

ORDINANCE NO. 5216

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, BY REZONING PROPERTY LOCATED AT 3503 AND 3503 1/2 ELEANOR AVENUE NE AND ADOPTING FINDINGS ATTACHED AS EXHIBIT A, AND DECLARING AN EMERGENCY (CASE NO. ZC-05-95).

WHEREAS, the Albany Planning Commission has held the public hearing required by local and state law, and

WHEREAS, the Albany Planning Commission recommended approval of the Zone Change request that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family) to RM-5 (Residential Limited Multiple Family) based on the Findings and Conclusions listed in the Staff Report and the testimony presented at the Public Hearing, and

WHEREAS, the Albany City Council has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property described below.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings attached as Exhibit A are hereby adopted in support this decision.

Section 2: The official Albany Zoning Map is hereby amended from RS-6.5 (Residential Single Family) to RM-5 (Residential Limited Multiple Family) for an area described in attached Exhibit B.

Section 3: A copy of this zone change amendment shall be filed in the Office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

Section 4: A copy of the adoption of or changes in comprehensive plans, zoning ordinances and zoning designations shall be filed with the Linn County Assessor's Office within 90 days after the date of this change as well as the legal description and map for the zone change.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: December 13, 1995

Approved by the Mayor: December 13, 1995

Effective Date: December 13, 1995


Mayor

ATTEST:


Deputy City Recorder

EXHIBIT "A"
ZONE CHANGE CASE NO. ZC-05-95
FINDINGS

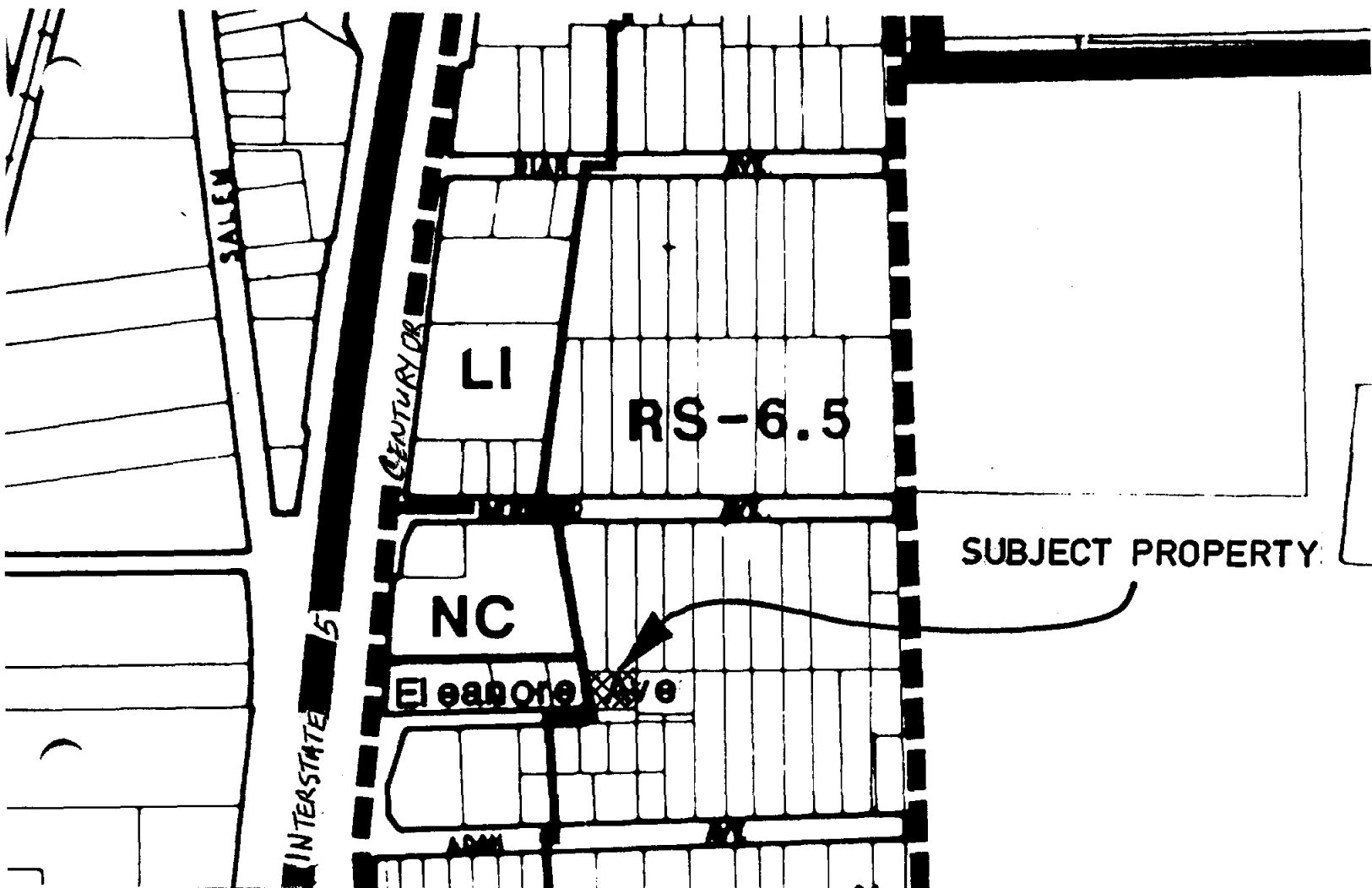
1. The Comprehensive Plan map designation of the subject property is Urban Residential Reserve. The Plan Designation Zoning Matrix on page 131 of the Comprehensive Plan shows that R-1, R-2, and R-3 zoning districts are compatible with the URR Plan designation. The numbering system of the R-1, R-2, and R-3 zoning designations was changed in the Albany Development Code (ADC) in 1991, and R-1 is now called RS-6.5, R-2 is now called RM-5, and R-3 is now called RM-3. These zoning districts accommodate residential densities which range from 6 to 40 units per acres. Both the RS-6.5 and the RM-5 zoning districts are compatible with the Urban Residential Reserve Comprehensive Plan designation.
2. The subject property is located on the North side of Eleanor Avenue approximately 500 feet east of its intersection with Century Drive. Eleanor Avenue dead ends approximately 200 feet east of the subject property.
3. Century Drive is classified as an Urban Minor Collector on the City's Master Street Plan (Comprehensive Plan, Plate 12) and is a frontage road adjacent to Interstate 5. Eleanor Avenue is classified as a Local Street and is a narrow, paved two-lane street that does not meet city standards. The right-of-way is only 30 feet wide instead of the required 50 feet, and there is no curb, gutter, or sidewalk.
4. The applicant realizes that Eleanor Avenue NE in this location is not improved to City standards. She has stated in her findings that she does not believe that the time is ripe for making such improvements. However, she agrees to accept as a condition of approval a requirement that she sign a Petition for Improvement/Waiver of remonstrance for the future street improvements to city standards.
5. No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic. Streets within and adjacent to a development shall be improved in accordance with the standards of Article 12 of the Albany Development Code. Where the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district (ADC12.060 revised).
6. A development project requiring land use approval is required to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120 of the Albany Development Code (ADC12.140 revised)
7. The subject property presently contains a rental house and a one-bedroom apartment unit located on the second story of the detached garage. The proposed development will add a one-bedroom apartment where the existing garage is located. The applicant will provide six (6) off-street parking spaces as required by the conditions of approval by the Planning Commission for the Site Plan Review application submitted for review concurrently with the Zone Change Application.
8. Existing transportation facilities are not constructed to City Standards. The addition of a one-bedroom apartment unit on the subject property will have no significant impact on traffic on Eleanor Avenue and/or Century Drive.
9. The City Engineer has determined that a partial street improvement for this short section would not be timely, and the applicant will instead be required to submit a petition for improvement/waiver of remonstrance for future street improvements prior to issuance of Building Permits or occupancy of the proposed new unit. At the time, the existing use is intensified, the applicant will also be required to dedicate additional right-of way to allow for the future street improvements.
10. Sanitary Sewer. Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of an 8-inch main in Eleanor Avenue.

11. **Water.** Water utility maps indicate that there is no public water service adjacent to this site. The site is served by a private well.
12. **Storm Drainage.** Storm drainage utility maps and an on-site inspection indicate that there is no discernable storm drainage system in this area.
13. **Public Improvements.** Section 12.360 through 12.565 require that public improvements, including water, sanitary sewer, water, and storm drainage meet certain requirements and standards. It is anticipated that the required improvements or assurances for their future improvements will be made at the time additional development occurs on the property. Therefore, these improvements are considered "anticipated" for purposes of this review criteria.
14. **Schools.** The schools currently serving this area are South Shore Elementary, North Albany Middle School and West Albany High School. Bus service is provided by the Greater Albany School District at this time.
15. **Parks.** Currently, the closest park to the proposed triplex is Timberlinn Park which is located approximately a mile away. Normal access to the park will be by way of vehicle as there are currently no sidewalks adjacent to any of the streets with the exception of the new sidewalks that are being installed adjacent to Timber Street as a part of the Linn County Fairgrounds project.
16. **Police Protection.** The Planning Division has provided notice of the subject application, and an opportunity for the Police Department to comment. The Planning Division has received no comments from the Police Department. Section 1.215 of the Albany Development Code provides that "if the agency or city department does not comment within 10 days..., the agency or city department is presumed to have no comments or objections."
17. **Fire Protection.** The Planning Division has provided notice of the subject application and an opportunity for the Fire Department to comment. Deputy Fire Marshal, Don Shlies, had no comments on the proposed zoning map amendment, but certain requirements must be met at the time the property is further developed.
18. There are no unique natural features or special areas that will be jeopardized as a result of the proposed zoning map amendment.
19. The intent of residential zoning districts is to provide land for housing. The Development Code preserves the character of neighborhoods by providing seven zones with different density standards [ADC3.010 revised].
20. The RM-5 (Residential Limited Multiple Family) zoning district is intended primarily for low to medium density multiple family residential urban development. Development should occur at 10 to 20 units per acre [ADC3.020(5) revised].
21. A determination of whether the proposed zoning district "best satisfies" the goals and policies of the Comprehensive Plan is made by evaluating both the existing zoning of the subject property and the proposed zoning against relevant Comprehensive Plan policies.
22. The subject property is located in an area which essentially provides low cost housing. Immediately to the north, south, and east are single family residences. Limited Multiple Family (RM-5) zoning begins immediately to the west of the subject property. There is a large area to the northwest of the property zoned NC (Neighborhood Commercial) and there are small trailer parks and multi-family residences between the subject property and Century Drive. Further to the east in the Knox Butte area are larger homes on larger lots.
23. The subject property is located in close proximity to the Millersburg industrial area. The subject property has easy access to that high employment area.

24. The proposed Zone Change will encourage a mix of housing types in an area that currently is a mixture of housing types and provides for the up-grading of an existing non-conforming use.
25. Compared with the existing RS-6.5 (Residential Single Family) zone, the purpose of the RM-5 (Residential Limited Multiple Family) zone consistently promotes the relevant goals and policies of the Comprehensive Plan, as discussed above. The RM-5 designation provides better utilization of the subject property for housing and increases the variety of densities of housing available in the city, consistent with Goal 10. Existing and planned street improvements in the area can accommodate the proposed density of development, consistent with Goal 12. The application of the RM-5 zone to the subject property, therefore, best satisfies the goals and policies of the Comprehensive Plan.

EXHIBIT "B"
ZONE CHANGE CASE NO. ZC-05-95
LEGAL DESCRIPTION

Beginning at the Northwest corner of Tract 22 of Sudtoll Acres in Linn County, Oregon; and running thence S.7°00'E. along the West line of Tract 22 a distance of 88.96 feet; thence N.88°43'E. 116.35 feet to the East line of said tract; thence N.0°24'E. 84.76 feet to the Northeast corner of Tract 22; thence N.89°36'W. 127.93 feet to the place of beginning.



**CITY OF ALBANY ZONE CHANGE
STAFF REPORT**

FILE NOS.: ZC-05-95 and SP-78-95

HEARING BODIES: Albany Hearings Board
Albany City Council

HEARING DATES: November 15, 1995
December 13, 1995

HEARING TIMES: 4:00 p.m.
7:15 p.m.

HEARING LOCATION: 250 Broadalbin SW, City Hall II Council Chambers

GENERAL INFORMATION

Applicant: Linda Hoby, 436 Eighth Avenue SW; Albany, OR 97321

Filed By: Robert Scott, Attorney; 433 Fourth Avenue SW; Albany, OR 97321

Type of Request: A Zone Change application that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family - 6,500 square foot minimum lot size) to RM-5 (Residential Limited Multiple Family); and a concurrent Site Plan Review application for the conversion of the existing detached garage with one bedroom apartment unit and the existing single family residence into a triplex unit on a 10,552 square foot± parcel.

Property Location: 3503 and 3503 1/2 Eleanor Avenue NE

Total Land Area: 10,552 square feet

Assessor's Map & Tax Lot No.: Linn County Assessor's Map 10-3W-33DC, Tax Lot 1600

Neighborhood: East Albany

Existing Comp. Plan Designation: Urban Residential Reserve

Surrounding Zoning: To the north and east, RS-6.5 (Residential Single Family); to the west and southwest, RM-5 (Residential Limited Multiple Family); to the south, across Eleanor Street, RS-6.5.

Existing Land Use: Single family detached residence with an accessory apartment located on the second story of a detached garage. (Note: After the application request for the Zone Change was submitted on September 29, 1995, the improvements proposed by the applicant were made to the property. The existing garage structure appears to have been converted to two apartment units and the unit attached to the single family house at the northwest corner of the house. No Building Permits were applied for nor issued and the majority if not all of the improvements that were made would not require permits such as replacement or repair of roofing or siding, door and window replacements where no structural member is changed; concrete slabs, driveways, etc.)

Surrounding Uses: To the north, single family homes on half-acre parcels; and east and south, single family homes on lots ranging in size from 8,109 square feet to 16,210 square feet. To the west, a single family residence on a lot of 9,583.2 square feet, a non-conforming manufactured home/recreational vehicle park. To the southwest, on the south side of Eleanor Avenue,

approximately 70 feet away is a vacant limited multiple family zoned parcel and beyond a non-conforming manufactured home park/apartment complex.

PROPOSED DEVELOPMENT: The applicant intends to upgrade the existing single family residence and the detached apartment unit by connecting the buildings together and creating a third unit on the ground floor of the existing detached garage.

PRIOR HISTORY: The subject property was annexed to the City of Albany on January 27, 1982, (Annexation Case No. AN-07-81) as part of a large health hazard annexation (Century Drive and Draperville areas) due to failing septic tanks. The area was zoned Residential Single Family with a Comprehensive Plan Designation of Urban Residential Reserve on May 25, 1983 (Zone Change Case No. ZC-01-83 and Comprehensive Plan Amendment Case No. CP-01-83)

NOTICE INFORMATION: Notices were mailed to affected property owners on November 2, 1995, as well as posted in the first floor kiosk of City Hall II, 250 Broadalbin SW. The site was posted in accordance with Section 4.034 of the Albany Development Code. At the time this staff report was prepared (November 8, 1995) the Planning Division had received no written comments from affected parties. However, one letter was submitted prior to the Hearings Board meeting and two additional letters were submitted at the public hearing. These letters are attached to this report.

STAFF RECOMMENDATION: Recommend APPROVAL of the Zone Change application that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family - 6,500 square foot minimum lot size) to RM-5 (Residential Limited Multiple Family) and recommend APPROVAL of the concurrent Site Plan Review application for the conversion of the existing detached garage with one bedroom apartment unit and the existing single family residence into a triplex unit on a 10,552 square foot± parcel subject to the conditions of approval listed in the staff report.

HEARINGS BOARD ACTION: The Hearings Board recommended APPROVAL of the Zone Change application (Case No. ZC-05-95) that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family - 6,500 square foot minimum lot size) to RM-5 (Residential Limited Multiple Family) and recommended APPROVAL of the concurrent Site Plan Review application (Case No. SP-78-95) for the conversion of the existing detached garage with one bedroom apartment unit and the existing single family residence into a triplex unit on a 10,552 square foot± parcel subject to the conditions of approval listed in the staff report based on the Findings and Conclusions of the Staff Report and the testimony presented at the Public Hearing and as MODIFIED by changing the required off-street parking spaces from 4 to 6 based on the finding that the existing street is too narrow to provide for any over-flow parking based on testimony at the public hearing for property located at 3503 and 3503 1/2 Eleanor Avenue NE.

CITY COUNCIL ACTION:

MOTION TO APPROVE

I move that the City Council APPROVE the Zone Change application (Case No. ZC-05-95) and ADOPT AN ORDINANCE that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family - 6,500 square foot minimum lot size) to RM-5 (Residential Limited Multiple Family) and APPROVE the concurrent Site Plan Review application (Case No. SP-78-95) for the conversion of the existing detached garage with one bedroom apartment unit and the existing single family residence into a triplex unit on a 10,552 square foot± parcel subject to the conditions of approval listed in the staff report based on the Findings and Conclusions of the Staff Report and the testimony presented at the Public Hearing and as MODIFIED by the Hearings Board which changes the required off-street parking spaces from 4 to 6 based on the finding that the existing street is too narrow to provide for any over-flow parking for property located at 3503 and 3503 1/2 Eleanor Avenue NE.

OR

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the City Council **APPROVE** the Zone Change application (Case No. ZC-05-95) and **ADOPT AN ORDINANCE** that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family - 6,500 square foot minimum lot size) to RM-5 (Residential Limited Multiple Family) and **APPROVE** the concurrent Site Plan Review application (Case No. SP-78-95) for the conversion of the existing detached garage with one bedroom apartment unit and the existing single family residence into a triplex unit on a 10,552 square foot± parcel based on the Findings and Conclusions of the Staff Report and the testimony presented at the Public Hearing and as **MODIFIED** by insert any new conditions or modifications based on testimony at the public hearing for property located at 3503 and 3503 1/2 Eleanor Avenue NE.

OR

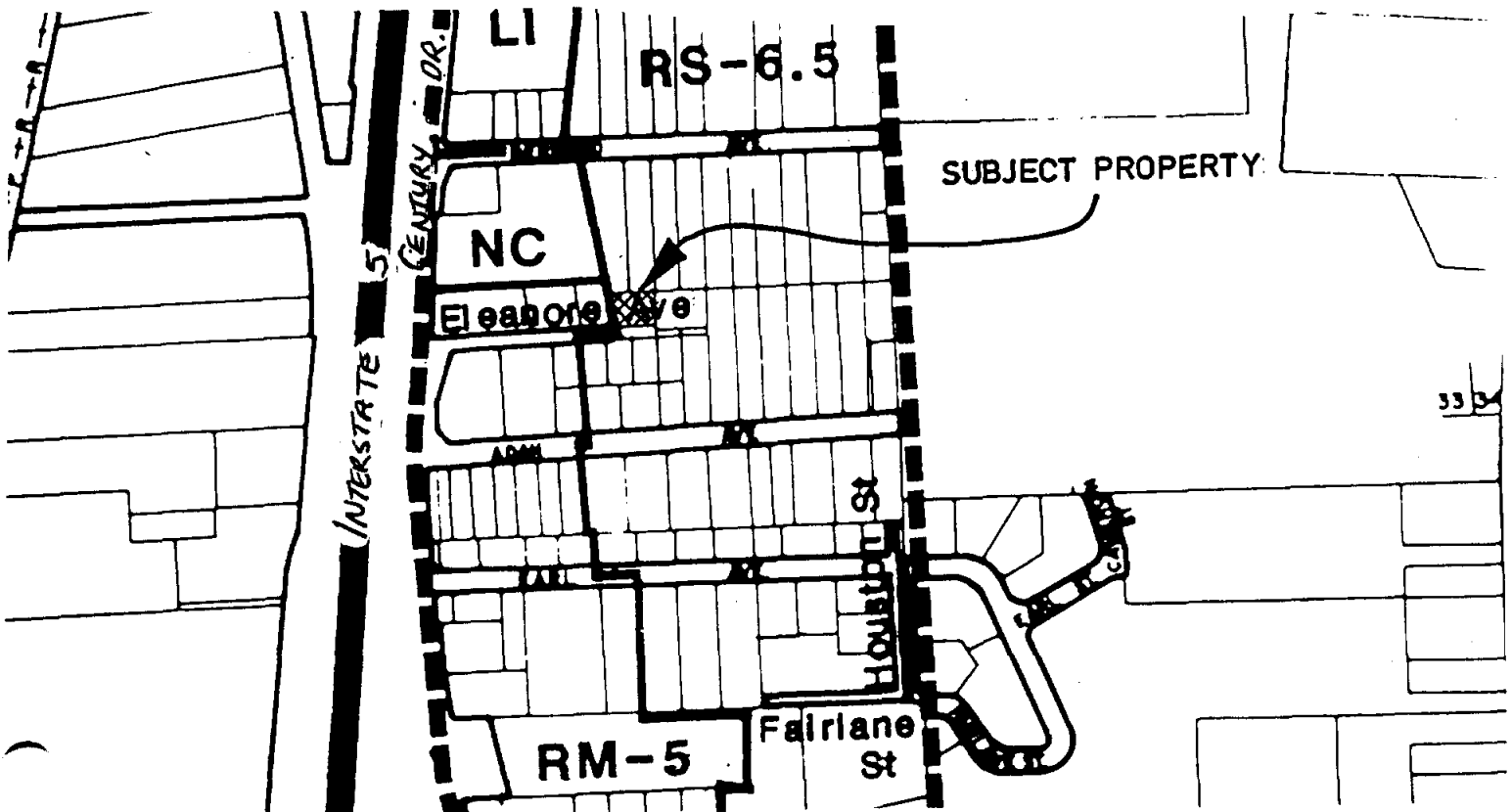
MOTION TO DENY

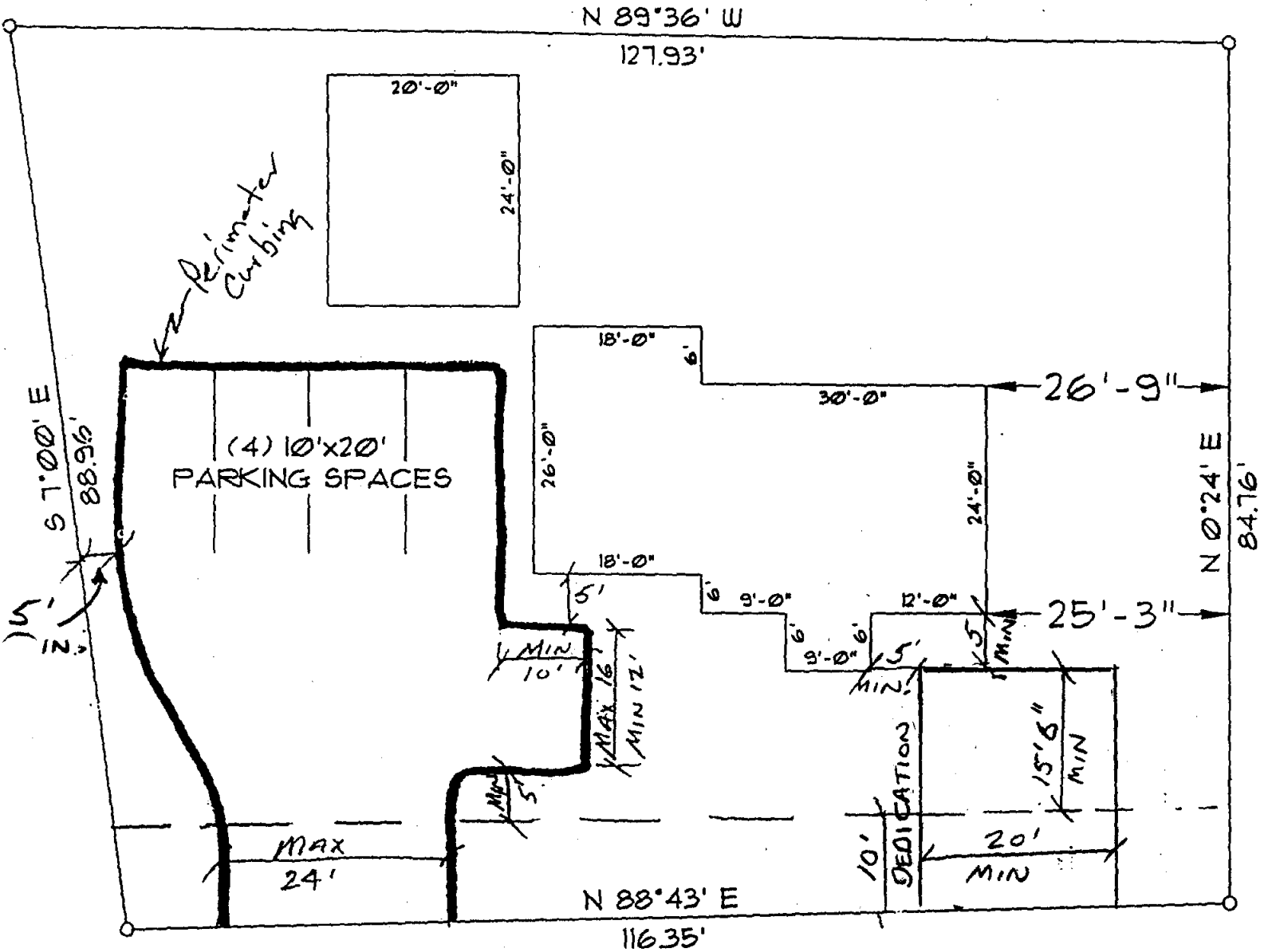
I move that the City Council **DENY** the Zone Change application (Case No. ZC-05-95) that would change the zoning of a 10,552 square foot parcel from RS-6.5 (Residential Single Family - 6,500 square foot minimum lot size) to RM-5 (Residential Limited Multiple Family) and **DENY** the concurrent Site Plan Review application (Case No. SP-78-95) for the conversion of the existing detached garage with one bedroom apartment unit and the existing single family residence into a triplex unit on a 10,552 square foot± parcel for property located at 3503 and 3503 1/2 Eleanor Avenue NE based on testimony presented at the Public Hearing and direct staff to prepare findings to support the denial.

APPEALS:

Within five days of final action on this case, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal not later than 21 days after the decision sought to be reviewed is mailed to parties entitled to notice.





ELEANOR STREET

REVISED
PLOT PLAN

SCALE: 1/16" = 1'-0"

APPROVAL STANDARDS

Zone Change Case No. ZC-05-95 and Site Plan Review Case No. SP-78-95

ZONING MAP AMENDMENT REVIEW CRITERIA The approval standards relevant to the review of the Zoning Map Amendment application are found in the Albany Development Code and the Albany Comprehensive Plan. Section 2.550 of the Development Code lists the five review criteria which must be met for a Zoning Map Amendment to be approved. Review Criteria (5) requires a review of relevant Comprehensive Plan policies.

[REVIEW CRITERIA WILL BE WRITTEN IN *BOLD ITALIC* FOLLOWED BY PROPOSED FINDINGS]

2.550 (1) *The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080.*

Findings of Fact:

- 1.1 The applicant proposes to change the zoning designation of the subject property from RS-6.5 (Residential Single Family, minimum lot size 6,500 square feet to RM-5 (Residential Limited Multiple Family).
- 1.2 The Comprehensive Plan map designation of the subject property is Urban Residential Reserve. The Plan Designation Zoning Matrix on page 131 of the Comprehensive Plan shows that R-1, R-2, and R-3 zoning districts are compatible with the URR Plan designation. The numbering system of the R-1, R-2, and R-3 zoning designations was changed in the Albany Development Code (ADC) in 1991, and R-1 is now called RS-6.5, R-2 is now called RM-5, and R-3 is now called RM-3. These zoning districts accommodate residential densities which range from 6 to 40 units per acres. Both the RS-6.5 and the RM-5 zoning districts are compatible with the Urban Residential Reserve Comprehensive Plan designation.

Conclusion: This criterion is met, because the proposed RM-5 zoning designation is consistent with the Urban Residential Reserve Comprehensive Plan designation of the subject property, and no Plan map amendment is needed.

2.550 (2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

Findings of Fact:

- 2.1 The subject property is located on the North side of Eleanor Avenue approximately 500 feet east of its intersection with Century Drive. Eleanor Avenue dead ends approximately 200 feet east of the subject property.
- 2.2 Century Drive is classified as an Urban Minor Collector on the City's Master Street Plan (Comprehensive Plan, Plate 12) and is a frontage road adjacent to Interstate 5. Eleanor Avenue is classified as a Local Street and is a narrow, paved two-lane street that does not meet city standards. The right-of-way is only 30 feet wide instead of the required 50 feet, and there is no curb, gutter, or sidewalk.
- 2.3 The applicant realizes that Eleanor Avenue NE in this location is not improved to City standards. She has stated in her findings that she does not believe that the time is ripe for making such improvements. However, she agrees to accept as a condition of approval a requirement that she sign

a Petition for Improvement/Waiver of remonstrance for the future street improvements to city standards.

- 2.4 No development shall occur unless the development has frontage on or approved access to a public street currently open to traffic. Streets within and adjacent to a development shall be improved in accordance with the standards of Article 12 of the Albany Development Code. Where the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district (ADC12.060 revised).
- 2.5 A development project requiring land use approval is required to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120 of the Albany Development Code (ADC12.140 revised)
- 2.6 The subject property presently contains a rental house and a one-bedroom apartment unit located on the second story of the detached garage. The proposed development will add a one-bedroom apartment where the existing garage is located. The applicant has proposed four off-street parking spaces on the Site Plan submitted for review with the concurrent Site Plan Review Application.

Conclusions:

- 2.1 Existing transportation facilities are not constructed to City Standards.
- 2.2 The addition of a one-bedroom apartment unit on the subject property will have no significant impact on traffic on Eleanor Avenue and/or Century Drive.
- 2.3 The city engineer has determined that a partial street improvement for this short section would not be timely, and the applicant will instead be required to submit a petition for improvement/waiver of remonstrance for future street improvements prior to issuance of Building Permits or occupancy of the proposed new unit. At the time, the existing use is intensified, the applicant will also be required to dedicate additional right-of way to allow for the future street improvements.

2.550 (3) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.*

Findings of Fact.

- 3.1 **Sanitary Sewer.** Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of an 8-inch main in Eleanor Avenue.
- 3.2 **Water.** Water utility maps indicate that there is no public water service adjacent to this site. The site is served by a private well.
- 3.3 **Storm Drainage.** Storm drainage utility maps and an on-site inspection indicate that there is no discernable storm drainage system in this area.
- 3.4 **Public Improvements.** Section 12.360 through 12.565 require that public improvements, including water, sanitary sewer, water, and storm drainage meet certain requirements and standards. It is anticipated that the required improvements or assurances for their future improvements will be made at the time additional development occurs on the property. Therefore, these improvements are considered "anticipated" for purposes of this review criteria.

- 3.5 **Schools.** The schools currently serving this area are South Shore Elementary, North Albany Middle School and West Albany High School. Bus service is provided by the Greater Albany School District at this time.
- 3.6 **Parks.** Currently, the closest park to the proposed triplex is Timberlinn Park which is located approximately a mile away. Normal access to the park will be by way of vehicle as there are currently no sidewalks adjacent to any of the streets with the exception of the new sidewalks that are being installed adjacent to Timber Street as a part of the Linn County Fairgrounds project.
- 3.7 **Police Protection.** The Planning Division has provided notice of the subject application, and an opportunity for the Police Department to comment. The Planning Division has received no comments from the Police Department. Section 1.215 of the Albany Development Code provides that "if the agency or city department does not comment within 10 days..., the agency or city department is presumed to have no comments or objections."
- 3.8 **Fire Protection.** The Planning Division has provided notice of the subject application and an opportunity for the Fire Department to comment. Deputy Fire Marshal, Don Shlies, had no comments on the proposed zoning map amendment, but certain requirements must be met at the time the property is further developed.

Applicant's Findings.

- 3.1 The subject property is slightly over 10,000 square feet. A house and an accessory apartment are located upon the property and current plans are to construct an additional one-bedroom apartment. Assuming those plans are followed, impact on City services will be minimal. Even if the applicant chose to destroy existing improvements, the maximum number of dwelling units that could be placed on the property given its size and shape, would be four.
- 3.2 The area in which the subject property is located is served by the Albany City Police, the Albany Fire Department, and the Greater Albany Public Schools.

Applicant's Conclusions.

- 3.1 Given the limited number of units possible under the proposed zoning, the effect of the Zone Change on existing or anticipated services within the subject area will be minimal.
- 3.2 With conditions that the applicant will sign Petitions for Improvement/Waivers of Remonstrance allowing future improvements proposed by the City, this criterion will be met.

Conclusion: The street serving the subject property is currently not adequate to serve the uses allowed under the existing zoning designation or proposed zoning designation. However, this criterion can be met provided the anticipated improvements as listed below are made. These requirements are not conditions of approval for approval of the Zone Change request but are provided as information to the applicant to define what are considered "anticipated" improvements for the purpose of this review.

1. **Water.** Prior to issuance of Building Permits or occupancy of the new apartment unit, the applicants must submit a petition for improvements/waiver of remonstrance for a future assessment district for public water (ADC12.420 revised).
2. **Storm Drainage/Street/Sidewalk.** Prior to issuance of Building Permits or occupancy of the new apartment unit, a Petition for Improvement/Waiver of Remonstrance for the future construction of streets, curb and gutter, sidewalks, and storm drainage to be located in Eleanor Avenue shall be signed by the applicant, notarized, and submitted to the City (ADC12.040 revised).

3. **Storm Drainage.** Any new development on the site must make provisions for managing storm water runoff. The parking area shall be graded so drainage will not adversely affect adjacent properties and all gutters and catch basins shall be routed to an approved discharge point, such as a dry well, which must be approved by the City Engineer.
4. **Storm Drainage.** 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 (ADC12.530 revised).
5. **Street.** Prior to issuance of Building Permits or occupancy of the new apartment unit, the applicant shall dedicate 10 feet of additional right-of-way on the north side of Eleanor Avenue for the full length of Tax Lot 1600 (ADC12.140 revised).

2.550 (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.*

Findings of Fact:

- 4.1 **Floodplains.** Comprehensive Plan Plate 5: Floodplains shows no areas of concern on the subject property. The subject property is not in a floodplain as shown on FEMA/FIRM Community Panel No. 410137 0002E and 410137 0004D, dated March 16, 1989.
- 4.2 **Slopes.** Comprehensive Plan Plate 7: Slopes shows no areas of concern on the subject property. The City of Albany Sanitary Sewer topography maps indicate that the subject property is relatively flat.
- 4.3 **Natural Vegetation.** Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat shows no areas of concern on the subject property.
- 4.4 **Wetlands.** Comprehensive Plan Plate 6: Wetland Sites shows no areas of concern on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) also shows no wetlands on the property.
- 4.5 **Historic Districts.** The subject property is not in a historic district, and the City's Preservation Planner advises that there are no known archaeological sites on the property.

Conclusion: This criterion is met because no unique natural features or special areas will be jeopardized as a result of the proposed zoning map amendment.

2.550 (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

Findings of Fact:

- 5.1 The intent of residential zoning districts is to provide land for housing. The Development Code preserves the character of neighborhoods by providing seven zones with different density standards [ADC3.010 revised].
- 5.2 The RM-5 (Residential Limited Multiple Family) zoning district is intended primarily for low to medium density multiple family residential urban development. Development should occur at 10 to 20 units per acre [ADC3.020(5) revised].

- 5.3 A determination of whether the proposed zoning district "best satisfies" the goals and policies of the Comprehensive Plan is made by evaluating both the existing zoning of the subject property and the proposed zoning against relevant Comprehensive Plan policies.
- 5.4 The Comprehensive Plan goals and policies identified in the following findings are relevant to this review criterion.

Goal 1: Citizen Involvement: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Policies:

2. **When making land use and other planning decisions:**
- a. **Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.**
 - b. **Utilize all criteria relevant to the issue.**
 - c. **Ensure the long-range interests of the general public are considered.**
 - d. **Give particular attention to input provided by the public.**
 - e. **Where opposing viewpoints are expressed, attempt to reach consensus.**
4. **Ensure information is made available to the public concerning development regulations, land use and other planning matters including ways they can effectively participate in the planning process.**

Findings of Fact:

- 5.5 The Albany Development Code provides opportunity for citizen input in the consideration of zoning map amendments. Public notice of a public hearing on proposed zoning map amendments is provided to properties within 100 feet of the subject property. Affected agencies are also notified. Public hearings are held before the Hearings Board or Planning Commission and the City Council, with opportunity provided for both proponents and opponents of the zoning map amendment to be heard. The City requires that the applicant submit evidence that explains how the proposal meets the review criteria listed in the Albany Development Code, Albany Comprehensive Plan, and other relevant regulations.
- 5.6 Applicant information is available for review by the public prior to the public hearing. City staff prepares a staff report explaining the proposal and providing analysis of compliance with relevant review criteria. The staff report is available to the public at least seven days prior to the public hearing. The Planning Commission and City Council consider the applicant's submittal, the staff report, and all relevant proponent and opponent testimony in reaching their decisions on zone change requests.

Conclusion: The City's process for review of zoning map amendments provides opportunities for citizen involvement and ensures that this goal and relevant policies will be satisfied prior to making a decision on the subject application. Compliance with this goal and its sub-policies does not provide any guidance as to which zoning designation is the more appropriate for the subject property.

Goal 10: Housing: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

- Policy 1.** *Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.*
- Policy 4.** *Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices such as:*
- a. Manufactured homes sited on individual lots.*
 - b. The adaptive reuse of the upper floors of structures within the Downtown Business District for residential purposes.*
 - c. Other actions directed at reducing housing costs which conform with the Comprehensive Plan, including innovative Development Code regulations.*
- Policy 10.** *Encourage a mix of housing types and residential densities within the Urban Residential Reserve area which conform with the population and density projections adopted by the City of Albany.*
- Policy 11.** *Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.*

Findings of Fact:

- 5.7 The subject property is located in an area which essentially provides low cost housing. Immediately to the north, south, and east are single family residences. Limited Multiple Family (RM-5) zoning begins immediately to the west of the subject property. There is a large area to the northwest of the property zoned NC (Neighborhood Commercial) and there are small trailer parks and multi-family residences between the subject property and Century Drive. Further to the east in the Knox Butte area are larger homes on larger lots.
- 5.8 The subject property is located in close proximity to the Millersburg industrial area. The subject property has easy access to that high employment area.

Conclusion: The proposed Zone Change will encourage a mix of housing types in an area that currently is a mixture of housing types and provides for the up-grading of an existing non-conforming use.

- Goal 12.** *Transportation: Provide a safe, diversified, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, and cultural and scenic values.*
- Policy 3.** *As part of the development review process, evaluate the adequacy of transportation to, from, and within the site.*

Findings of Fact:

- 5.9 Review Criterion (2) and OAR 660-12-045-(3) and (4)(a)-(e) implement these Comprehensive Plan policies. The findings and conclusions under Review Criterion (2) establish that the subject application is consistent with these policies, and OAR requirements are implemented at the time development is proposed on the subject property.

Conclusion: With the improvements identified under Review Criterion (2), the transportation system can accommodate either development consistent with the existing RS-6.5 (Residential Single Family) or the proposed RM-5 (Residential Limited Multiple Family) zoning districts.

Summary Conclusion Regarding Review Criterion (5): Compared with the existing RS-6.5 (Residential Single Family) zone, the purpose of the RM-5 (Residential Limited Multiple Family) zone consistently promotes the relevant goals and policies of the Comprehensive Plan, as discussed above. The RM-5 designation provides better utilization of the subject property for housing and increases the variety of densities of housing available in the city, consistent with Goal 10. Existing and planned street improvements in the area can accommodate the proposed density of development, consistent with Goal 12. The application of the RM-5 zone to the subject property, therefore, best satisfies the goals and policies of the Comprehensive Plan.

SITE PLAN REVIEW CRITERIA: The Albany Development Code in Article 13.040 states that the Approval Authority shall approve a Site Plan Review if the following Site Plan Review criteria are met:

8.070(1) *Public facilities can accommodate the proposed development.*

The following Comprehensive Plan policies have been identified as relevant to this review criteria:

1. Review and regulate development proposals to ensure that adequate water service improvements shall be provided for the proposed development as well as to serve future land uses as identified in the Comprehensive Plan.
2. Developments requiring the extension or expansion of water facilities will be required to pay an equitable share of the costs.

Findings of Fact:

- 1.1 **Sanitary Sewer.** Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of an 8-inch main in Eleanor Avenue.
- 1.2 **Water.** Water utility maps indicate that there is no public water service adjacent to this site. The site is served by a private well.
- 1.3 **Storm Drainage.** Storm drainage utility maps and an on-site inspection indicate that there is no discernable storm drainage system in this area.
- 1.4 **Street.** Existing roadway improvements on Eleanor Avenue do not meet city standards. The right-of-way is only 30 feet wide instead of the required 50 feet, and there is no curb, gutter, or sidewalk.
- 1.5 **Street.** New developments adjacent to an existing street not meeting city standards are required to make at least partial width street improvements (ADC12.200 revised). The city engineer has determined, however, that a partial street improvement for this short section would not be timely, and the applicant will instead be required to submit a petition for improvement/waiver of remonstrance for future street improvements (ADC12.060 revised).
- 1.6 **Street.** A development project requiring land use approval is required to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120 of the Albany Development Code (ADC12.140 revised)
- 1.7 **Schools.** The schools currently serving this area are South Shore Elementary, North Albany Middle School and West Albany High School. Bus service is provided by the Greater Albany School District at this time.
- 1.8 **Parks.** Currently, the closest park to the proposed triplex is Timberlinn Park which is located approximately a mile away. Normal access to the park will be by way of vehicle as there are

currently no sidewalks adjacent to any of the streets with the exception of the new sidewalks that are being installed adjacent to Timber Street as a part of the Linn County Fairgrounds project.

Applicant's Findings.

- 1.1 The subject property is slightly over 10,000 square feet. A house and an accessory apartment are located upon the property and current plans are to construct an additional one-bedroom apartment. Assuming those plans are followed, impact on City services will be minimal. Even if the applicant chose to destroy existing improvements, the maximum number of dwelling units that could be placed on the property given its size and shape, would be four.
- 1.2 The area in which the subject property is located is served by the Albany City Police, the Albany Fire Department, and the Greater Albany Public Schools.

Applicant's Conclusions.

- 1.1 Given the limited number of units possible under the proposed zoning, the effect of the Zone Change on existing or anticipated services within the subject area will be minimal.
- 1.2 With conditions that the applicant will sign Petitions for Improvement/Waivers of Remonstrance allowing future improvements proposed by the City, this criterion will be met.

Conclusion: This criterion can be met provided the following conditions are met:

1. **Water.** Prior to issuance of Building Permits or occupancy of the new apartment unit, the applicants must submit a petition for improvements/waiver of remonstrance for a future assessment district for public water (ADC12.420 revised).
2. **Storm Drainage/Street/Sidewalk.** Prior to issuance of Building Permits or occupancy of the new apartment unit, a Petition for Improvement/Waiver of Remonstrance for the future construction of streets, curb and gutter, sidewalks, and storm drainage to be located in Eleanor Avenue shall be signed by the applicant, notarized, and submitted to the City (ADC12.040 revised).
3. **Storm Drainage.** Any new development on the site must make provisions for managing storm water runoff. The parking area shall be graded so drainage will not adversely affect adjacent properties and all gutters and catch basins shall be routed to an approved discharge point, such as a dry well, which must be approved by the City Engineer.
4. **Storm Drainage.** 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 (ADC12.530 revised).
5. **Street.** Prior to issuance of Building Permits or occupancy of the new apartment unit, the applicant shall dedicate 10 feet of additional right-of-way on the north side of Eleanor Avenue for the full length of Tax Lot 1600 (ADC12.140 revised).

8.070

- (2) *Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.*

Findings of Fact:

- 2.1 **Floodplains.** Comprehensive Plan Plate 5: Floodplains shows no areas of concern on the subject property. The subject property is not in a floodplain as shown on FEMA/FIRM Community Panel No. 410137 0002E and 410137 0004D, dated March 16, 1989.
- 2.2 **Slopes.** Comprehensive Plan Plate 7: Slopes shows no areas of concern on the subject property. The City of Albany Sanitary Sewer topography maps indicate that the subject property is relatively flat.
- 2.3 **Natural Vegetation.** Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat shows no areas of concern on the subject property.
- 2.4 **Wetlands.** Comprehensive Plan Plate 6: Wetland Sites shows no areas of concern on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) also shows no wetlands on the property.
- 2.5 **Historic Districts.** The subject property is not in a historic district, and the City's Preservation Planner advises that there are no known archaeological sites on the property.

Conclusion: This criterion is met because no unique natural features or special areas will be jeopardized as a result of the proposed development.

8.070

- (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.*

The following Comprehensive Plan policies have been identified as relevant to this review criteria:

1. Review development and transportation plans to determine the most efficient, safe, and least disruptive relationship between land uses and the transportation system.
2. Require new development to utilize landscaping and encourage the improvement of existing development sites to current Development Code standards, especially by planting trees.
3. Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices.

Findings of Fact:

- 3.1 Multiple family developments (apartments) are permitted with Site Plan Review approval in the RM-5 (Residential Limited Multiple Family) zoning district in accordance with the density and setback standards of Section 3.190ADC (Table 1), minimum parking requirements of Section 3.320ADC (Table 3) and the standards for Site Plan Review approval, Article 8 of the Albany Development Code.
- 3.2 This general area has been planned and zoned for low and medium density residential development since 1983. The subject property will contain approximately 10,435.65 square feet after the dedication of the 10-foot street right-of-way. The existing RM-5 zoning would allow up to 4 one-bedroom units or 3 two-bedroom units (without density bonuses). The proposed triplex consisting of 2 one-bedroom units and one-two bedroom units requires a total of 8,100 square feet of land area.

- 3.3 The applicant is proposing to create a triplex unit on the lot by attaching an existing single family dwelling to an existing non-conforming one-bedroom accessory unit on the second story of the detached garage and converting the ground floor of the garage to a one-bedroom apartment unit.
- 3.4 Clear and objective standards in relation to setbacks, minimum landscape, lot coverage and parking requirements are listed in Article 3 of the Albany Development Code for the development of property within a RM-5 (Residential Limited Multiple Family) zoning district. The proposed development meets or exceeds those standards.

Conclusion: This criterion can be met provided the following conditions are met:

1. All new dwellings must be attached to each other and the existing single family residence. Siding and roofing material shall be the same for the entire structure.
2. Minimum landscaping/buffering required adjacent to Eleanor Avenue (ADC9.210 revised):
 - a. Three (3) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or six (6) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
 - b. At least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs.
 - c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.)

Minimum landscaping/buffering/screening required adjacent to north property line (ADC9.210 revised):

- a. Four (4) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or eight (8) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least five (5) five-gallon shrubs or ten (10) one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

Minimum landscaping/buffering/screening required adjacent to west property line (ADC9.210 revised):

- a. Two (2) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or four (4) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least five (5) five-gallon shrubs or ten (10) one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.)
- d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

Minimum landscaping/buffering/screening required adjacent to east property line (ADC9.210 revised):

- a. **Two (2) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or four (4) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.**
 - b. **At least five (5) five-gallon shrubs or ten (10) one-gallon shrubs.**
 - c. **The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.)**
 - d. **In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.**
3. **Landscaping shall be installed prior to a Final Occupancy Permit being issued for the building or the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the plant materials and labor as determined by the Director which shall be forfeited to the City of Albany if landscaping is not completed within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the Director when circumstances beyond the control of the developer prevents earlier completion (ADC9.190 revised).**
 4. **All refuse materials shall be contained within a screened area consisting of a sight obscuring fence, wall or hedge at least 6 feet in height. No refuse container shall be placed within 15 feet of a dwelling window (ADC3.360 revised).**
 5. **Any lighting provided on the site, including that provided by and/or for parking areas shall be arranged to reflect the light away from any residential uses and the adjacent street [ADC9.120(14) revised].**

8.070

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

The following Comprehensive Plan policies have been identified as relevant to this review criteria:

1. **As part of the development review process, evaluate the adequacy of transportation to, from, and within the site.**
2. **Ensure that design and location of driveways provides for safe and efficient property access and does not interfere with traffic circulation and carrying capacity.**
3. **Minimize the need for on-street parking by maintaining regulations that require off-street parking and loading facilities commensurate with the size and relative needs of the proposed use.**

Findings of Fact:

- 4.1 **The proposed triplex will have direct access to Eleanor Avenue NE, which lies approximately 500 feet to the east of Century Drive, a designated minor urban collector street.**
- 4.2 **Approaches and driveways to City streets must be paved and constructed in accordance with the Standard Construction Specifications [ADC12.100(1) revised].**

- 4.3 Driveways for single- and two-family dwellings must have a minimum width of 12 feet, maximum width of 20 feet (not to exceed the width of the driveway curb cut), and a minimum separation of 5 feet. Driveways for all other uses must have width of 24-32 feet for two lane driveways [ADC12.100(2) revised].
- 4.4 The applicant's Site Plan proposes a four-car driveway of 40 feet in width. Except for single family houses and duplex dwellings, groups of more than 2 parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley [ADC9.120(7) revised].
- 4.5 All parking areas shall have a durable, dust-free surfacing of asphaltic concrete, cement concrete, or other materials approved by the Director of Public Works [ADC9.120(3) revised].
- 4.6 The applicant is proposing a single parking area containing approximately 1,900 square feet ± of paved surface when the parking area is constructed to Development Code requirements.
- 4.7 Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area of the parking area. Provisions shall be made for the one-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of way, and abutting private property. All drainage systems must be approved by the Director of Public Works [ADC9.120(4) revised].
- 4.8 Perimeter curbing is required for protection of landscaped areas, pedestrian walkways, and to prevent runoff onto adjacent properties. All parking areas except those required in conjunction with a single- or two-family dwelling shall provide a curb of not less than 6 inches in height along the perimeter of all parking areas [ADC9.120(5) revised].
- 4.9 The Albany Development Code requires 1 parking space per one bedroom unit and 1.5 parking spaces per two-bedroom unit (ADC3.320 revised). The applicants have proposed four parking spaces. The Hearings Board found that the existing street is too narrow to provide for any over-flow parking and that two additional off-street parking spaces must be provided.

Conclusion: This criterion can be met provided the following conditions are met:

1. **Prior to occupancy of the third unit, provide a minimum of 6 parking spaces in conformance with parking lot standards as listed in Section 9.120 of the revised Albany Development Code.**
2. **The proposed parking lot shall constructed in conformance with the approved Site Plan as modified to conform with the above listed standards (attached to this report). The pavement area shall include that area between the existing paved street surface and the property line of the subject property.**
3. **Prior to beginning work on the parking area, the applicant shall submit to the Public Works Engineering Division, a storm drainage plan for the parking lot that shows slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes 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 (ADC12.530 revised).**

SUMMARY OF LAND USE CONDITIONS OF APPROVAL
SITE PLAN REVIEW CASE NO SP-78-95

The following land use conditions of approval relate to site plan review criteria in the Albany Development Code and to the findings of fact in the staff report.

Public Facilities

1. **Water.** Prior to issuance of Building Permits or occupancy of the new apartment unit, the applicants must submit a petition for improvements/waiver of remonstrance for a future assessment district for public water (ADC12.420 revised).
2. **Storm Drainage/Street/Sidewalk.** Prior to issuance of Building Permits or occupancy of the new apartment unit, a Petition for Improvement/Waiver of Remonstrance for the future construction of streets, curb and gutter, sidewalks, and storm drainage to be located in Eleanor Avenue shall be signed by the applicant, notarized, and submitted to the City (ADC12.040 revised).
3. **Storm Drainage.** Any new development on the site must make provisions for managing storm water runoff. The parking area shall be graded so drainage will not adversely affect adjacent properties and all gutters and catch basins shall be routed to an approved discharge point, such as a dry well, which must be approved by the City Engineer.
4. **Storm Drainage.** 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 (ADC12.530 revised).
5. **Street.** Prior to issuance of Building Permits or occupancy of the new apartment unit, the applicant shall dedicate 10 feet of additional right-of-way on the north side of Eleanor Avenue for the full length of Tax Lot 1600 (ADC12.140 revised).

Compatibility

6. All new dwellings must be attached to each other and the existing single family residence. Siding and roofing material shall be the same for the entire structure.
7. Minimum landscaping/buffering required adjacent to Eleanor Avenue (ADC9.210 revised):
 - a. Three (3) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or six (6) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
 - b. At least ten (10) five-gallon shrubs or twenty (20) one-gallon shrubs.
 - c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.)

Minimum landscaping/buffering/screening required adjacent to north property line (ADC9.210 revised):

- a. Four (4) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or eight (8) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least five (5) five-gallon shrubs or ten (10) one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry

wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

Minimum landscaping/buffering/screening required adjacent to west property line (ADC9.210 revised):

- a. Two (2) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or four (4) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least five (5) five-gallon shrubs or ten (10) one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

Minimum landscaping/buffering/screening required adjacent to east property line (ADC9.210 revised):

- a. Two (2) deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or four (4) evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least five (5) five-gallon shrubs or ten (10) one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

8. Landscaping shall be installed prior to a Final Occupancy Permit being issued for the building or the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the plant materials and labor as determined by the Director which shall be forfeited to the City of Albany if landscaping is not completed within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the Director when circumstances beyond the control of the developer prevents earlier completion (ADC9.190 revised).
9. All refuse materials shall be contained within a screened area consisting of a sight obscuring fence, wall or hedge at least 6 feet in height. No refuse container shall be placed within 15 feet of a dwelling window (ADC3.360 revised).
10. Any lighting provided on the site, including that provided by and/or for parking areas shall be arranged to reflect the light away from any residential uses and the adjacent street [ADC9.120(14) revised].

Access and Parking

11. Prior to occupancy of the third unit, provide a minimum of 6 parking spaces in conformance with parking lot standards as listed in Section 9.120 of the revised Albany Development Code.
12. The proposed parking lot shall constructed in conformance with the approved Site Plan as modified to conform with the above listed standards (attached to this report). The pavement area shall include that area between the existing paved street surface and the property line of the subject property.

13. **Prior to beginning work on the parking area, the applicant shall submit to the Public Works Engineering Division, a storm drainage plan for the parking lot that shows slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes 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 (ADC12.530 revised).**

PLANNING AND ENGINEERING PROCESS AND/OR MUNICIPAL CODE REQUIREMENTS

The following requirements relate to the planning and engineering administrative policies and/or the Albany Municipal Code requirements and are not related to the Land Use decision.

1. **Development shall occur in substantial conformance to the plans submitted for review and approval subject to the conditions noted below. Any changes to the approved Site Plan must be approved by the Planning Division.**
2. **The applicant's proposal shall be initiated within one year of the effective date of the decision, provided that compliance occurs with the specified conditions and requirements. A one-year extension may be requested prior to the expiration date.**
3. **Prior to doing any work in the public right-of-way or on public utility lines, an Encroachment Permit must be acquired from the City of Albany Engineering Division. Contact Mike Leopard at 967-4300 regarding acquisition of this permit. The City of Albany's Engineering Division will inspect all work performed in the public right-of-way and on public utilities (AMC14.12.020).**
4. **Follow the City of Albany Standard Construction Specifications for all work in the City right-of-way or on public utilities (ADC12.050 revised).**
5. **The applicant is responsible for obtaining utility locates. This can be done by calling 1-800-332-2344. A City representative must be present when any public utilities are exposed.**
6. **Sewer history records show that Tax Lot 1600, Linn County Assessor's Map No. 10-3W-33DC was assessed by Ordinance 4584 on May 25, 1983, Draperville, SS-81-01, on a per unit basis. This parcel was assessed as 1 unit and if the parcel should divide or request additional connections then an "In-lieu-of sewer assessment could be charged at a rate of \$2,048 per unit. Currently, this parcel is connected to sewer and paying for service.**

In lieu-of sewer assessments can be financed over 10 years at 9% interest. A request to finance assessments can be obtained from the Finance Department. Property owners should contact Diane Wood, Special Assessment Accountant at 967-4300, Extension 228 for an appointment.

7. **The Planning Division provided notice to all private utilities. Only Northwest Natural Gas responded. Their response indicated that there is an existing natural gas service to 3503 Eleanor Avenue which may need to be abandoned prior to construction.**

FIRE, BUILDING AND MUNICIPAL CODE

The applicants should be aware that the following items are not conditions related to the Land Use decision of Site Plan Review but are Uniform Building Code, Fire and Life Safety Code, and/or Municipal Code requirements which must also be addressed:

1. **Submit minimum of two sets of building plans to the Building Department for review and approval with application for building permits prior to construction.**

2. Entire structure including existing residence and assessor apartment must comply with current Building Codes for energy conservation, seismic requirements, and handicapped accessibility.
3. Obtain all necessary Building Permits prior to construction.
4. Obtain Electrical Permits from Linn County Building Department.
5. The lot shall be graded so drainage will not adversely affect adjacent properties and all gutters shall be routed to a public storm drain system or an approved discharge point approved by the City Engineer.
6. The proposed triplex unit must have gutters and downspouts which drain to a street or a dry well.
7. Provide one (1) approved 2A10BC on-site fire extinguisher during construction.
8. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy.
9. An approved address must be posted on the building, visible from the street prior to occupancy of the building. Numbers must be no less than three (3) inches in height and shall be painted upon or affixed to the building in a contrasting and highly visible color.
10. Excavation tailings are to be stockpiled in a manner that will facilitate vegetation mowing.
11. Rental units shall be provided an approved smoke detector installed to Uniform Building Code (Oregon revised) requirements and National Fire Protection Association (NFPA) Standard 74 specifications.
12. Trash dumpsters or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or greater shall not be stored within buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines.
13. On-site water for fire protection at this location is not available at this time. Currently, a fire response to this location requires transporting all water by truck.
14. Prior to occupancy of the rental units, approved portable fire extinguishers shall be provided at approved locations as per National Fire Protection Association (NFPA) Standard Number 10. Contact the Albany Fire Department Fire Prevention Division at 967-4389 for assistance in selection and placement requirements.
15. City of Albany Ordinance No. 4922 requires all businesses and residences that have robbery/burglary alarms to acquire an Alarm Users Permit from the Albany Police Department. If you have or are planning to install a robbery/burglary alarm system, please contact Leigh Ann Marshall at the Police Department at 967-4317 to obtain the permit.