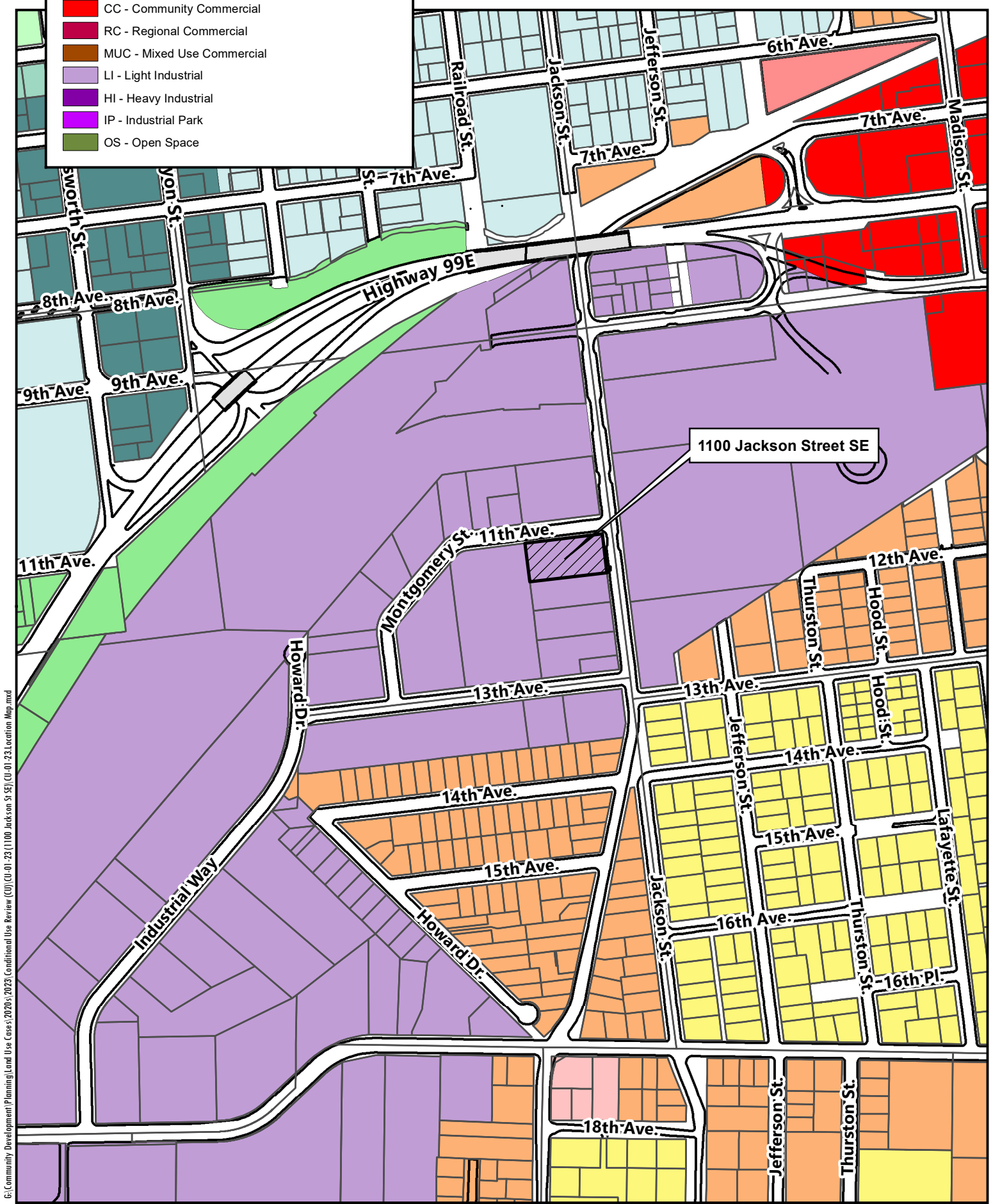
Attachments

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

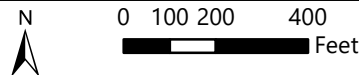
Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CU	Conditional Use (Review)
FEMA	Federal Emergency Management Agency
FIRM	Floodplain Insurance Rate Map
HI	Heavy Industrial
LI	Light Industrial
RM	Residential Medium Density Zoning District
TSP	Transportation Systems Plan

- OP - Office Professional
- CC - Community Commercial
- RC - Regional Commercial
- MUC - Mixed Use Commercial
- LI - Light Industrial
- HI - Heavy Industrial
- IP - Industrial Park
- OS - Open Space

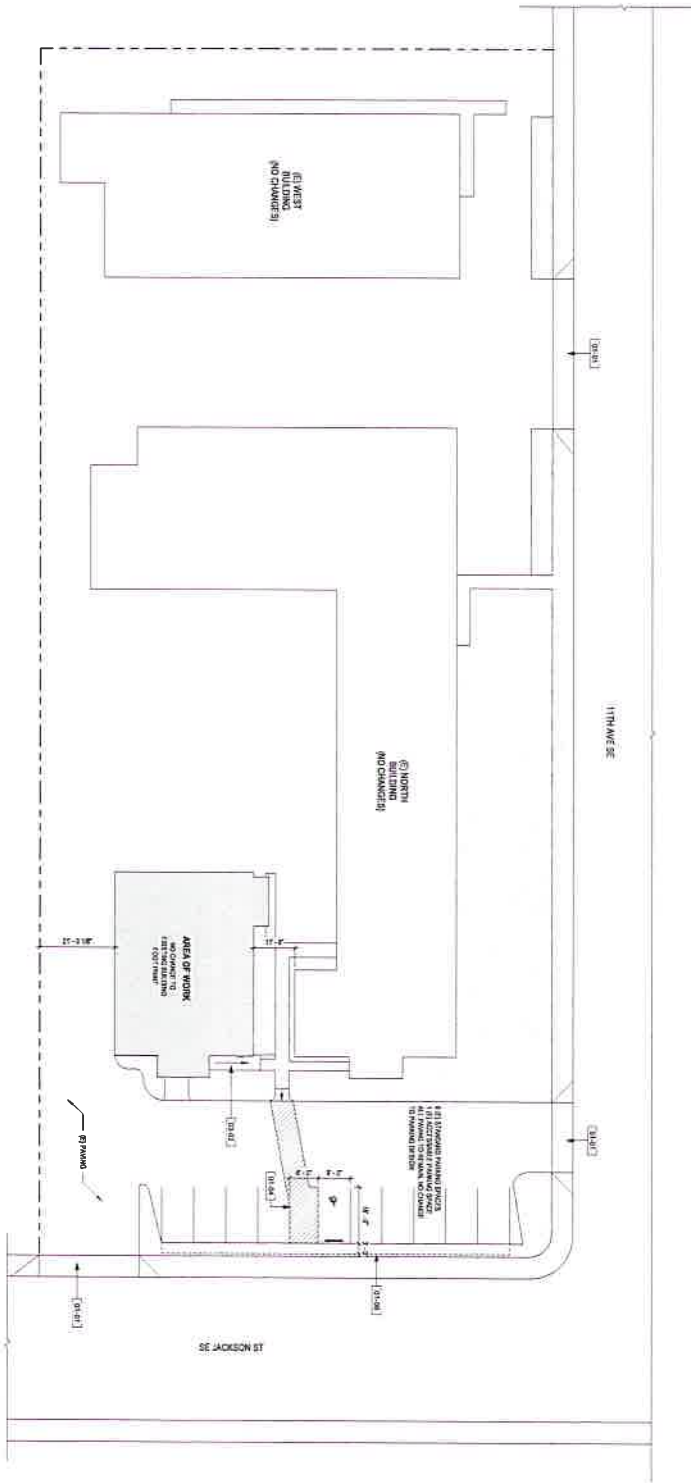


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1100 Jackson Street SE

Date: 2/1/2023 Map Source: City of Albany



KEYNOTE LEGEND	
	Keynote Description
00-01	KEYNOTE 1 (KEY)
00-02	KEYNOTE 2 (KEY)
00-03	KEYNOTE 3 (KEY)
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BOE WALK

LANDSCAPE

SITE PLAN NOTES:

1. EXISTING PAVING TO BE RE-STRIPPED, ALL OTHER PAVING LOT CONDITIONS (P) TO REMAIN

[illegible]

Conditional land use application

Submitted to: City of Albany
 Planning Division
 P.O. Box 490
 Albany, Oregon 97321
 541-917-7550
cd.customerservice@cityofalbany.net

Applicant: CHANCE Recovery
 231 Lyons ST
 Albany, OR 97321
 Clinton Kendall, Projects Director
 (503) 999-0785

Site Location: 1100/1122 Jackson ST/450 11th ST
 Albany, OR 97321

Assessor's Map number: 11S-3W-7BD tax lot 300

Site Size: 13,590 sqft

Parking size: 4,110 sqft

Bicycle parking 24

Existing land use: Commercial/office/shelter

Zone Designation: Light Industrial

Surrounding Zoning: North: HM
 South: RM-RES
 East: CC
 West: LE/HM

Executive summary/Written narrative-**Application for conditional land use:**

Change from industrial to Community Services-Shelter of the following addresses located on the same premises (please see attached document B-1003-22, “site plan rework”, FL-0019-22):

1122 Jackson Street:

Offices: Not in use, converted to Community Services-Shelter: The offices converted into a five-bed respite facility for Samaritan Health Services. Plans are approved and comply with all necessary code as well as ADA. No exterior changes will be made. (Please see attached document B-1003-22)

1100 Jackson Street:

Storage: Change from Industrial to Community Services-Shelter (Proposed low barrier outlined in red) converted into a low barrier overnight shelter with a maximum capacity of 40. No exterior changes will be made.

Proposed warming center/Emergency low barrier: In operation, (Outlined in red directly below Warehouse 1 “Approx 1000sqft”) proposed emergency low barrier shelter with overnight stay max capacity of 40. No exterior changes will be made.

Laundry/Storage: (Storage) Used as laundry room/storage, non-hazmat. Will continue to be used as laundry room and storage.

Summary:

C.H.A.N.C.E. Recovery operates a warming center and high barrier homeless shelter with peer support and resources co-located at the above address since February 2020.

The property features:

Offices for Peer support staff and management (labeled offices on site plan rework, two stories)

Proposed warming center (approx. 1,000sqft low barrier open bay 24hr seating/eating area shown on “site plan rework”, FL-0019-22 outlined in red).

Storage area used to store bulky items.

High barrier open bay dormitory (labeled High Barrier Men/Women’s Dorms on site plan rework) with five family rooms (overnight sleeping).

No use building addressed 1122 Jackson, plans are approved (B-1003-22) and work has started to convert 1122 Jackson into a five-bed respite facility (overnight sleeping) for Samaritan in order to reduce load on local emergency services.

Proposed change of use of 1100 Jackson Storage-(outlined in red on site plan rework and shown on FL-0019-22) Currently Permits are approved (FL-0019-22) and work has started for fire suppression sprinklers. Firebreaks separating the approved areas have already been installed and inspected. The intent is to convert “Storage” into a low barrier overnight shelter with a max capacity of 40, adding much needed resources to the City of Albany. We also ask that the proposed warming center max

capacity is raised to 40 with overnight sleep use. This will help ensure enough low barrier space in the case of, Emergencies, natural disasters and inclement/severe weather. The warming center would still be used as is (24-hour seating/eating/chair table access in a warmed or cooled room) and only occupied for sleeping overnight in the event of emergencies. Before CHANCE operated this facility it was a shelter, run by Signs of Victory, who in 2013 applied for a conditional use permit, and before that the building was used by Might oaks (attached copy of tax records showing tax exemption based on land use). Since C.H.A.N.C.E has taken over, compliance is our top priority. With the recent approval of the Santiam Respite project and submitted plans for fire suppression as well multiple other government/private funded projects and history of use, we ask that this conditional use proposal be granted.

CHANCE intends to add fire protection and life safety systems in the form of suppression sprinklers in habitable areas to comply with OSSC 907, and if necessary, modify to comply with any additional building codes applicable to this use case.

Conditional use compliance:

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

Fact: The proposed use is in character of the area as other community and public services are immediately surrounding and in close proximity. The proposed use will occur in an existing commercial building located in the Light industrial zone, please refer to attached business and zoning map (top of document is North). Linn County Sheriff's office/County Jail located across the street to the east. Linn County parole and probation/EOC to the southeast. Commercial use (Ironhead Roofing) to the South, School bus parking Garage to the east. County storage to the north and within .3 miles of Albany Helping Hands shelter to the northeast.

Conclusion: The proposed use will be compatible with operating characteristic of the area.

2. **Criterion:** 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.

Fact: This preexisting building has been used as a Mission/homeless shelter since 2013, overseen by different nonprofits (Signs of Victory, now CHANCE since 2020). Incremental quality of life, and compliance improvements have been made through public and private funding such as bathrooms including showers/fire suppression/and heating in the dorms labeled warehouse 3 and 4.

Currently in for permits is a fire suppression system (overhead sprinkler style) for what is labeled Warehouse 1 and Approx. 1,000sqft of area labeled 1100 Jackson St offices directly adjoined to warehouse 1. With approved plans to renovate the interior of what is labeled 1122 Jackson off into a five-bed respite facility for Samaritan. As of April of 2022, contracted lawn service (Amador's) maintains landscaping biweekly. There are no plans for alterations to exterior design, additional building/parking space added, change in setback, intensity, landscaping or any other design features.

Conclusion: The proposed use will be compatible with existing/anticipated uses in terms of size, scale, intensity, setbacks and landscaping of the area

3. **Criterion:** 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.

Fact: This has been the use for approx. 10 years, with clients using the bus stop located in front of the County Jail on Jackson Street with no reported issues of public transit overload (bus stop shown on business map). There have been no reported issues of on street parking/camping, adverse neighborhood impacts, overload on services/roadways or pedestrian safety. Staff and security enforce the Shelter policy, and work with authorities to ensure compliance with public policy, along with being in direct viewing distance of LCSO there are overlapping layers of policy and built-in deterrents for violations of on street parking/camping, negative neighborhood impact, and public/pedestrian safety.

Conclusion: Granting conditional use will not affect public transit, street traffic/parking, pedestrian safety or create a detrimental impact to the neighborhood.

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

Fact: Currently all buildings on property are connected to water/sewer and electric with no issues water/sewer mains located on both 11th Street and Jackson Street (monthly usage high of 36,000gal per month). Sanitation is Handled by Republic services with a total capacity of 45 yards of on site. Police/Fire/EMS can access all buildings, fire has two hydrants for the property.

Conclusion: Granting conditional approval will have no detrimental impact on the public services systems and is expected to ease workload on emergency services.

5. **Criterion:** 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

Fact: Impact of use change is projected to be minimal if any, as this is the current and recent historical use of the property. Mitigating factors include, Peer support staff, management, on site security, being within direct viewing distance of LCSO, biweekly lawn/landscaping maintenance services and commercial sanitation services.

Conclusion: Granting of conditional use will have no significant impact or change in livability to nearby residential zones, due to Noise, glare, odor, litter, hours of operation or privacy and safety issues.

6. N/A

Design standards: Existing building complies with ABC standards and is compatible with surrounding designs.

Site Plan: Attached

Elevation drawings: N/A preexisting building.

Floor plan drawings: No floorplan change, current attached.

Conceptual landscape and irrigation plans: no change

Public utility plans: No change

Conclusion: The Conditional use will allow C.H.A.N.C.E Recovery to operate the homeless shelter located on 1100 Jackson St. in compliance with local zoning and land use policy. Granting the Capacity increase will allow CHANCE Recovery to assist a larger amount of the community in crisis and adds to the City of Albany's infrastructure.