



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Conditional Use Review

CU-02-24

January 13, 2025

### Application Information

Type of Application:	Conditional Use Review to use an existing structure on the property as an outpatient substance abuse treatment center.
Property Owner/Applicant:	Angela Kelly & Sarah Soric
Representative:	Christina Larson, Varitone Architecture, 231 2nd Avenue SW, Albany, OR 97321
Address/Location:	506 Ferry Street SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No: 11S-03W-07BB Tax Lot 07500
Zoning:	Hackleman Monteith (HM) Zoning District

On January 9, 2025, the City of Albany Hearings Board granted **APPROVAL WITH CONDITIONS** of the application referenced above. The Hearings Board based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC). The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. Conditions of approval are attached to this notice. For more information, please contact Alyssa Schrems, project planner, at 541-791-0176 or Current Planning Manager David Martineau at 541-917-7555.

The City's decision may be appealed to the City Council if a person with standing files a completed notice to appeal application and the associated filing fee no later than 10 days from the date the City mails the notice of decision.

*Signature on file*

Hearings Board Chair

**Appeal Deadline: January 23, 2025**

**Approval Expiration Date (if not appealed): January 10, 2028**

**Attachments:** Information for the Applicant, Location Map, Site Plan

### Condition of Approval

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

This approval shall expire three years from the date of approval unless 1) the applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the City,

or 2) the applicant has provided financial assurance for all required public infrastructure per Albany Development Code Section 12.600, or 3) the development did not require public infrastructure, a valid building permit exists for new construction or improvements and work has commenced.

**The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to ensure compliance with all applicable regulations.**

## Hearings Board Findings of Fact and Conclusions

### Criterion 1

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

#### Findings of Fact

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

opportunity to review projects for potential impacts and impose conditions to address any identified concerns.

- 1.5 Additional Concerns Raised in Testimony: Opponents of the proposed development raised concerns that the proposed use was not consistent with the base zone of HM and was not residential in nature. The Hearings Board determined that the use was not prohibited by the purpose statement of the zone and could be made compatible with the surrounding properties and that it was a similar (but not identical) use to surrounding institutional, residential, and commercial uses.

Additional comments were received regarding the purpose statement of the HM zone and the severability clause in ADC 1.035. The Hearings Board determined that the intent of the severability clause was to nullify the purpose statement without rendering all of Article 3 invalid.

Additional comments were received stating that the Hearings Board could not rely on surrounding uses in different zones to justify the proposed use. The Hearings Board determined that the immediately surrounding uses could be used to justify the conditional use, but that there are also two fully commercial uses on the same block as the proposed development (507 Ferry Street SW) that are in the HM zone.

Additional comments were received stating that there are alternative locations that are better suited for the proposed use that are not in the historic district or across from a daycare. The Hearings Board finds that the conditional use criteria do not require the applicant to show that there are no suitable alternative locations for the proposed use, rather that the use must be determined to be compatible with the surrounding area. The Hearings Board further determined that based on the operating characteristics that the applicants testified to (no customers waiting outside the office to be allowed in) that there would be minimal to no impact on daycare use across the street. The applicant further testified that the historic character of the structure would be maintained and that minimal exterior or interior changes are required for the use. As discussed below, a condition of approval requires the applicant to obtain any required historic reviews for exterior changes.

## Conclusions

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

## Criterion 2

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

### Findings of Fact

- 2.1 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”
- 2.2 Proposed Use. The proposal is to convert an existing structure in the HM district into a treatment center. No exterior alterations are currently proposed.

- 2.3 Existing and Anticipated Uses. The subject site is currently developed with a structure that is approximately 3,442 square feet in size. The surrounding area is developed with existing structures, with the exception of a parking lot to the east which serves the United Presbyterian Church. New development is not anticipated in this area due to existing development.
- 2.4 Building Size, Scale, Setbacks and Style. The applicant does not propose any exterior alterations to the structure. Furthermore, the structure is inventoried as a Historic Contributing resource in the Monteith National Register District, which limits changes that the applicant can make to the exterior of the structure.
- 2.5 Intensity and Lot Coverage of the Proposed Development. The applicant does not propose any new structures with the application; therefore, lot coverage will not be changed with this proposal. In regard to intensity, the applicant states that the proposed use will have five private rooms for one-on-one counselors, who are expected to see up to six clients per day. Group therapy sessions will have up to 12 clients with a single staff member. Two to four employees will work outside the office with clients, including care coaches and peer support. Overall, it is anticipated that the maximum number of people in the building at any one time will not exceed 30 individuals.
- 2.6 Landscaping. The existing landscaping consists of a residential-style lawn, trees, and shrubs. No changes are planned to the existing landscaping and regular maintenance of existing conditions is planned.
- 2.7 Additional Concerns Raised in Testimony: Testimony was received stating that the intensity of the proposed use was more than residential use. The Hearings Board finds that the criterion reads in part “compatible with the existing or anticipated uses.” This statement does not limit the review of compatibility to only the surrounding residential uses. Based on this, the Hearings Board determined that the proposed use is compatible with the surrounding property uses in terms of intensity.

## Conclusions

- 2.1 Based on testimony received during the hearing and evidence submitted by the applicant, the Hearings Board finds that the proposed development will be compatible with existing or anticipated uses in terms of size, intensity, setbacks, and landscaping.

## Criterion 3

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

## Findings of Fact

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

The proposed use was estimated to generate nine (9) trips during the peak PM traffic hour.

- ITE 210- 0.94 peak PM traffic hour per dwelling
- ITE 712- 4,170 square foot building, 7.2 PM traffic hour.

3.6 Albany's Transportation System Plan does not identify any congestion or capacity issues occurring along the frontage of the site.

3.7 Additional Concerns Raised in Testimony: Concerns were raised that there is not enough parking available in the surrounding area due to other uses in the area, including the Courthouse. The applicant provided testimony that based on the operating characteristics of other treatment facilities that the applicant runs, only about 15 percent of clients drive their own vehicle to appointments. Clients are routinely dropped off or use public transportation to arrive at the facility. The applicant anticipates approximately six vehicles associated with staff members of the facility and states that they will all be made aware of the parking regulations. The Hearings Board finds that based on the operating characteristics of the proposed use that the on-street parking in the local area can accommodate the increase in traffic.

## Conclusions

3.1 The site's street frontages along 5th Avenue and Ferry Street are improved to city standards.

3.2 Access to the site will be provided by the existing driveway off Ferry Street.

3.3 Based on ITE trip generation rates, the proposed development will generate 7.2 trips during peak PM traffic hour.

3.4 The development is not projected to generate sufficient trips to require submittal of a trip generation estimate or TIA. Albany's TSP does not identify any congestion or capacity issues occurring adjacent to the site.

3.5 The Hearings Board finds that the public street system can accommodate the proposed development.

## Criterion 4

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

### Findings of Fact

#### *Sanitary Sewer*

4.1 City utility maps show an 18-inch public sanitary sewer main in Ferry Street. The subject property is currently connected to the public sewer system.

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

4.3 There are no anticipated impacts to the public sanitary sewer system with this development.

#### *Water*

4.4 City utility maps show an 8-inch public water main in 5th Avenue and an 8-inch public water main in Ferry Street. The existing development on the property is currently connected to the public water system.

4.5 There are no anticipated impacts to the public water system with this development.

#### *Storm Drainage*

4.6 City utility maps show a 12-inch public storm drainage main in 5th Avenue.

- 4.7 The proposed development is a change of use of an existing building and does not propose any redevelopment of the site.
- 4.8 There are no anticipated impacts to the public storm drainage system.

### *Fire Department*

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

### Conclusions

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

### Criterion 5

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

### Findings of Fact

- 5.1 The properties located to the south and west are zoned Hackleman Monteith (HM), which is defined as a residential zone. Properties to the north and east are zoned Downtown Mixed Use (DMU) and Historic Downtown (HD), which are defined as mixed-use zones.
- 5.2 Noise. Noise associated with the use is anticipated to be minimal as there will be no music, movement or other modes of treatment that can produce loud noises.
- 5.3 Glare. No architectural changes or additions are proposed. If new exterior lights are installed, shielding will be required to maintain compatibility with surrounding uses.
- 5.4 Odors. The applicant does not propose any uses that would create odors from the property.
- 5.5 Litter. Litter will be controlled by employees on the site. Existing garbage services are provided by Republic Services.
- 5.6 Hours of operation. Expected hours of operation are 8:00 a.m. to 7:00 p.m., Monday through Saturday. The applicant states these will coincide with operating hours for various businesses within a five-block radius.
- 5.7 Privacy/Safety. The proposed activities will take place inside the building and will not be visible to neighbors. Employees and clients of the treatment center are of similar composition to those already served by businesses and services in the immediate area. Concerns were raised in testimony that stating employees and clients are a similar composition to those already served by businesses and services in the immediate area is a non-factual statement given that there is a daycare/preschool across the street. The Hearings Board determines that this statement is indeed factual as the word “similar” does not mean identical. The Hearings Board determines that clients served by the facility are a similar makeup to those served by the First Christian Church across the street, which provides Al-Anon support groups and NA support groups. The Hearings Board further determines that there are also employees and clients associated with Linn County Offices who are similar to those served by the proposed facility. The Hearings Board determines that while the daycare/preschool is not a similar use to the proposed facility, it is only one of the many neighbors to be considered in the surrounding area. The applicant states that clients will not wait or loiter outside the facility before or after services and that because of this the daycare will not be impacted.

### Conclusion

- 5.1 The Hearings Board determines that impacts due to glare, litter, noise, odors, hours of operation, and safety are not expected to affect the surrounding uses based on testimony provided by the applicant.



- 5.2 The Hearings Board finds the proposal will not have significant adverse impacts on the livability of nearby properties.
- 5.3 This criterion is met without conditions.

## Criterion 6

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

### Findings of Fact

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

Concerns were raised in testimony that the proposed use will impact the historic nature of the structure. As a condition of approval, any future exterior alterations will require a historic review. The applicant notes that an accessibility ramp may be proposed in the future and notes that this will require a historic review. Additional concerns were raised that the interior of the house may not remain historic. The applicant states that they intend to do only minor changes to the interior for the proposed use, however the City of Albany's historic code (Article 7) does not regulate interior alterations for historic structures.

### Conclusions

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

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

### Additional Comments Not Covered by the Review Criteria

- 7.1 Testimony was received about the need for the proposed use in the local area and the positive impact it has had on community members. The Hearings Board acknowledges this testimony but finds that it is not able to consider these factors in making a final decision.
- 7.2 Testimony was received regarding the need for additional housing in Oregon and the local community and the impact of removing this house from the stock of available housing. The Hearings Board determines that there is no rulemaking from the state of Oregon preventing the conversion of a residential structure to commercial use.

## Information for the Applicant

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

### Planning

1. Land use approval does not constitute Building or Public Works permit approvals.
2. Construction of the development must substantially conform to the approved conditional use review.

### Engineering

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

### Building

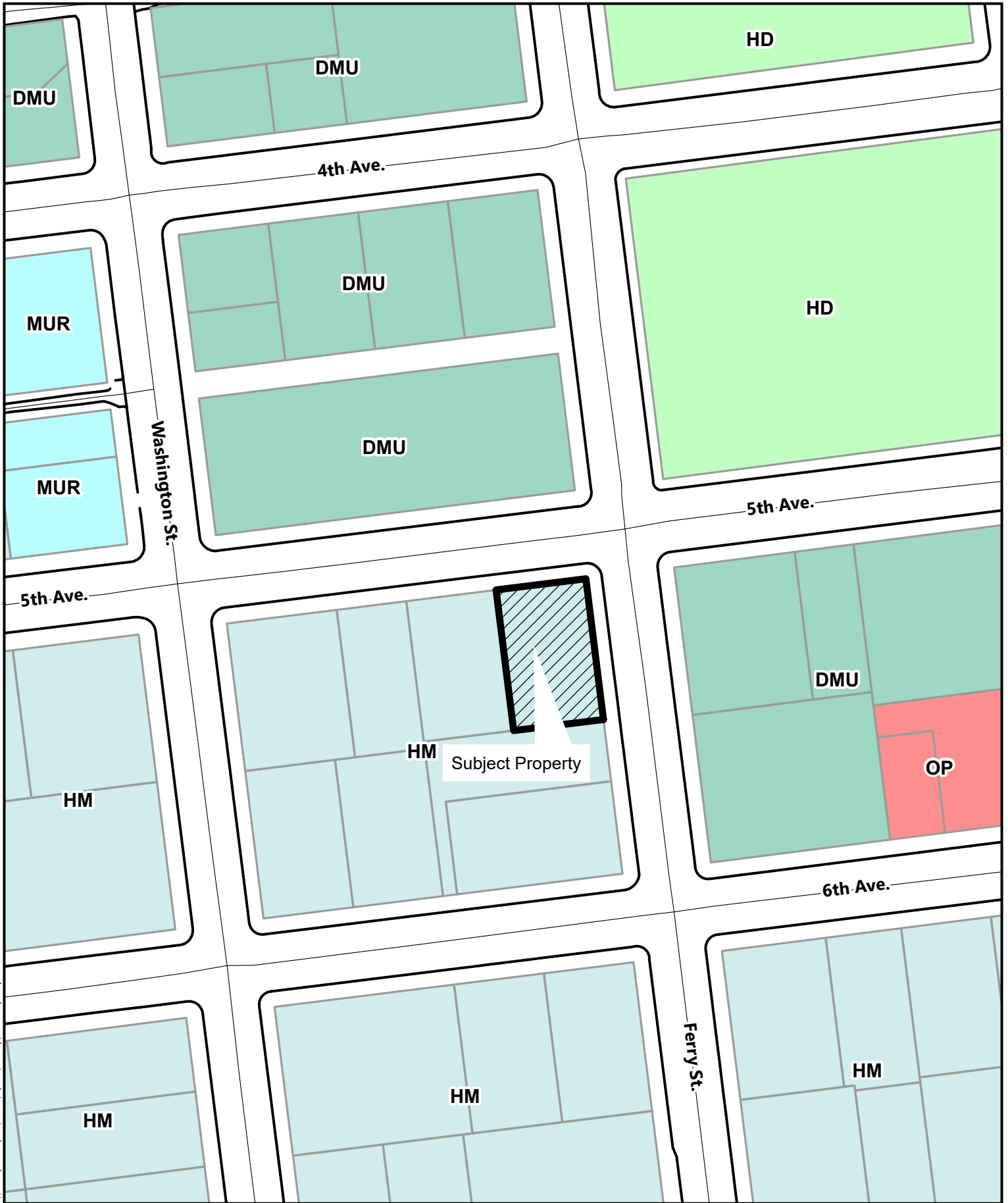
The Building division has reviewed the proposal for conformance to applicable Codes and has the following comments:

4. All work shall be completed in accordance with the applicable building code requirements. Building permits may be required, please reach out to Building Inspection at 541-917-7550 for further assistance.
5. The proposed design has not been reviewed for code compliance with the Oregon Building Code and the design will need to meet the applicable Oregon Building Code requirement in effect at time of application.

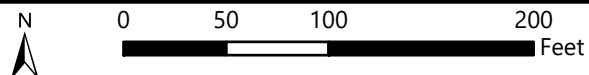
### Historic

6. The access ramp that is noted in the application will likely require a historic review. The applicant and property owner are responsible for obtaining all required historic reviews necessary prior to installation of the ramp.





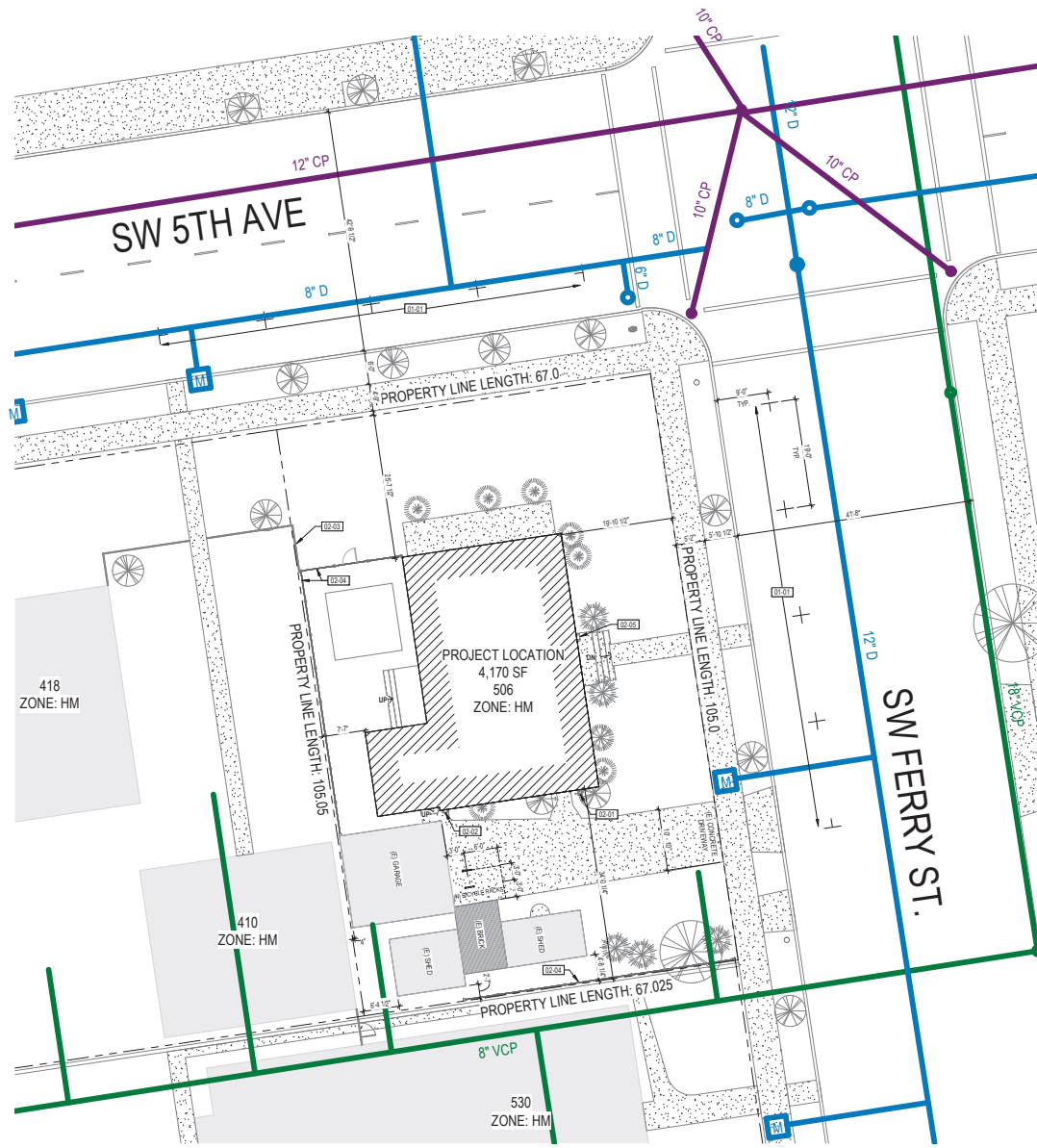
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Date: 10/30/2024 Map Source: City of Albany

**506 Ferry St SW**

Location Map



**LOT INFORMATION**

EXISTING ADDRESS: 506 FERRY ST SW, ALBANY, OR 97321  
 MAP # 11505W07807500  
 OWNER: SORIC SARAH J & KELLY ANGELA DIANE  
 RECOVERY FIRST LLC  
 615 CIVILWOOD DRIVE SE, SALEM OR 97302  
 APELL180@PAMICS.R.HUBER.COM  
 PH: 503-265-0899

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

**LOT COVERAGE**

GROSS SITE: 7,035 SF  
 BUILDING AREA: 1ST FLOOR: 1,414 SF  
 SECOND FLOOR: 1,288 SF (BUILDING FOOTPRINT)  
 ATTIC: 788 SF  
 BASEMENT: 728 SF  
 TOTAL: 4,170 SF

EXISTING PAVING: 685 SF  
 TOTAL COVERAGE: 5,895 SF

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

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

**UTILITIES**  
 ALL UTILITIES ARE EXISTING TO REMAIN

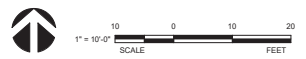
**LEGEND:**

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

**KEYNOTE LEGEND**

#	Keynote Description
01-01	STREET PARKING
02-01	Gas METER LOCATION
02-02	ELECTRICAL METER LOCATION
02-03	WOOD FENCE
02-04	PLASTIC FENCE
02-05	MULLION

01 SITE PLAN  
 1" = 10'-0"



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

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

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

Issue: CONDITIONAL USE  
 Date: 10/10/2024

Revision: Date:


SITE PLAN

LU0.10