



COMMUNITY DEVELOPMENT

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

Staff Report

Site Plan Review for New Construction, Site Plan Review for Tree Felling, and Minor Variances

Site Plan Review

SP-12-24; SP-13-24; VR-04-24; & VR-06-24

June 7, 2024

Applicant Information

Proposal:	Construction of a 30 multiple dwelling unit development with associated site improvements.
Review Body:	Staff Level Review (Type I-L)
Property Owner/Applicant:	Donna Holt, Linn Benton Housing Authority/Clayton Meadows LLC, 1250 Queen Ave SE, Albany, OR 97322
Representative:	Laura LaRoque, Udell Engineering & Land Surveying, 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2080 Queen Ave SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-08DB; Tax Lot 6000
Zoning:	Residential Medium Density Attached (RMA)
Overlay:	Airport Approach District
Total Land Area:	33,458 square feet
Surrounding Zoning:	North: Residential Medium Density (RM) East: Residential Medium Density (RM) South: Single-Dwelling Unit District (RS-6.5) West: Residential Medium Density Attached (RMA)
Surrounding Uses:	North: Residential East: Residential South: Residential West: Residential/Utility
Comprehensive Plan:	Residential Medium Density
Existing Conditions:	Developed multiple dwelling units on the southern portion of the site. West: Single-dwelling unit residential

Summary

The request for Site Plan Review for New Construction is to construct 30 multiple dwelling units with associated site improvements, Site Plan Review for the felling of eight trees, a Minor Variance to the Special Noise Corridor Setback, and a Minor Variance to the Transition to Lower Density setback.

The Site Plan Review and Minor Variance applications are a Type I-L procedure reviewed at the staff level. This report evaluates the proposal for conformance with the applicable Site Plan Review for New Construction

criteria in Section 2.450, Site Plan Review for Tree felling criteria in Section 9.205, and Minor Variance criteria in Section 2.696 in the ADC. The analysis finds all applicable standards and criteria are met with conditions of approval outlined in this report.

Notice Information

A notice of filing was mailed to property owners located within 300 feet of the subject property on April 29, 2024. At the time of drafting this report, the Albany Planning Division received no written comments from the public.

Appeals

A Site Plan Review and Minor Variance decision is a limited land use decision and may be appealed in accordance with Albany Development Code Sections 1.220 and 1.410.

Analysis of Development Code Criteria – Site Plan Review

Albany Development Code (ADC or Development Code) includes the following approval review criteria in Section 2.450 (identified below). Development Code criteria are shown in ***bold italic*** followed by findings and conclusions. Certain findings explain how the proposed development can meet review criteria through conditions of approval, where determined feasible.

Criterion 1

The application is complete in accordance with the applicable requirements.

Findings of Fact and Conclusions

- 1.1 In accordance ADC 1.160, the application was deemed complete as of April 10, 2024.
- 1.2 This criterion is met without conditions.

Criterion 2

The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

Findings of Fact and Conclusions

- 2.1 **Zoning.** The subject property is located within the RMA (Residential Medium Density Attached) zoning district. The RMA District is primarily intended for medium to high-density urban residential development. Most units, whether single or multiple dwelling or middle housing, will be attached. Development may not exceed 35 units per gross acre. Article 3, *Schedule of Permitted Uses* identifies residential multiple-dwelling unit development as an allowed use subject to Site Plan Review. The applicant proposes to construct a multiple dwelling unit with eight studio units and 22 one-bedroom units for a total of 30 units.
- 2.2 **Minimum Lot Size.** The minimum lot size for multiple-dwelling unit development is dependent upon the number of units and bedrooms in each unit. ADC Table 3.050-1 provides the minimum property size of 1,500 square feet per unit for studio and one-bedroom unit developments. Provisions in ADC 3.220 may reduce the minimum area requirements for residential developments. Based on the number of units proposed, the development would require a minimum of 45,000 square feet. The property is 33,458 square feet in size (0.77 acres).
- 2.3 **Lot Coverage.** ADC Table 3.190-1 identifies a maximum lot coverage of 70 percent in the RMA zone. Per ADC Section 22.400 Definitions, lot coverage for multiple-dwelling unit development includes the portion of the lot covered by building, structure, pavement, or any area not vegetated. The applicant's narrative states the proposed buildings and paved areas throughout the site; including the parking area and sidewalks will cover 51 percent of the site. The proposed lot coverage is less than the maximum allowed in the RM zone.
- 2.4 **Density/Intensity/Height.** ADC Table 3.190-1 identifies a maximum building height of 60 feet in the RMA zone. The proposed elevation drawings show a building height of 33 feet 10 inches feet at the midpoint of the roof. The RMA zoning district has a maximum density of 35 units per gross acre. The

proposed development will consist of a total of 30 units. The subject property is 0.77 acres in size, which results in a maximum allowed density of 27 units. The applicant has proposed to use the bonus provisions for reduction and lot size and area requirements to exceed the maximum allowed density.

- 2.5 Bonus Provisions for Reduction in Lot Size and Area Requirements. Per ADC 3.220 provides bonus provisions for reduction in lot size and are requirements. The applicant proposes to provide 20 percent of the apartment units for persons whose household income is less than or equal to 50 percent AMI (Area Median Income), therefore a 30 percent area reduction bonus is permitted, resulting in 1,050 square feet per unit. Through the bonus provision, the development project is allowed 31 units. The applicant has proposed 30 units, meeting the standard.
- 2.6 Setbacks. The RMA zoning district has a minimum 12-foot front setback, and an interior setback of 10 feet.
- Front Setback. In addition to the required 12-foot front setback in the RMA zoning, a special noise corridor setback is required by ADC 3.320. An additional 10-foot setback from Queen Avenue, resulting in a required 22-foot front setback. The applicant has proposed a 12.5-foot setback. The applicant has requested a minor variance to the special noise corridor setbacks. Staff refer to the findings provided in response to Variance review criteria, which are incorporated herein by reference.
- Interior Setbacks. A 10-foot minimum interior setback is required along the west and south property lines. The applicant has proposed a 45-foot setback from the west property line and a 24-foot setback to the southern property line, in compliance with the setback standards. The Transition to Lower Density uses per ADC 8.270 is applicable to this development as the abutting lot to the east is developed with a residential single-dwelling unit. The height of the wall on the east side of the building is 29 feet in height and the applicant's site plan indicates the building is proposed to be 28 feet from the east property line. The applicant has requested a minor variance to the transitional setback. Staff refer to the findings provided in response to Minor Variance review criteria, which are incorporated herein by reference.
- 2.7 Maximum Parking Spaces. Staff refer to the findings provided in response to Criterion Six, below, pertaining to Article 9, Table 9.020-1, describing the off-street parking space requirements, which are incorporated herein by reference.
- 2.8 Open Space, Landscaping, Buffering, and Screening. Staff refer to the findings provided in response to Criterion Six below pertaining to Article 9, which are incorporated herein by reference.
- 2.9 Screening of Refuse Containers. ADC 3.390 requires refuse containers for multiple-dwelling unit development to be screened by a sight-obscuring fence, wall, or hedge at least six feet in height. The applicant has indicated that the refuse containers will be screened by a six-foot tall sight obscuring fence.
- 2.10 Conclusion: These review criteria are met with the following conditions.

Conditions

- Condition 1 Site Improvements.** Before the City will issue any final certificate of occupancy for the proposed structure(s), all proposed and site improvements identified to the site plan (e.g., driveways, landscaping, lighting, etc.) shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.
- Condition 2 Screening of Refuse Containers.** Before the City will issue any final certificate of occupancy for the proposed structure(s), the applicant must provide screening of the refuse containers in compliance with ADC 3.390.

Criterion 3

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

Findings of Fact and Conclusions

- 3.1 Article 4: Airport Approach. According to Figure 4.410-1 of the ADC, the subject property is located within the Horizontal Area and Conical Area of the Airport Approach Overlay Zone. The horizontal area is 150 feet above the airport elevation and the conical area begins at the periphery of the horizontal zone and slopes 20 feet outward for each foot upward. The airport is located at an elevation of 222 feet above mean sea level (NGVD29) or 225.38 feet above mean sea level (NAVD88). The subject property has a mean sea level elevation of between 224 and 226 feet (NGVD29) or 227.38 to 229.38 feet (NAVD88). The maximum height in the RMA district is 60 feet; therefore, the tallest structure that could be constructed would have an elevation of 286 feet (NGVD29). An elevation of 286 feet (NGVD29) would be 64 feet above the airport elevation, well below penetrating into the 150 feet of the horizontal surface.
- 3.2 There are no design features of the proposed development with navigational signals or radio communications, or that would induce confusing light patterns, or create bird-strike hazards that would endanger or interfere with aircraft intending to use the airport. Sound buffering features are not warranted because the location of the proposed development is located outside the “noise sensitivity property” defined by 55 and 60 ldn noise contours.
- 3.3 Article 6: Significant Natural Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation or wildlife habitat on the property.
- 3.4 Article 6: Riparian Corridor. There are no riparian corridors located on this property.
- 3.5 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0527G, dated September 29, 2010), the subject property is not located in the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 3.6 Article 6: Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property.
- 3.7 Article 6: Topography. *Comprehensive Plan, Plate 7: Slopes*, does not show any steep slopes on this property.
- 3.8 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9: Historic Districts*, shows the property is not located in a historic district. There are no known archaeological sites on the property.
- 3.9 Conclusion: This review criterion is met.

Criterion 4

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

Findings of Fact and Conclusions

- 4.1 Applicability. According to ADC 8.205, standards of ADC 8.220 through 8.300 apply to the development of new multi-dwelling unit developments.
- 4.2 Relationship to Historic Overlay Districts. As previously stated, the subject property is not located within a historic district and does not contain a historic resource. Accordingly, this standard is not applicable.
- 4.3 Recreation / Common Open Space. Developments with 10 or more units as part of a multiple dwelling unit development are required to designate 15% of the total development site area as common open space in accordance with ADC 8.220. A children’s play area is not required as all units have less than 2 bedrooms.

Developments with 10 or more units as part of a multiple dwelling unit development are required to provide 15% of the total development site area as open space. 15 percent of the 0.77-acre (33,458 square feet) development site is 5,019 square feet. ADC 8.220(2)(c) allows a common space area credit not to exceed 25 percent of the required common space open area if there is direct access to a pedestrian path no exceeding ¼ mile from the proposed multiple dwelling unit development or to an improved public park or public-school playground. Periwinkle Trail is within ¼ mile of the

development site; therefore, the site is eligible for a 25 percent common space area credit of 1,255 square feet, resulting in a total of 3,764 square feet of required open space. This standard is met.

4.4 Private Open Space. Per ADC Table 8.220-1 private open space is required in the RMA zoning district, for at least 80 percent of the units and subject to the standards in ADC 8.220(3). The applicant states the use of the building is similar to an Assisted Living Facility, which is exempt from private space requirements. This standard is met.

4.5 Building Orientation. According to ADC 8.240(3), subsections (a) and (b) are only applicable to sites with frontage on a collector or local public street. The subject site has frontage on Queen Avenue SE, which is a minor arterial street; therefore, these standards are not applicable to this application.

4.6 Façade Design, Articulation, and Street-Facing Windows. According to ADC 8.255(1), the standards in this section pertain to any façade that faces towards or within 45 degrees of a front lot line, except where there is more than one building on the site. In this instance, the regulated façade for the proposed building is the north elevation, which faces Queen Ave SE. This standard is met.

Façade design and articulation. ADC 8.255(2) requires a minimum of two architectural features on regulated facades. The applicant has proposed eaves/overhangs greater than 12 inches, a three foot by six foot off-set façade and raised planters. This standard is met.

Street facing windows. ADC 8.255(3) requires at least 15 percent of the total area of each regulated façade to contain windows or doors in conformance with ADC 8.255(3) (a-c). The applicant states the north façade will contain fifteen percent window and door coverage. This standard is met.

4.7 Transition to Lower Density Uses. Per ADC 8.270(3), multi-dwelling unit development shall be setback at least one foot for each foot in building height from a shared property line, up to a maximum required setback of 30 feet, when the abutting lot sharing the property line meets criteria (a) or (b) below, or both. Building height is measured from the average grade to the top of the wall facing the property line or to the top of the highest window or door, whichever is higher.

a) The abutting lot is in a residential single-dwelling unit zoning district or in the HM zoning district and is developed with single-dwelling unit residential or middle housing uses or is underdeveloped or vacant.

b) The abutting lot has a pre-existing single-dwelling home and is in a zoning district other than the NC, CC, RC, LI, HI, or IP zone. For the purposes of this section, a “pre-existing single-dwelling home” is one constructed prior to January 1, 2021.

The Transition to Lower Density Uses per ADC 8.270 is applicable to this development as the abutting lot line to the east is developed with a single-dwelling unit. The height of the wall on the east side of the building is 29 feet, and the applicant’s site plan indicates the building is proposed to be 28 feet from the east property line. The applicant has requested a minor variance to the transitional setback. Staff refer to the findings provided in response to Variance review criteria, which are incorporated herein by reference.

4.8 Pedestrian Connections. ADC 8.280 requires an internal pedestrian circulation system and connectivity between the development and each adjacent street and sidewalk for every 200 linear feet of street frontage. The site plan provided by the applicant indicates an internal sidewalk system through the subject property from the parking lot to the proposed structure, as well as the proposed structure/parking lot to the public sidewalk along Queen Ave SE. This standard is met.

4.9 Parking Location. ADC 8.300 required parking to be located within 100 feet of the building entrance for a minimum of 50 percent of the units in a development. The proposed parking lot is located within approximately 80 feet of at least 50 percent of the units in the development. This standard is met.

4.10 Parking and Access in DMU, CD, HD, and WF Zoning Districts. The subject property is located in the RMA zoning district; therefore, this standard is not applicable.

4.11 Conclusion: As proposed, all applicable multi-dwelling design standards in Article 8 are met.

Criterion 5

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

Findings of Fact and Conclusion

5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. These uses do not pertain to the proposal.

5.2 Conclusion: This standard is not applicable.

Criterion 6

The application complies with all applicable On-Site Development and Environmental Standards of Article 9.

Findings of Fact and Conclusions

6.1 Maximum Parking. ADC Table 9.020-1 allows 1 space per two units for Senior Housing use. Based on the proposed 30-unit building, a maximum of 15 vehicle parking spaces is allowed. The applicant proposes 13 parking spaces, meeting the standard.

6.2 Bicycle Parking. ADC Table 9.030-1 requires one bicycle parking space per three beds. Based on the proposed 30-unit building with a mix of studio and one-bedroom units, a minimum of ten parking spaces is allowed. The applicant proposes ten bicycle parking spaces, sized to accommodate cargo and standard bicycles. 100 percent of the proposed bicycle parking will be sheltered and have direct access to the public right-of-way. The applicant did not provide information regarding bicycle racks.

6.3 Carpool/Vanpool Spaces. Carpool/Vanpool spaces are not required for residential uses. This standard is not applicable.

6.4 Electrical Vehicle Charging Capacity. ADC 9.050 requires no less than 40 percent of all vehicle parking spaces serving newly constructed residential buildings with five or more multi-dwelling units to be served by electrical service capacity for a level 2 electric vehicle charging station. The applicant did not indicate the number of vehicle charging capacity spaces on the plan. As a condition of approval, the applicant must demonstrate no less than 40 percent of all vehicle parking and the ADA parking space will meet the standards.

6.5 Parking Area Improvements. ADC 9.100 provides standards for parking area improvements for multi-dwelling unit developments.

6.6 ADC 9.100(3) requires parking areas to have a durable, dust-free surface. The applicant's site plan indicates the entirety of the parking area will be paved.

6.7 ADC 9.100(4) requires all parking lots provide a drainage system to dispose of stormwater runoff. Findings regarding the proposed stormwater system are found in this section under Criterion Seven and incorporated here by reference.

6.8 ADC 9.100(5) requires perimeter curbing around all parking areas. The applicant's site plan indicates perimeter curbing has been provided along the entirety of the parking lot. This standard is met.

6.9 ADC 9.100(6) requires wheel bumpers be used when parking stalls front a sidewalk, alleyway, street, or property line. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required. The applicant's site plan indicates wheel bumpers will be provided for all parking spaces.

6.10 ADC 9.000(7) requires parking spaces be located and served by an aisle or turnaround so their use will require no backing movements or other maneuvering in a street right-of-way other than an alley. The site plan indicates the parking lot is served by a travel aisle. This standard is met.

6.11 ADC 9.100(8) requires parking stalls to be permanently and clearly striped. The site plan indicates the parking lot will be striped.

- 6.12 ADC 9.100(9) requires parking lots to connect to adjacent existing or future parking areas. The site plan shows easements for existing shared access' to abutting private parking to the south and west.
- 6.13 ADC 9.100(10) requires conformance with the parking lot landscaping standards found in ADC 9.150. These are discussed in the findings below.
- 6.14 ADC 9.120(11) allows up to 40 percent of the required parking stalls to be compact, which would allow for a maximum of six compact spaces. No compact spaces are proposed.
- 6.15 ADC 9.120(12) requires accessible parking be provided in conformance with the Oregon Specialty Code. As indicated on the applicant's site plan, accessible parking and an accessible route to the building are proposed with the development. Conformance with the Oregon Specialty Code will be assessed at the time of building permits.
- 6.16 ADC 9.120(14) requires lighting to be arranged to reflect light away from any abutting or adjacent properties. The applicant submitted a site lighting plan meeting the standard.
- 6.17 ADC 9.120(15) requires walkways and accessways to be provided in all new off-street parking lots and additions to connect sidewalks adjacent to new development to the entrances of new buildings. The site plan indicates a sidewalk and access path will be provided from the right-of-way along Queen Ave SE to building and parking lot. This standard is met.
- 6.18 ADC 9.120(16) addresses employee parking areas. No employee parking areas are proposed; therefore, this standard is not applicable.
- 6.19 Off-Street Parking Lot Design. ADC 9.130 provides the standards for parking lots over 1,000 square feet (contiguous) as set forth in Table 9.130-1.

**TABLE 9.130-1.
PARKING LOT DESIGN (in feet)**

A Parking Angle	B Stall Width	C Curb Width	D Aisle Width	E Stall Depth	F Bumper Overhang	G Dead-end Backup
(Parallel)	8.0 feet	8.0 feet	N/A	25.0 feet	N/A	N/A
45°	8.5	12.0	13.0	17.5	2.0	5.0
	9.0	12.7	12.0	17.5	2.0	5.0
	9.5	13.4	11.0	17.5	2.0	5.0
	10.0	14.1	11.0	17.5	2.0	5.0
60°	8.5	9.8	18.0	19.0	2.5	5.0
	9.0	10.4	16.0	19.0	2.5	5.0
	9.5	11.0	15.0	19.0	2.5	5.0
	10.0	11.6	14.0	19.0	2.5	5.0
Compact	8.0 C	8.0 C	26.0 C	16.0 C	3.0	5.0
90°	8.5	8.5	26.0	18.5	3.0	5.0
	9.0	9.0	26.0	18.5	3.0	5.0
	9.5	9.5	26.0	18.5	3.0	5.0
	10.0	10.0	24.0	18.5	3.0 _c	5.0 _F

The proposed parking stalls and aisle width are compliant with the parking lot design standards of ADC 9.130.

- 6.20 Landscaping. ADC 9.140(1) provides required landscaping for residential development criteria. ADC 9.140(1) requires all front setbacks (exclusive of accessways and other permitted intrusions) to be landscaped prior to any occupancy permits will be issued unless the landscaping is guaranteed in accordance with ADC 9.190. The subject property has frontage on Queen Avenue SE, an arterial street, which is subject to buffering standards as described below.
- 6.21 Tree Protection. ADC 9.202 through 9.206 provides criteria for tree protection. The applicant proposes to fell eight trees, which requires site plan review. Staff refer to the findings provided in response to the Site Plan review criteria for tree felling, which are incorporated herein by reference.

- 6.22 Buffering. ADC 9.210, Table 9.210-1, and ADC 9.240 require a 10-foot-wide landscape buffer, but no screening, when a multiple dwelling unit development abuts a dwelling(s) in a residential zone, a 10-foot-wide buffer with screening when a parking lot with at least 5 spaces abuts dwellings in a residential zone, and a 10-foot-wide landscape buffer for multiple dwelling development along an arterial street.

North Property Line:

The site has 99.6 feet of street frontage along Queen Avenue after deducting accessways, which requires 990 square feet of landscaped buffer area. Therefore, the following landscaping is required: At least one row of either three 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven 5-foot-tall evergreen trees spaced not more than 15 feet apart; five 5-gallon shrubs or ten 1-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, or evergreen shrubs). As shown in the landscaping plan, proposed landscaping complies with 10-foot-wide front yard landscape buffer landscaping provisions.

East Property Line:

The east property line adjacent to 2110 Queen Ave SE is 98 feet in length, which requires 980 square feet of landscaped buffer area. Therefore, the following landscaping is required: At least one row of either three 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven 5-foot-tall evergreen trees spaced not more than 15 feet apart, five 5-gallon shrubs or ten 1-gallon shrubs, and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

The east property line adjacent to 2120 Queen Ave SE and 1818 Clay Street SE is 75 feet in length, which requires 750 square feet of landscaped buffer area. Therefore, the following landscaping is required: At least one row of three 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven 5-foot-tall evergreen trees spaced not more than 15 feet apart, four 5-gallon shrubs or nine 1-gallon shrubs, and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

South Property Line:

The south property line of 2110 Queen Ave SE is 110 feet in length, which requires 110 square feet of landscaped buffer area. Therefore, the following landscaping is required: At least one row of either four 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven 5-foot-tall evergreen trees spaced not more than 15 feet apart, five 5-gallon shrubs or ten 1-gallon shrubs, and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). Plus, screening by four-foot-tall continuous evergreen hedge or a fence or masonry wall at least five street tall constructed to provide a uniform sight-obscuring screen. As shown in the landscaping plan, proposed landscaping complies with the landscaping provisions.

West Property Line:

The west property line is 197 feet in length, which requires 1970 square feet of landscaped buffer area. Therefore, the following landscaping is required: At least one row of either seven 10-foot-tall deciduous trees spaced not more than 30 feet apart or thirteen 5-foot-tall evergreen trees spaced not more than 15 feet apart, ten 5-gallon shrubs or 20 1-gallon shrubs, and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). The west property line contains a shared access easement for the properties to the south and west and landscaping will be placed long the edge of the access easement.

- 6.23 ADC 9.150(1) states parking areas shall be divided into bays of not more than 12 parking stalls and the end of each parking bay shall be a curbed planter at least five feet wide. The applicant's site plan shows conformance with this section.
- 6.24 ADC 9.150(2) requires both sides of a parking lot entrance to be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays. This standard is met.
- 6.25 ADC 9.150(3) requires parking areas to be separated from the exterior wall of a structure by pedestrian walkways or loading areas, or by a five-foot strip of landscaping. As shown on the applicant's site plan, the residential buildings are separated from parking areas by a five-foot-wide pedestrian walkway.

- 6.26 ADC 9.160 requires all landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation. As a condition of approval, the applicant shall submit a landscaping and irrigation plan for review and approval prior to issuance of any building occupancy.
- 6.27 Environmental Standards. ADC 9.440 – 9.500 includes environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of a multiple dwelling unit residential development are comparable to other residential developments in the vicinity, and therefore, no adverse environmental impacts are anticipated.
- 6.28 Conclusion: As proposed and conditioned, all applicable Article 9 standards are met with the following conditions.

Conditions

- Condition 3 Bicycle Parking.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall provide evidence that required bicycle parking meets the standards of ADC 9.030(4)(g) by installing secured parking racks for each space.
- Condition 4 Parking.** A separate parking lot permit must be obtained for the proposed development, detailing the conformance to ADC 9.120 and 9.130. Before the City will issue any certificate of occupancy for the proposed structures, the parking lot shall be installed and approved.
- Condition 5 Electric Vehicle Charging Capacity.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant must provide evidence that the required electric vehicle charging capacity spaces meets the standards of ADC 9.050.
- Condition 6 Landscaping and Irrigation System.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall install landscaping in conformance with ADC 9.210 – 9.250, planter bays in conformance with ADC 9.150(1), and either an irrigation plan or a letter from a qualified landscape professional stating irrigation is not required per ADC 9.160.

Criterion 7

The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.

Findings of Fact and Conclusions

Sanitary Sewer

- 7.1 City utility maps show an 8-inch public sanitary sewer along the eastern boundary line. The subject property is not currently connected to the public sanitary sewer system.
- 7.2 AMC 10.01.080 (2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges and any other applicable fees for connection to the public sanitary sewer system.
- 7.3 The applicant's preliminary site plan indicates that the proposed development will be connected to a new private sewer lateral from the public sanitary sewer main stubbed out to the property. An Encroachment Permit from the City of Albany's Public Works Engineering Division is required before work is started on the new sewer lateral construction.

Water

- 7.4 City utility maps show a 12-inch public water main in Queen Avenue and a 12-inch water main running through the subject property from north to south. The subject Property is currently not connected to the public water system.

- 7.5 The applicant's preliminary utility plan indicates that the proposed development will install a new water service. The preliminary utility plan indicates the installation of a new fire line. The developer must obtain a Permit for Private Construction of Public Improvements through the City of Albany's Engineering Division prior to working on the public water main.

Storm Drainage

- 7.6 City utility maps show a 72-inch public storm drainage facilities in Queen Avenue. Queen Avenue is improved to city standards with curb and gutter along the subject property frontage.
- 7.7 Queen Ave SE is improved to city standards with curb, gutter along the subject property frontage.
- 7.8 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 7.9 ADC 12.530 states that the review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer.
- 7.10 AMC 12.530 states that the review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. AMC 12.45.030 and 12.45.040 require that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment including all phases of the development, where more than 5,000 square feet of impervious surfaces will be created or replaced (Ord 3012 § 2, 2023).
- 7.11 The applicant has submitted a preliminary drainage plan that shows a private lateral connecting to the Queen Avenue storm drainage system to the subject property and a private detention system. Final design details for these storm drainage facilities will be reviewed in conjunction with building permits. Before any work is done on or around a public storm drainage main the applicant must obtain an Encroachment Permit from the City's Engineering Division. The proposed drainage plan is constructing stormwater quality facilities as part of the project. These facilities must be reviewed and approved as part of the Public Work's Site Improvement Permit and Stormwater Quality Permit review process.

Conclusions

- 7.1 Public sanitary sewer, water, and storm drainage facilities are in place and adequate to serve the proposed development.
- 7.2 Before the applicant can make a new sewer service connection to the public sewer system an Encroachment Permit must be obtained from the City of Albany's Engineering Division.
- 7.3 The applicant must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division for the proposed fire line.
- 7.4 The applicant shall construct stormwater detention facilities to provide storm and flood-water controls. Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- 7.5 Storm water quality facilities are being constructed for the proposed development. These facilities must be constructed according to City of Albany standards.

Conditions

- Condition 7 Public Works.** Before the applicant can make a new sewer service connection to the public sanitary sewer system, an Encroachment Permit must be obtained from the City of Albany's Engineering Division for the connection to public sanitary sewer system.
- Condition 8 Public Works.** Before the applicant can construct a new fire line the applicant must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division.
- Condition 9 Public Works.** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a Stormwater Quality Permit from the City of Albany's Engineering Division and construct stormwater detention and stormwater quality facilities generally as detailed in the applicant's storm drainage report.

Criterion 8

The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.

Findings of Fact and Conclusions

- 8.1 The site has direct frontage on Queen Ave SE and provides access via a shared driveway along its west boundary. The driveway is shared with adjoining parcels to the south and west. Easements implementing the shared access are currently in place.
- 8.2 ADC 12.060 requires all streets adjacent and interior to new development to be improved to City standards.
- 8.3 Queen Avenue is classified as a minor arterial street and is improved to city standards except for the width of the public sidewalk. Improvements include curb and gutter, a five-foot wide sidewalk, a vehicle travel lane in each direction, a two-way center left turn lane, and on-street bike lanes.
- 8.4 ADC 12.290 requires all development for which land use applications are required, and all expedited and middle housing land divisions, to construct sidewalks adjacent to public streets.
- 8.5 ADC 12.300(1) requires a sidewalk width of 7 feet along arterial streets. As shown on the site plan the existing sidewalk along the frontage of the site is 5-foot-wide. A right-of-way dedication of 2 feet is proposed along the site's frontage to allow for future construction of a 7-foot sidewalk.
- 8.6 The ITE trip generation manual breaks up multi-family housing into three categories. Multi-family housing containing three to ten floors is classified as mid-rise. Mid-rise multi-family development generates 5.44 vehicle trips per day and 0.44 trips during the peak PM traffic hour. The proposal is to construct a 30-unit multi-dwelling development. Construction of 30 units would add about 163 new vehicle trips per day to the public street system with 13 occurring during the peak p.m. traffic hour per day to the public street system.
- 8.7 The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips.
- 8.8 Albany's Transportation System Plan (TSP) does not identify any capacity or safety issues occurring along the street frontages of this development.

Conclusion

- 8.1 Except for sidewalks, the site's street frontage along Queen Avenue is improved to city standards. The existing sidewalk width is 5 feet. A right-of-way dedication of 2 feet is proposed along the site's frontage to allow for future construction of a 7-foot sidewalk.
- 8.2 Access to the site is via a shared driveway. An easement for the shared driveway is already in place. No new driveways will be created by the development.

- 8.3 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

Condition

Condition 10 Transportation. Prior to the submittal of any permits, the applicant must dedicate 2 feet of right-of-way along the site's frontage of Queen Ave SE.

Criterion 9

The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Findings of Fact and Conclusion

- 9.1 See Findings under Criterion Seven (above) related to stormwater quality standard in response to this review criterion. These findings are incorporated herein by reference.

Criterion 10

The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Findings of Fact and Conclusion

- 10.1 Prior vested land use decisions for this property include the following:
- a. PA-07-23: An Expedited Land Division to divide a 2.73-acre parcel into two parcels, which was approved with the following conditions:
 - i. Condition 1: The partition plat must contain a declaratory statement that Lots 1 and 2 can only be rented or sold to households with incomes below 120 percent of the median family income for Linn County or must be developed with residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.
 - ii. Condition 2: Prior to, or with recordation of the partition plat, the applicant shall dedicate two feet of public street right-of-way along the site's frontage on Queen Avenue SE.
 - b. SP-53-99: A Site Plan Review for construction of a 50-unit three-story independent senior multi-dwelling unit development. All conditions of approval were satisfied prior to granting occupancy of the building.
 - c. SP-03-97: A Site Plan Review for construction of a 40-unit senior multi-dwelling unit development. This approval was withdrawn and replaced with planning file no. SP-53-99.
- 10.2 All conditions have been met.

Criterion 11

Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

Findings of Fact and Conclusion

- 11.1 The site is not considered nonconforming. This criterion is not applicable.

Tree Felling Review Criteria (ADC 9.205(2))

Except as provided below, Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. Section 9.205(2) of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion (a)

It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.

Findings of Fact

- a.1 According to the applicant, it is necessary to remove eight trees on the subject site in order to construct the proposed multiple dwelling unit development and associated site improvements on the subject property efficiently and safely.
- a.2 The subject property is located within the RMA zoning district. The applicant proposes to construct a 30-unit multiple dwelling development with associated site, utility, and parking lot improvements. The proposed use is consistent with the zoning district.
- a.3 The Existing Conditions Plan shows the locations of the trees along with their species and size (Attachment C). According to the applicant, if the trees were not removed, the trees would be severely impacted during development, and if retained, would prevent the proposed development of the subject property.
- a.4 Oregon Department of Forestry (ODF) permits are required only if commercial use of the felled trees will occur (e.g., logs or firewood are sold). The applicant has not indicated whether any felled trees would be sold.
- a.5 In the event the proposed development does not take place, the eight trees proposed for removal on the Existing Conditions and Demolition Plan shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Conclusion

- a.1 As shown in the attached plan (Attachment C), the trees to be removed would be severely impacted during development, and if retained, would prevent the proposed development of the subject property.
- a.2 If the felled trees are sold, the applicant will need to contact the ODF regarding any appropriate permits.
- a.3 This review criterion is met with one condition.

Condition

Condition 11 In the event proposed development does not take place, the 8 trees identified for removal on the Existing Conditions Plan (Attachment C) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Criterion (b)

The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

Findings of Fact

- b.1 State permits are required if commercial use of the forest products will occur, such as logs or firewood that are sold. Local ordinances regulating tree felling include ADC Section 9.250 through 9.208, and AMC Chapter 7.98. None of the trees proposed for removal are listed as heritage trees, according to City records.
- b.2 The nesting season for migratory birds is approximately March 1 to August 31. The Federal Migratory Bird Act prohibits the taking, harming, or moving of any migratory birds, eggs, or nests. The applicant

shall be responsible for contacting the U.S. Department of Fish and Wildlife to confirm the date range for the specific project site before removing trees.

- b.3 The subject property is relatively flat in the vicinity of the proposed tree felling.
- b.4 The City has not identified any mandated view or scenic corridors. There are no nearby open streams or known geological sites in the vicinity of the subject property open or accessible to the public.

Conclusions

- b.1 Tree removal will be consistent with State standards if any required logging permit is obtained from the Department of Forestry.
- b.2 The proposed felling is consistent with State standards and City ordinances which, with mitigation, does not negatively impact the environment quality of the area.
- b.3 The Federal Migratory Bird Act prohibits the taking, harming, or moving of any migratory birds, eggs, or nests.
- b.4 This review criterion is met with one condition.

Condition

Condition 12 It shall be the applicant's responsibility to ensure the proposed tree removal, including the timing of removal, is in compliance with the Federal Migratory Bird Act.

Criterion (c)

The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.

Findings of Fact and Conclusions

- c.1 ADC 9.204 states Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.
- c.2 A tree inventory has been conducted and outlined in the Existing Conditions Plan. As shown, trees proposed to be removed include a variety of deciduous trees. Only trees within developable areas are proposed to be felled.
- c.3 None of the trees are known to possess historic value. No heritage trees exist on the site.

Conclusions

- c.1 A total of eight trees are proposed to be removed.
- c.2 None of the trees possess unique or historic value.
- c.3 This review criterion is met.

Criterion (d)

Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.

Findings of Fact and Conclusions

- d.1 The property where the tree felling is proposed is not located within a Significant Natural Resource Overlay district; therefore, this criterion is not applicable.

Minor Variance Decision Criteria

ADC 2.696- Approval Standards

Criterion 1

The Minor Variance is not requested to avoid a land use review process or increase density; AND

Findings of Fact

- 1.1 The applicant is requesting two minor variances:
 - a. Reduce special noise corridor setback to allow installation of higher sound rated windows in three dwelling units in lieu of the required 10-foot special noise corridor setback, and
 - b. Reduce the required transition to lower density uses setback one foot to allow up to a 28-foot setback along the east property line abutting single-dwelling development.
- 1.2 The requested minor variances are not requested to avoid a land use review process or increase density.

Conclusions

- 1.1 The minor variances are not being requested to avoid a land use review or increase density.

Criterion 2

The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

Findings of Fact

- 2.1 ADC 22.400 defines infill as “development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, streets, and other public services are available”.
- 2.2 The subject property is located at 2080 Queen Ave SE. All adjacent property is developed; therefore, the proposed development can be described as infill development.

Conclusion

- 2.1 The site is an infill site that is surrounded on all sides by development.

Criterion 3

The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay district.

Findings of Fact and Conclusions

- 3.1 The applicant has submitted a site plan review to construct a multiple dwelling unit development. Two minor variances are requested with this application, as stated in Criterion 1.
- 3.2 A Minor Variance to the special noise corridor setback of ADC 3.320 is proposed to allow installation of higher sound rated dwelling windows in three encroaching dwelling units in lieu of a 10-foot special noise corridor setback. A portion of three units in the 30-unit building will encroach into the 10-foot special noise corridor setback. All dwelling windows that are within the 10-foot special noise corridor setback are proposed to have a minimum 33 Sound Transmission Class (STC), which will decrease airborne sound transmission. Additionally, the exterior wall construction per HUD Manual Chapter 4 (Noise Attenuation) in this project will provide a 5 STC improvement over the standard code compliant exterior wall throughout the entire building. Therefore, the proposed number of units encroaching into the setback is a 10 percent deviation from the required setback standard and minimum necessary to address the unique situation on this infill parcel.

- 3.3 A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 28-foot setback along the east property line abutting single-dwelling residential development as opposed to 29-foot setback required based on building top of wall height.

As shown on the site plan, the proposed structure is located 2-foot east of the waterline easement (i.e., Easement for Public Utility, VOL. 1265, Page 970). The 2-foot setback allows for 24-inch-wide building eave overhangs and the outer edge of the foundation footings to be constructed outside of the easement. As shown on the elevation plans, 1-foot (24-inch) eave overhangs extend from the wall plane. The required distance from the easement in addition to building width results in a 28-foot setback from the abutting single-dwelling residential development (2110 Queen Avenue SE) as opposed to 29-foot setback required based on building top of wall height. Therefore, the proposed transitional setback is less than a 10 percent deviation from the required setback standard and minimum necessary to address the unique situation on this infill parcel.

- 3.4 The applicant states that the minor variances are the minimum necessary to address the unusual circumstances and is not significantly greater than a 10 percent deviation from a numeric standard.

Conclusions

- 3.1 The applicant has demonstrated that the minor variances are the minimum necessary to address the circumstances on the subject property, and the request is still consistent with the zoning district.

Condition

Condition 13 Special Noise Corridor Setback. Before the City will issue any occupancy permit for the proposed project, all dwelling windows that will encroach into the 10-foot special noise corridor setback must have a minimum 33 Sound Transmission Class (STC) and exterior wall construction in compliance with HUD Manual Chapter 4 (Noise attenuation) as shown in the applicant's narrative (Attachment E, page 29).

Overall Conclusion

As proposed and conditioned, the concurrent applications for Site Plan Review and Minor Variance satisfy all applicable review criteria as outlined in this report. Staff recommends approval of this proposal with the following conditions.

Conditions of Approval

- Condition 1 Site Improvements.** Before the City will issue a final certificate of occupancy for the proposed structure(s), all proposed and site improvements identified to the site plan (e.g., driveways, landscaping, lighting, etc.) shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.
- Condition 2 Screening of Refuse Containers.** Before the City will issue a final certificate of occupancy for the proposed structure(s), the applicant must provide screening of the refuse containers in compliance with ADC 3.390.
- Condition 3 Bicycle Parking.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall provide evidence that required bicycle parking meets the standards of ADC 9.030(4)(g) by installing secured parking racks for each space.
- Condition 4 Parking.** A separate parking lot permit must be obtained for the proposed development, detailing the conformance to ADC 9.120 and 9.130. Before the City will issue any certificate of occupancy for the proposed structures, the parking lot shall be installed and approved.
- Condition 5 Electric Vehicle Charging Capacity.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant must provide evidence that the required electric vehicle charging capacity spaces meets the standards of ADC 9.050.

- Condition 6 Landscaping and Irrigation System.** Before the City will issue any certificate of occupancy for the proposed structure(s), the applicant shall install landscaping in conformance with ADC 9.210 – 9.250, planter bays in conformance with ADC 9.150(1), and either an irrigation plan or a letter from a qualified landscape professional stating irrigation is not required per ADC 9.160.
- Condition 7 Public Works.** Before the applicant can make a new sewer service connection to the public sanitary sewer system, an Encroachment Permit must be obtained from the City of Albany's Engineering Division for the connection to public sanitary sewer system.
- Condition 8 Public Works.** Before the applicant can construct a new fire line the applicant must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division.
- Condition 9 Public Works.** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a Stormwater Quality Permit from the City of Albany's Engineering Division and construct stormwater detention and stormwater quality facilities generally as detailed in the applicant's storm drainage report.
- Condition 10 Transportation.** Prior to the submittal of any permits, the applicant must dedicate 2 feet of right-of-way along the site's frontage of Queen Ave SE.
- Condition 11 Tree Felling.** In the event proposed development does not take place, the 8 trees identified for removal on the Existing Conditions Plan (Attachment C) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).
- Condition 12 Tree Felling.** It shall be the applicant's responsibility to ensure the proposed tree removal, including the timing of removal, is in compliance with the Federal Migratory Bird Act.
- Condition 13 Special Noise Corridor Setback.** Before the City will issue any occupancy permit for the proposed project, all dwelling windows that will encroach into the 10-foot special noise corridor setback must have a minimum 33 Sound Transmission Class (STC a minimum of 33 Sound Transmission Class (STC) and exterior wall construction in compliance with HUD Manual Chapter 4 (Noise attenuation) as shown in the applicant' narrative (Attachment E, page 29).

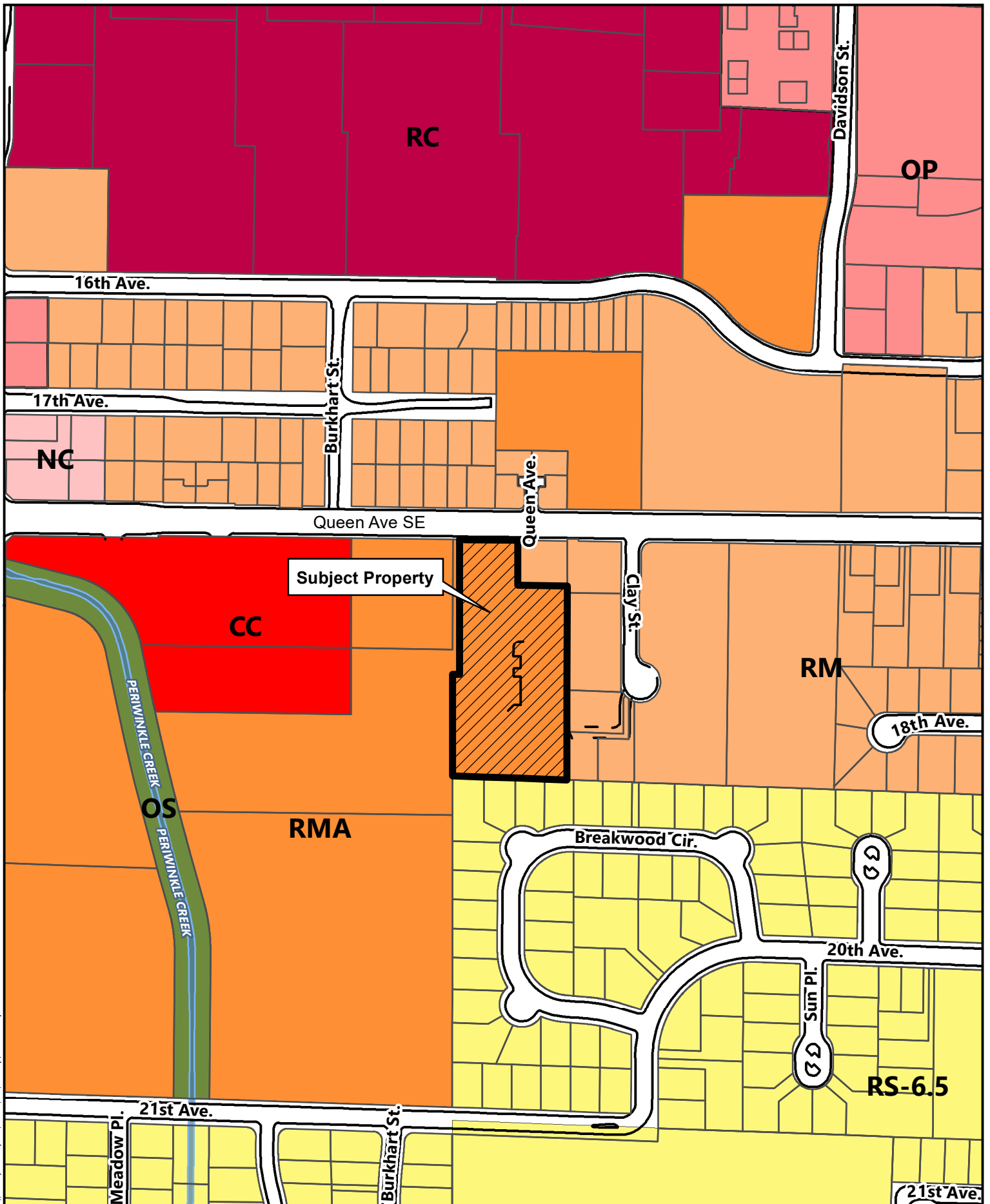
Attachments

- A. Location Map
- B. Site Plan
- C. Existing Conditions Plan
- D. Applicant's narrative
- E. Applicant's revised narrative 4.19.2024
- F. Elevations
- G. Landscaping Plan

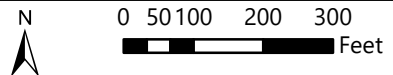
Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
ITE	Institute of Transportation Engineers
ORS	Oregon Revised Statutes
RMA	Residential Medium Density Attached Zoning District
SP	Site Plan Review File Designation
TIA	Traffic Impact Analysis
TSP	Transportation Systems Plan

VR Variance Review File Designation



\\cc.cityofalbany.net\homes\liza\Desktop\Location Map.mxd



Date: 4/24/2024 Map Source: City of Albany

2080 Queen Avenue SE

Location / Zoning Map

QUEEN AVENUE
(MINOR ARTERIAL)

ATTACHMENT B

BDA
Architecture and Planning, PC
1359 Olive Street
Eugene, OR 97401
tel: 541.763.3061

DEVELOPMENT CODE SUMMARY

Address: 2080 Queen Ave SE, Albany, Oregon 97102
Map: 11050A0402R Tax Lot: 6000
Development Site Area: 0.77 acres (33,458 sq ft)
Base Zoning: RM - Residential Medium Density Attached
Overlaid Special Approvals: Overlay (Medium Density) - R4 (M-104)
Adjacent Zoning: RM - Res Medium Density Attached, RM - Res Medium Density
Proposed: three-story multi-family building with 30 dwelling units and related support spaces
(231' bedroom units, 60 studio units)

Minimum Program Size or Land Use Limits by Unit Type
Studio and 1-bedroom units: 1,500 sq ft
30% area reduction bonus per Table B.2205-4 = 1,050 sq ft (1 bed and studio)
New Project: 100% base at least 20% of units set aside for persons whose household income is less than or equal to 80% AMI; 20% area reduction bonus to permit this.
Minimum Lot Size for detailed program on Development Site:
22 new lot x 1,050 = 23,100 sq ft
30% area reduction = 8,820 sq ft
Total: 31,920 sq ft (C-33,458)

Setbacks
Per Table B.2100-4: Minimum Front = 12'
Per Table B.2100-4: Maximum Setback not applicable (Other Area)
Per B.2100-5(a): 10' minimum from front, side and rear lot lines (measured to top of wall facing neighbor to east)
Per B.2100-5: 3' minimum from rear lot line (measured to top of wall facing neighbor to east)
Special Area Consideration: additional 10' (see additional provided)

Minimum Floor-to-Floor Height
Per Table B.2100-4: 8'0" (4' + 4' provided) - measured to finished floor
Per Table B.2100-4: Minimum Floor-to-Floor Coverage: 70% (17,220 sq ft, or 51% provided)

Open Space (per B.2202)
Common: 10% of total development site area (per Table B.2202-1)
Private: 10% of total site area (20% reduction of total lot) required for at least 10% of units and subject to the standards in ADC B.2203-3
(private patios/balconies not provided)

Facade Design, Articulation and Windows (per B.2205 - street facade)
Articulation: (a) of two features from B.2205-2 (b) projected; (c) overhanging greater than 12" (d) other in facade
Window Windows: 10% or more windowed facade
Street-Facing Windows: 15% of total facade area required per B.2205-3 (15% provided)

Minimum Landscaped Area
Per Table B.2100-4: 4' wide adjacent to streets plus required open space
Areas to be Landscaped

Block Parking (per B.2203)
Per Table B.2203: 1 space per 3 beds (or 1 parking space per 3 units) (10 spaces provided - 6 standard, 4 oversized)



Revision Summary		
Revision Number	Revision	Revision Date
1		

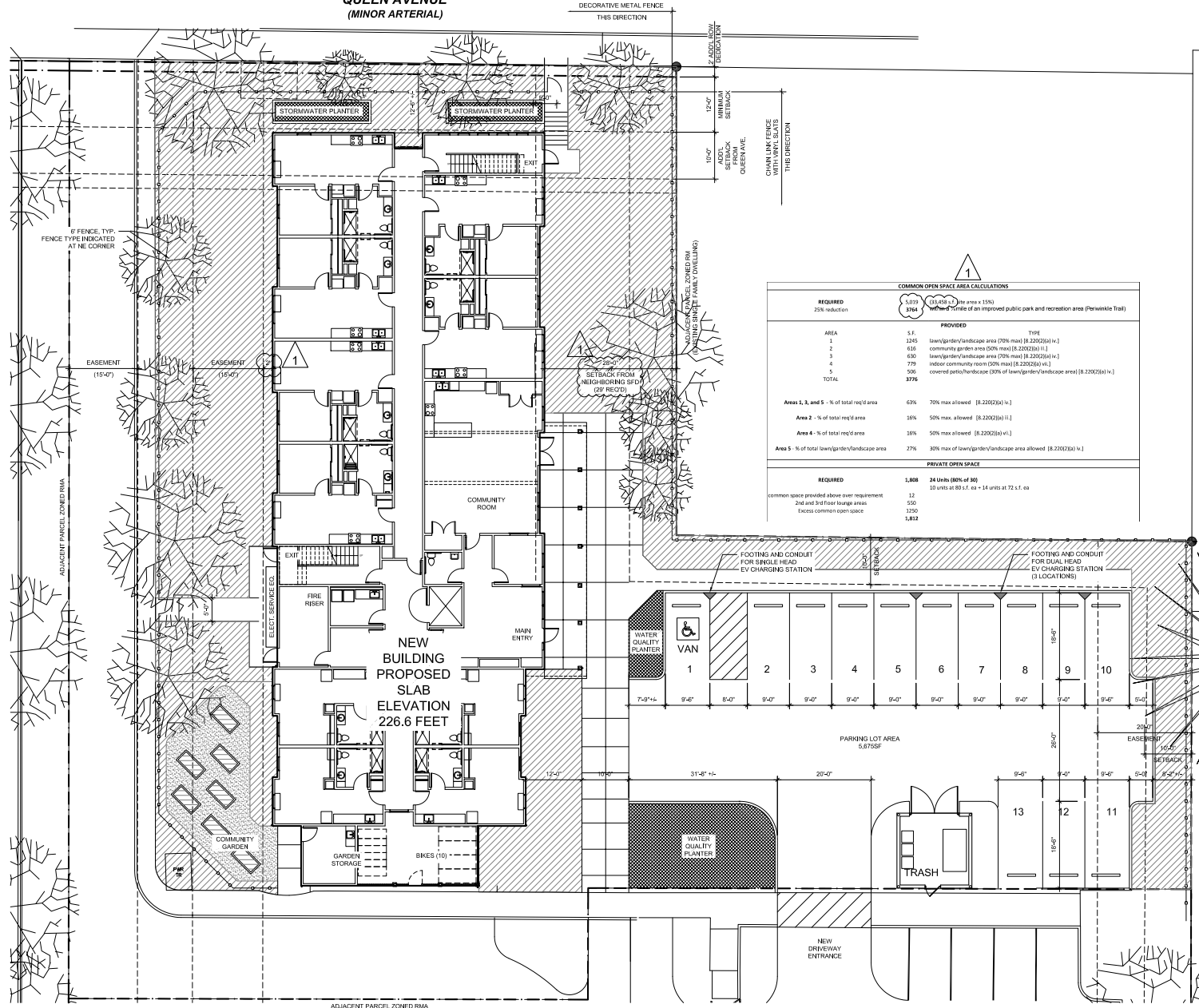
VALOR PLACE APARTMENTS
2080 QUEEN AVENUE
ALBANY, OREGON
LINN BENTON HOUSING AUTHORITY

DD ISSUE

SITE PLAN
DEVELOPMENT
CODE SUMMARY

date 03-29-2024
file
d.b. mm

G002



COMMON OPEN SPACE AREA CALCULATIONS

REQUIRED 25% reduction	5,019 S.F.	PROVIDED	TYPE
1	1,245	1,245	lawn/garden/landscape area (70% max) (B.2202(b)(1))
2	630	630	community garden area (50% max) (B.2202(b)(1))
3	630	630	lawn/garden/landscape area (70% max) (B.2202(b)(1))
4	779	779	indoor community room (50% max) (B.2202(b)(1))
5	506	506	covered patio/terrace (50% of lawn/garden/landscape area) (B.2202(b)(1))
TOTAL	3,776	3,776	

Area 1, 3, and 5 - % of total req'd area
63% 70% max allowed (B.2202(b)(1))

Area 2 - % of total req'd area
16% 50% max allowed (B.2202(b)(1))

Area 4 - % of total req'd area
30% 50% max allowed (B.2202(b)(1))

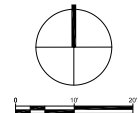
Area 5 - % of total lawn/garden/landscape area
27% 30% max of lawn/garden/landscape area allowed (B.2202(b)(1))

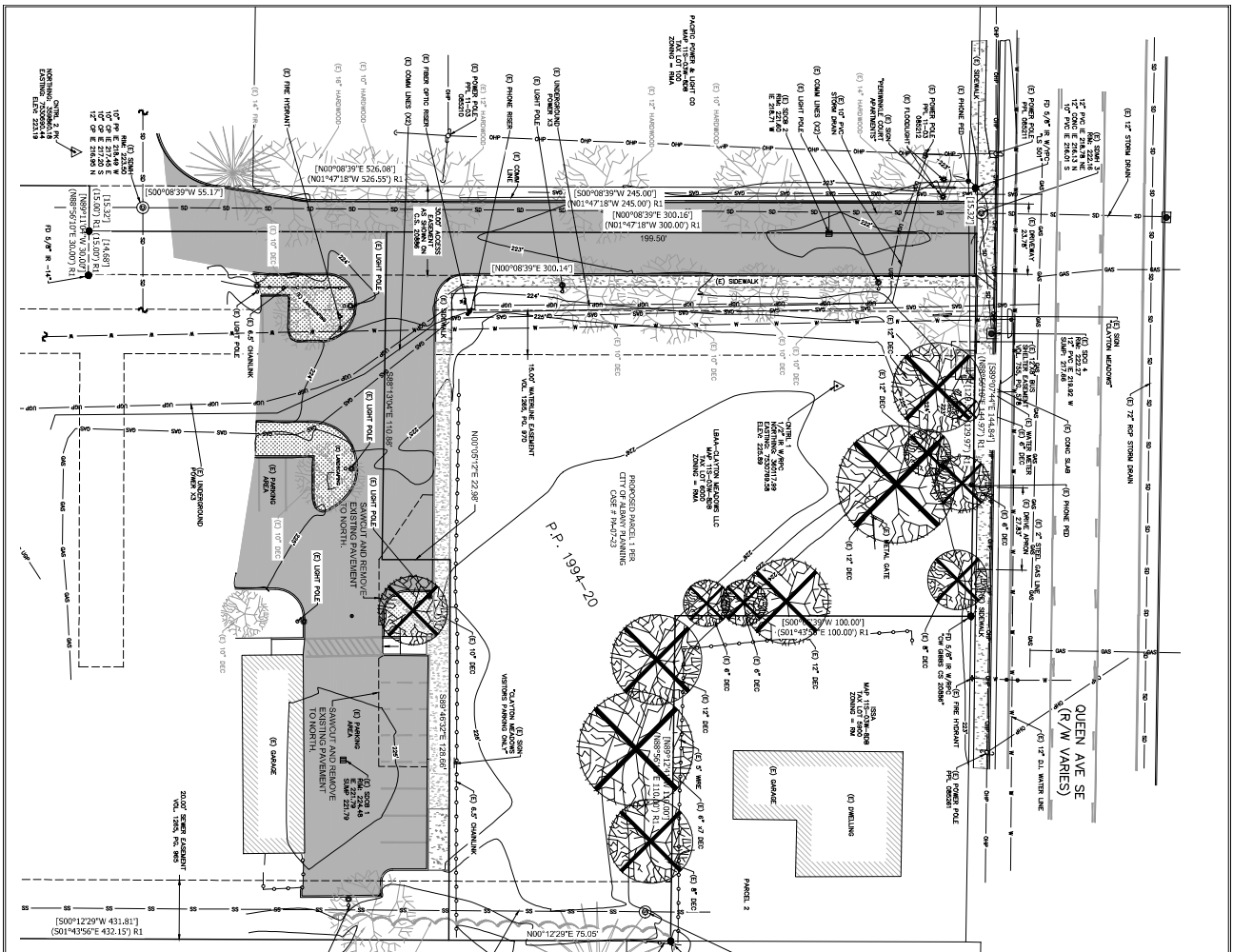
PRIVATE OPEN SPACE

REQUIRED	1,808	24 Units (80% of 30)
Common space provided above over requirement	12	10 units at 85 S.F. or = 14 units at 72 S.F. ea
2nd and 3rd floor lounge areas	550	
Excess common open space	1,812	

1 SITE PLAN
G002

Scale: 1" = 10'





- EXISTING SYMBOL LEGEND**
- FOUND MONUMENT AS NOTED
 - FOUND OPS AS NOTED
 - FINISH FLOOR ELEVATION
 - △ CONTROL
 - GAS METER
 - GAS VALVE
 - LIGHT POLE
 - MAILBOX
 - ORNAMENTAL LIGHT
 - PHONE FEDESTAL
 - POWER GUY ANCHOR
 - POWER GUY
 - POWER JUNCTION BOX
 - POWER FEDESTAL
 - POWER CABINET
 - POWER LIGHT POLE W/ DRWP
 - POWER POLE
 - POWER POLE W/ DRWP
 - POWER MESS
 - POWER RISER
 - POWER TRANSFORMER
 - POWER WALLT
 - SANITARY MANHOLE
 - STORM CATCH BASIN
 - STORM CURB INLET
 - STORM MANHOLE
 - SIGN
 - TREE EMERGENT
 - TREE DEPENDOUS
 - TV PEDESTAL
 - UTILITY WALLT
 - WATER FIRE HYDRANT
 - WATER METER
 - WATER VALVE
 - CONCRETE
 - GRAVEL
 - FENCEMENT
 - CHAINLINK FENCE
 - WOOD FENCE
 - STORM DRAIN PER LOCATE PAINT
 - SANITARY SEWER PER LOCATE PAINT
 - WATER LOCATE PER PAINT
 - PHONE LOCATE PER PAINT
 - UNDERGROUND POWER PER LOCATE PAINT
 - OVERHEAD POWER PER LOCATE PAINT
 - GAS LINE PER LOCATE PAINT
 - TELEVISION LINE PER LOCATE PAINT
- ABBREVIATIONS LEGEND**
- (E) EXISTING
 - (P) PROPOSED
 - (R) BLUE PLASTIC CAP
 - (B) BARB WIRE
 - (C) CLEAN OUT
 - (CS) COUNTY SURVEY
 - (DEC) DEPENDOUS TREE
 - (D) DUCTILE IRON
 - (FH) FIRE HYDRANT
 - (FL) FLOOR ELEVATION (LOW LINE)
 - (IR) IRON ROD
 - (L) LAMP
 - (M) MANHOLE
 - (MH) MANHOLE
 - (P) PLASTIC CAP
 - (R) RED PLASTIC CAP
 - (R/W) RIGHT-OF-WAY
 - (SS) SANITARY SEWER
 - (SQ FT) SQUARE FEET
 - (TOP OF CURB) TOP OF CURB
 - (W) WITHIN PLASTIC CAP
 - (W/DRWP) WITHIN PLASTIC CAP PER O.S. 20886
 - (RCP) RENEWED CONCRETE PIPE
- EASEMENTS OF RECORD:**
- A TITLE REPORT PREPARED BY PARMETTIE INSURANCE COMPANY ORDER NO. 2024030001, DATED MARCH 11, 2024, REVEALS THE FOLLOWING EASEMENTS OF RECORD WHICH ARE SHOWN HEREON BASED ON THE RECORDED DESCRIPTIONS:
1. EASEMENT IN FAVOR OF HANCOCK - AN OREGON CORPORATION, RECORDED OCTOBER 6, 2009 AS PER VOLUME 1131, PAGE 80.
 2. RECORDED SERVICE EASEMENT IN FAVOR OF TCI OREGON DIVISION OF OREGON, INC. RECORDED MAY 22, 2001 AS PER VOLUME 1282, PAGE 172.
 3. TRANSFORMER UTILITY EASEMENT IN FAVOR OF COMCAST OF OREGON, INC. RECORDED JUNE 5, 2017, AS LAMU COUNTY DEED DOCUMENT NO. 2017-09855.

PROJECT VERTICAL DATUM -- NGVD 29

ALL ELEVATIONS IN THIS DRAWING ARE REFERRED TO THE PROJECT VERTICAL DATUM (P.V.D.) OF NGVD 29. THE PROJECT VERTICAL DATUM IS ESTABLISHED BY THE ENGINEER'S FIELD SURVEYING OPERATIONS. THE ENGINEER'S FIELD SURVEYING OPERATIONS ESTABLISH THE PROJECT VERTICAL DATUM BY MEANS OF A BENCH MARK (B.M.) OF NGVD 29. THE BENCH MARK IS A CONCRETE PILE WITH AN ELEVATION OF 52.2719. THE BENCH MARK IS LOCATED AT THE INTERSECTION OF THE PROJECT PROPERTY LINE AND THE EXISTING SIDEWALK. THE BENCH MARK IS IDENTIFIED BY THE ENGINEER'S FIELD SURVEYING OPERATIONS. THE BENCH MARK IS IDENTIFIED BY THE ENGINEER'S FIELD SURVEYING OPERATIONS. THE BENCH MARK IS IDENTIFIED BY THE ENGINEER'S FIELD SURVEYING OPERATIONS.

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REVISIONS: _____ DATE: _____

SCALE: SEE BARSHEET

<p>DATE: MARCH 6, 2024</p> <p>PROJECT: 23-078 LBHA QUEEN AVE</p> <p>DRAWN BY: _____</p> <p>REV. M.M.</p> <p>CHECKED BY: _____</p> <p>BY: _____</p>	<p>EXISTING CONDITIONS</p> <p>VALOR PLACE APARTMENTS</p> <p>2080 QUEEN AVE SE</p> <p>ALBANY, OREGON</p>	<p>UDELL ENGINEERING AND LAND SURVEYING, LLC</p> <p>63 EAST ASH ST.</p> <p>LEBANON, OREGON 97355</p> <p>(541) 451-5125 PH.</p> <p>(541) 451-1366 FAX</p>	<p>CLIENT:</p> <p>LBHA/ CLAYTON MEADOWS LLC</p> <p>1250 SE QUEEN AVE</p> <p>ALBANY, OREGON 97322</p>
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THIS PLAN SET IS FOR PROJECT OF OREGON, INC. CONSTRUCTION.

Scale: C101

SITE PLAN REVIEW, TREE FELLING, & MINOR VARIANCE APPLICATIONS

Submitted to: City of Albany
 Planning Division
 P.O. Box 490
 Albany, Oregon 97321-0144
 541-917-7550 / cd.customerservice@cityofalbany.net

Property Owner/Applicant: Linn Benton Housing Authority/Clayton Meadows LLC
 Donna Holt
 1250 Queen Avenue SE
 Albany, OR 97322
 (541) 918-7314 / donna@l-bha.org

Applicant's Representative: BDA Architecture and Planning, PC
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 Eugene, OR 97401
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Udell Engineering and Land Surveying, LLC
 63 E. Ash Street
 Lebanon, OR 97355
 Laura LaRoque
 (541) 990-8661 / laura@udelleng.com
 Brian Vandetta
 (541) 451-5125 / brian@udelleng.com

Site Location: 2080 Queen Ave. SE, Albany, OR 97322

Linn County Assessor's Map No.: 11S-03W-08DB Tax Lot 6000

Site Size: ±0.77-acres

Existing Land Use: Unimproved Parcel

Zone Designation: Residential Medium Density Attached District (RMA);
 with Airport Approach Overlay

Comprehensive Plan Designation: Residential Medium Density

Surrounding Zoning: North: RM
 East: RM
 South: RS-6.5
 West: RMA



23-078 LBHA
 1250 Queen Avenue SE
 Site Plan Review & Minor Variance Applications

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Surrounding Uses:

North: Residential
South: Residential
East: Residential
West: Residential/Utility

I. Executive Summary

The applicant “Linn Benton Housing Authority/Clayton Meadows LLC” requests approval of the following applications:

1. A Site Plan Review to construct a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1.
2. A Site Plan Review Tree Felling to remove eight trees larger than 25 inches in circumference (approximately eight inches in diameter) from the subject site to construct proposed development.
3. A Minor Variance to the special noise corridor setback of ADC 3.320 to allow installation of higher sound rated dwelling windows in three encroaching dwelling units in lieu of a 10-foot special noise corridor setback.
4. A Minor Variance to the private open space standards of ADC 8.220(3) to allow increased common open space in lieu of individual patios or balconies.
5. A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 26-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 28-foot 3-inch setback is required based on top of wall height.

The site is ±0.77-acre acres in size and located at 2080 Queen Ave. SE. The site is zoned Residential Medium Density Attached District (RMA) with a Residential Medium Density Comprehensive Plan designation.

Site Plan Review and Minor Variance criteria contained in Albany Development Code (ADC or Code) ADC 2.450 and 2.696, respectively, are addressed in this report for the proposed development. These criteria must be satisfied to grant approval for this application.

II. Site Plan Review

Section 2.450 of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The application is complete in accordance with the applicable requirements.

Findings of Fact and Conclusions

- 1.1 The submitted application includes the supplemental submittal requirements outlined in ADC 1.160(1) and will therefore, be deem complete in accordance ADC 1.160, upon the submittal date.
- 1.2 This criterion is met without conditions.

Criterion 2

The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

Findings of Fact

- 2.1 The underlying zoning designation of the subject property is Residential Medium Density Attached District (RMA). Per ADC 3.020(6) The RMA District is intended primarily for medium- to high-density urban residential development.
- 2.2 The proposal includes the construction of a 30-unit multi-dwelling development with associated site and parking lot improvements on proposed Parcel 1. Table 3.00-1 lists multi-dwelling units as allowed use with Site Plan Review approval.
- 2.3 Per ADC 3.020(6), developments in the RMA zone may not exceed 35 units per gross acre. The gross acreage of proposed Parcel 1 is ±0.77-acres. Therefore, the maximum density is 27 units before density bonuses are applied. A total of 30 units are proposed with the application of a 30 percent affordable housing density bonus per ADC Table 3.220-2.
- 2.4 Per ADC 3.220(6), For the provision of housing that is affordable to low- and moderate-income households earning 120 percent or less of the area median income (AMI), a density bonus through reductions in lot size or area requirement is permitted for all units within the development, or development phase for phased developments, as provided in Table 3.220-2.

A total of 30 units are proposed with the application of a 30 percent affordable housing density bonus per ADC Table 3.220-2 as the proposed development will have at least 20 percent of units set aside for persons whose household income is less than or equal to 50 percent AMI.

TABLE 3.220-2

AFFORDABLE HOUSING DENSITY BONUS STANDARDS		
Affordability Level	Percent of units set aside for persons whose household income is less than or equal to the affordability level (including bonus units)	Area Reduction Bonus Permitted
120% AMI	50 percent of units	5 percent
100% AMI	50 percent of units	10 percent
80% AMI	5 percent of units	5 percent
	10 percent of units	10 percent
	20 percent of units	20 percent
50% AMI	5 percent of units	10 percent
	10 percent of units	20 percent
	20 percent of units	30 percent

[Ord. 5947, 1/1/21; Ord. 5966, 11/12/21]

- 2.5 Per ADC 3.190, Table 3.190-1, the RMA zoning district requires a minimum lot size based on unit type. Studios and 1-bedrooms require 1,500 square feet per unit; 2-and 3-bedroom units require 1,800 square feet; and 4 plus bedroom units require 2,200 square feet unless the bonus provisions for area requirements per ADC 3.220 are applicable.

The below table denotes the total required area per unit type with the application of a 30 percent area reduction bonus per Table 3.220(6):

Site Area/Unit Summary			
<i>Unit Type</i>	<i>Unit Count</i>	<i>Site Area/Unit</i>	<i>Required Area/Unit</i>
Studio	8	1,050 s.f.	8,400 s.f.
1-bdrm	22	1,050 s.f.	23,100 s.f.
	30		31,500 sf (0.73-acres)

The ±0.77-acres subject property exceeds the minimum required 0.73-acre parcel size based on the proposed unit type.

- 2.6 The maximum lot coverage in the RMA zoning district is 70 percent. According to ADC 22.400, lot coverage is defined as the “portion of a lot which, when viewed directly from above, would be covered by a building, or structure, pavement, or any area not vegetated or in a naturally permeable state.”

The site is ±0.77-acres with a total lot coverage of 69 percent which is less than the maximum lot coverage standard of 70 percent.

- 2.7 Building Height. The maximum height in the RMA zoning district is 60 feet. According to ADC 22.400, the height of a building is defined as the “vertical distance above “Grade” as (...) the average height of the highest gable of the pitched or hipped roof.”

The proposed structure measures approximately 34 feet at average height of the highest gable, which is less than the maximum 60-foot height standard in the RMA zoning district.

- 2.8 Setbacks. The RMA zoning district has a minimum 12-foot front setback.

Per ADC 22.400 the terms setback and front lot line are defined as follows:



- *Setback: The minimum distance required between a structure or parking area and an abutting property line.*
- *Lot Line, Front: A lot line abutting any street.*

As shown on the site, the proposed structure is 12.5 feet from the front property line after the 2-foot right-of-way dedication, which exceeds the RMA front setback standard.

2.9 Multiple-dwelling unit developments must also meet the setbacks and building orientation in ADC 8.240(3) when sites have frontage along a collector or local public street. However, in this case, the site abuts Queen Avenue SE, which is classified as a Minor Arterial in the Albany Transportation System Plan. Therefore, these standards are not applicable to the proposed development.

2.10 Multi-dwelling unit developments have a minimum interior setback of 10 feet plus three feet for each story over three per unit requirements unless transitional setbacks of ADC 8.270(3) are applicable.

Per ADC 22.400 the terms setback and interior lot line are defined as follows:

- *Setback: The minimum distance required between a structure or parking area and an abutting property line.*
- *Lot Line, Interior: Any lot line other than a front lot line*

Multiple-dwelling unit developments must also meet the setbacks in Section 8.270(3). Per ADC 8.270(3) multi-dwelling buildings must be set back at least one foot for each foot in building height from a shared property line, up to a maximum required setback of 30 feet, when the abutting lot sharing the property line meets criteria (a) or (b) below, or both.

- The abutting lot is in a residential single dwelling zoning district or in the HM zoning district and is developed with single-dwelling residential or middle housing uses or is underdeveloped or vacant.*
- The abutting lot has a pre-existing single-dwelling home and is in a zoning district other than the NC, CC, RC, LI, HI, or IP. For the purposes of this section a “pre-existing single-dwelling home” is one constructed prior to January 1, 2021.*

2.11 The transitional setbacks per ADC 8.270(3) apply to shared property line along 2110 Queen Avenue SE since this property is developed with an existing single-dwelling and will abut the proposed multi-unit development. A minimum 28-foot transitional setback is required since the top of wall height of the proposed structure is 28-feet-tall (see building height definition in ADC 22.400).

A Minor Variance to transition to lower density use setback provisions of ADC 8.270(3) to allow up to a 26-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 28-foot 3-inch setback is required based on top of wall height. Findings provided under Section III, below are incorporated herein by reference.

- 2.12 ADC 3.320 requires residential development adjacent to Queen Avenue to maintain a ten-foot setback in addition to the required setback for the RMA zoning district. Although not expressed in the code, the purpose of the Special Noise Corridor Setback is believed to be aimed at reducing sound transfer from higher volume roadways from residential dwelling spaces.

As shown on the site and floor plans, the portions of three units and main front stairway will encroach within the 10-foot special noise corridor setback. A Minor Variance to the special noise corridor setback of ADC 3.320 to allow installation of higher sound rated dwelling windows in the three encroaching dwelling units in lieu of a 10-foot special noise corridor setback. Findings provided under Section III, below are incorporated herein by reference.

- 2.13 ADC 3.390 requires all refuse containers or refuse disposal areas to be placed 15 feet or greater than a dwelling window and screened by placement of a sight-obscuring fence, wall, or hedge at least six feet in height.

As shown on the site plan, the refuse area will be placed near the entrance of the parking lot. The refuse container area is greater than 15 feet from any dwelling units and will be screened by a six-foot-tall sight-obscuring fence.

Conclusions

- 2.1 The proposed use is allowed in the RMA zoning district with site plan approval.
- 2.2 The proposal meets all development standards in the RMA zoning district.
- 2.3 This review criterion is met.

Criterion 3

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

Findings of Fact

- 3.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is located within the Horizontal Area and Conical Area of the Airport Approach Overlay Zone. The horizontal area is 150 feet above the airport elevation and the conical area begins at the periphery of the horizontal zone and slopes 20 feet outward for each foot upward. The airport is located at an elevation of 222 feet above mean sea level (NGVD29) or 225.38 feet above mean sea level (NAVD88). The subject property has a mean sea level elevation of between 224 and 226 feet (NGVD29) or 227.38 to 229.38 feet (NAVD88). The maximum height in the RMA district is 60 feet; therefore, the tallest structure that could be constructed would have an elevation of 286 feet (NGVD29). An elevation of 286 feet (NGVD29) would be 64 feet above the airport elevation, well below penetrating into the 150 feet of the horizontal surface.

- 3.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* does not show any steep slopes on the property.
- 3.3 Article 6: Significant Natural Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation or wildlife habitat on the property.
- 3.4 Article 6: Riparian Corridor: *Comprehensive Plan Plate 6: Natural Vegetation and Wildlife Habitat*, does not show any areas of riparian corridors on the property.
- 3.5 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0214H and 41043C0527G, dated September 29, 2010), the subject property is not located in the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 3.6 Article 6: Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property. This property is not included in a local wetlands inventory.
- 3.7 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9: Historic Districts*, shows the property is not located in a historic district. There are no known archaeological sites on the property.

Conclusions

- 3.1 The only special purpose district that the subject property is in is the Airport Approach district. The height limitation of the RMA zone prevents any intrusion into the horizontal surface; therefore, any potential development would comply with the height limitations associated with the Airport Approach district.

Criterion 4

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

Findings of Fact

- 4.1 Applicability. According to ADC 8.205, standards of ADC 8.220 through 8.300 apply to the development of new multi-dwelling unit developments.
- 4.2 Relationship to Historic Overlay Districts. ADC 8.210 requires designated historic resources to comply with the standard in Article 7. The site is not located in a historic district, nor does it contain a designated historic resource. This standard is not applicable.
- 4.3 Recreation and Open Space Areas. ADC 8.200 requires multi-dwelling unit developments with 10 or more units to: 1) designate 15 percent of the total development site area as common open in accordance with the standards in ADC 8.200(2); 2) provide a children's play area for developments with 10 or more units that each have two or more bedrooms.

The proposed development consists of 30 units comprised of 8-studio units and 22 one-bedroom units and therefore, is not required to provide a children's play area per ADC 8.220(2)(a)(ix).

ADC 8.220(C)(i) states that a common open space area credit up to 25 percent is permitted if there is direct access by a pedestrian path, not exceeding ¼ mile, from the proposed multi-dwelling development to an improved public park and recreation area or public-school playground.

Fifteen percent of the 0.77-acre development site is 5,004 square feet. However, the project is eligible for a 25 percent common open space area credit (i.e., 1,251 square feet) since the site located with ¼ mile of Periwinkle Trail, with connectivity via Periwinkle Park on the south side of 21st Avenue SE. This reduction results in a total required open space of 3,753 setback square feet.

The site plan shows a total of 3,776 square feet of common space is proved on the site consisting of 63 percent lawn/garden/hardscape; 27 percent of hard surfaced area; 16 percent of indoor community room; and 16 percent of lawn/garden/landscape area.

4.4 Private Open Space. Per ADC Table 8.220-1 private open space is required in the RMA zoning district, with at least 80 percent of the units requiring private open space.

The stated purpose of ADC 8.220 is to ensure that new multiple dwelling unit developments and mixed-use developments with multiple-dwelling units provide spaces for outdoor recreation and relaxation that are adequately sized, located, and functional. The standards are also intended to ensure that a development project's open space is an integral part of the overall development design, not merely leftover space.

The standard requires at least 80 percent of units to provide private open space in accordance with ADC 8.220(3), but exempts assisted living and nursing homes from these standards.

ADC 22.270 defines an assisted living facility, which includes nursing homes as follows: *places that provide housing, personal care or assistance to unrelated residents that need help with activities of daily living, who are usually elderly or disabled persons. At least one person responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents is present on the site at all times. Larger group-living facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.*

As outlined in Exhibits E and F, the proposed development shares characteristics of an Assisted Living facility, as for the safety if residents access points to the building are limited. Therefore, this development should be exempted from private open space requirements (per ADC 8.220(3)). Findings provided under Section III, below are incorporated herein by reference.

Regardless, additional common open spaces are proposed in lieu of private open space (i.e., per ADC 8.220(3)). As shown on the site and floor plans, the proposed additional common open spaces include second and third floor lounge areas and an outdoor common area north of the proposed community garden area.

4.5 Setbacks and Building Orientation. According to ADC 8.240(3) subsections (a) and (b) are only applicable to sites with frontage on a collector or local public street. The subject site has frontage on Queen Avenue SE, which is classified as a Minor Arterial; therefore, these standards are not applicable to this application.

4.6 Façade design, articulation, and windows. According to ADC 8.255(1), the standards in this section pertain to any façade that faces towards or within 45 degrees of a front lot line, except where there is more than one building on the site.

ADC 8.255(2) requires a minimum of two architectural features. As shown in the site plan and building elevations the following façade design and articulation are proposed for the regulated façade (i.e., north building elevation): eaves/overhang greater than 12-inches; offset in façade; and raised planters.

ADC 8.255(3) requires a minimum of 15 percent of the total area of each regulated façade must contain windows or doors that meet all of the criteria in (a) through (c), below:

(a) Made of transparent material with a minimum visible transmittance of 0.4. (Only the transparent portion of doors may be counted towards required window areas.) Windows with a visible transmittance rating less than 0.4 and windows that are frosted, fritted, patterned, or obscure may be counted towards up to half of the required window area provided that the windows in total allow views from the building to the street.

(b) Located in any part of the building except garages and parking areas.

(c) Face towards or within 45 degrees of the front lot line.

As shown in the site plan and building elevations, the regulated façade (i.e., north building elevation) consists of an internal stairwell, entrance doorway, upper-level hallways, and living room/kitchen of three dwelling unit with 15 percent of street facing windows.

4.7 Transition to Lower Density Uses. Multiple-dwelling unit developments must also meet the setbacks in Section 8.270(3). According to ADC 8.270(3) multi-dwelling buildings shall be set back at least one foot for each foot in building height from a shared property line, up to a maximum required setback of 30 feet, when the abutting lot sharing the property line meets criteria (a) or (b) below, or both.

c. The abutting lot is in a residential single dwelling zoning district or in the HM zoning district and is developed with single-dwelling residential or middle housing uses or is underdeveloped or vacant.

d. *The abutting lot has a pre-existing single-dwelling home and is in a zoning district other than the NC, CC, RC, LI, HI, or IP. For the purposes of this section a “pre-existing single-dwelling home” is one constructed prior to January 1, 2021.*

- 4.8 The transitional setbacks per ADC 8.270(3) apply to shared property line along 2110 Queen Avenue SE since this property is developed with an existing single-dwelling and will abut the proposed multi-unit development. A minimum 28-foot transitional setback is required since the top of wall height of the proposed structure is 28-feet (see building height definition in ADC 22.400). A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 26-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 28-foot 3-inch setback is required based on top of wall height. Findings provided under Section III, below are incorporated herein by reference.
- 4.9 Pedestrian Connections. ADC 8.280 requires an internal pedestrian circulation system and connectively between the development and each adjacent street and sidewalk for every 200 linear feet of street frontage. The site plan indicates an internal sidewalk system with connections from the parking lot to the proposed structure as well as from the proposed structure/parking lot to the public sidewalk along Queen Avenue Street SE.
- 4.10 Parking Location. ADC 8.300 requires all parking areas to be located within 100 feet of the building entrance for a minimum of 50 percent of units in the development. As shown on the site plan, the proposed parking area meets this standard.

Conclusion

- 4.1 According to ADC 8.240(3) subsections (a) and (b) are only applicable to sites with frontage on a collector or local public street. The subject site has frontage on Queen Avenue SE, which is classified as a Minor Arterial; therefore, these standards are not applicable to this application.
- 4.2 No directly accessible patios or balconies are proposed or required in association with this development. Additional common open spaces are proposed in lieu of private open space (i.e., per ADC 8.220(3)). As shown on the site and floor plans, the proposed additional common open spaces include second and third floor lounge areas and an outdoor common area north of the proposed community garden area.
- 4.3 As proposed, all other applicable Multiple Dwelling Design Standards are met.

Criterion 5

The application complies with all applicable Design Standards of Article 10

Findings of Fact and Conclusion

- 5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. These uses do not pertain to the proposal; therefore, this standard is not applicable.

Criterion 6

The application complies with all applicable On-Site Development and Environmental Standards of Article 9.

Findings of Fact

- 6.1 The proposal is an application for Site Plan Review to construct a 30-unit multi-dwelling development with associated site and parking lot improvements.
- 6.2 ADC 9.020 states that off-street parking and loading must be developed in accordance with the standards in Article 9.
- 6.3 ADC 9.020, Table 9-1, stipulates off-street maximum parking for senior housing is one vehicle parking space per two units.

Parking Summary

<u>Unit Type</u>	<u>Unit Count</u>	<u>Maximum Parking</u>
Studio and 1-bdrm	1 space per 2 units	15

Based on the proposed development a maximum of 15 vehicle parking spaces are permitted. 13 off-street parking spaces are shown on the site plan, with zero designated compact spaces.

- 6.4 ADC 9.030 states that bicycle parking must be provided in the amounts specified in Table 9.030-1 for all new developments and changes of use. Per Table 9.030-1, senior housing developments are required to provide a minimum of one bicycle parking space per three beds. A mix of 30-studio and one-bedroom units are proposed; therefore, a minimum of 10 bicycle parking spaces are required. A total of 10 indoor bicycle parking spaces are proposed at the south elevation of the proposed structure; therefore, this standard is met.
- 6.5 ADC 9.100(3) requires parking areas to have a durable, dust-free surface. The site plan indicates the entirety of the parking area will be paved. This standard is met.
- 6.6 ADC 9.100(4) requires that all parking lots provide a drainage system to dispose of stormwater runoff. Findings regarding the proposed stormwater system are found in this section under Criterion 7 and incorporated here by reference.
- 6.7 ADC 9.100(5) requires perimeter curbing around all parking areas. The site plan indicates that perimeter curbing has been provided along the entirety of the parking lot. This standard is met.
- 6.8 ADC 9.100(6) requires wheel bumpers be used when parking stalls front a sidewalk, alleyway, street, or property line. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required. The site plan indicates wheel bumpers for all parking stalls.
- 6.9 ADC 9.100(7) requires parking spaces to be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-



of-way other than an alley. The site plan indicates a parking lot served by a travel aisle for off-street backing and turnaround movements.

- 6.10 ADC 9.100(8) requires parking stalls to be permanently and clearly striped. The site plan indicates the parking lot will be striped.
- 6.11 ADC 9.100(9) requires parking lots to connect to adjacent existing or future parking areas. The site plan shows easements for existing shared access to abutting private parking lots to the south and west multi-unit developments.
- 6.12 ADC 9.100(10) requires conformance with the parking lot landscaping standards found in ADC 9.150. Findings pertaining to parking lot landscaping are included below.
- 6.13 Per ADC 9.100(11) no more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words "Compact Car Only." zero compact spaces at least eight foot wide by 16 feet long are depicted on the site plan. Markings and signage will be installed prior to building occupancy.
- 6.14 Per ADC 9.035 when parking is provided, at least one standard-sized parking space shall be reserved for carpool/vanpool parking, or ten percent of employee-use parking spaces provided, whichever is greater. (2) Preferential carpool/vanpool parking spaces must be closer to the employee entrance of the building than other parking spaces, except for ADA accessible parking spaces. (3) Required carpool/vanpool spaces must be clearly marked "Reserved – Carpool/Vanpool Only."

As indicated on the site plan, one carpool/vanpool parking space is proposed. Markings and/or signage will be installed prior to building occupancy.

- 6.15 ADC 9.050 states that pursuant to ORS 455.417, electrical service capacity sufficient for a level 2 electric vehicle charging station must be provided for no less than 40 percent of all vehicle parking spaces serving newly constructed residential buildings with five or more multi-dwelling units.

13 parking spaces are proposed to serve the 30-unit multi-dwelling development. As indicated on the site plan, electrical service capacity sufficient for a level 2 electric vehicle charging station is proposed to serve 40 percent or 5 vehicles.

- 6.16 ADC 9.100 states that all public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards. When the total surface parking area for the development site exceeds 10,890 square feet, parking area improvements must comply with the standards in Section 9.130.
 - a. ADC 9.100(12) requires accessible parking at least 9 feet wide and 17 feet long with adjacent access aisle at least 8 feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space to be provided in conformance with the Oregon Specialty Code.

As indicated on the site plan, accessible parking and an accessible route to the building are proposed with the development. Conformance with the Oregon Specialty Code will be assessed at the time of building permit.

- b. ADC 9.100(13) requires lighting to be arranged to reflect light away from any abutting or adjacent properties. Any new lighting will be arranged to reflect light away from any abutting or adjacent properties.
 - c. ADC 9.100(14) requires walkways and accessways to be provided for all new off-street parking lots and additions, to connect sidewalks adjacent to new development to the entrances of new buildings. The site plan indicates a sidewalk and access path will be provided from the public sidewalk adjoining the main building entrances and Queen Avenue SE.
- 6.17 ADC 9.120 states that all off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design, and supplemental drawings in Figures 1 and 2.

The site plan indicates that the proposed parking lot complies with the below standards.

- a. ADC 9.115 states that when new development, including expansions to existing structures, results in the conversion or elimination of existing off-street surface parking areas for a use other than bicycle-oriented and transit-oriented facilities (bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities), all existing parking areas that are physically impacted by the development must be improved to the standards in Article 9.

The site is infill development served by an improved, existing 30-foot-wide shared access easement and Queen Avenue encroachment. No modifications proposed to the existing shared driveway access or encroachment; therefore, the standard of ADC 9.120(2) and (3) are not applicable.

- b. ADC 9.120(5) states that parking stall and aisle dimensions must comply with Table 9.120-1. Stall dimensions are measured from inside the stripes. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. See also Figures 9.120-1 and 9.120-2.
- c. ADC 9.120(6)(7) states that compact spaces shall be at least 8 feet wide by 16 feet long and accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.

- d. ADC 9.120(8) states long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent planter islands must be at least 9.5 feet wide. Stall dimensions are measured from inside the stripes.
- 6.18 ADC 9.130 states that in addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), and to parking lot additions of 5,000 square feet or more when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking area of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping. The total parking lot area is 5,675 square feet; therefore, the standards under ADC 9.130(2) are not applicable.
- 6.19 ADC 9.140 includes landscaping requirements by type of use. ADC 9.140(1) includes residential landscape standards. ADC 9.140(1) states that all front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. However, in this case the landscaping buffer and screening requirements are more restrictive and are therefore applicable to the proposed development.

According to the buffering and screening matrix in Table 9.210-1, a 10-foot-wide landscape buffer and screen is required along parking lots with five or more parking spaces, a 10-foot-wide landscape buffer is required for multi-dwelling units abutting dwellings in the RS-6.5 zoning district, and a 10-foot-wide landscape buffer is required for multi-dwelling development along an arterial street.

ADC 9.240 states: *The minimum improvements within a buffer consist of the following: (a) One row of trees. These trees will be not less than ten feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart, and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart; (b) Five 5-gallon or ten 1-gallon shrubs, trees or accent plants for each 1,000 square feet of required buffer area; (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*

ADC 9.250 states: *Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above: (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation*

The site has 99.6-feet of street frontage along Queen Avenue after deducting accessways. Therefore, the following landscaping is required: one row of either three (3) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; five (5) five-gallon shrubs or ten (10) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). As shown in the landscaping plan, proposed landscaping complies with 10-foot-wide front yard landscape buffer landscaping provisions.

The west and south property line of 2110 Queen Avenue are 100-feet and 110-feet respectively. The west property lines along 2120 Queen Avenue and 1818 Clay Street SE are 74-feet. Therefore, the following landscaping buffering is required:

- 2110 Queen Avenue West Property Line: At least one row of either three (3) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; five (5) five-gallon shrubs or ten (10) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- 2110 Queen Avenue South Property Line: At least one row of either four(4) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; six (6) five-gallon shrubs or eleven ten (11) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). Plus, screening by four-foot-tall continuous evergreen hedge or a fence or masonry wall at least five street tall constructed to provide a uniform sight-obscuring screen.
- 2120 Queen Avenue and 1818 Clay Street SE West Property Lines: At least one row of either four(4) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; six (6) five-gallon shrubs or eleven ten (11) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). Plus, screening by four-foot-tall continuous evergreen hedge or a fence or masonry wall at least five street tall constructed to provide a uniform sight-obscuring screen.

The landscaping plan indicates that the required landscaping buffer and screening requirements can be met. A condition of approval may require the submittal of final landscaping and irrigation plans for review and approval in association with the building permit and installation of required landscaping prior to building occupancy.

- 6.20 ADC 9.150 provides parking lot landscaping standards, which includes requirements for planter bays, entry landscaping, parking space buffers, alternative plans, and landscape protection. As shown on the site plan and landscaping plan, the parking lot includes planter bays and landscape protection in accordance with the standards of ADC 9.150.

- 6.21 ADC 9.150(1) states that parking areas shall be divided into bays of not more than 12 parking stalls and that the end of each parking bay shall be a curbed planter at least five feet wide. The site plan indicates that all proposed parking areas will conform to this standard.
- 6.22 ADC 9.150(2) requires that both sides of the parking lot entrance should be bordered by a minimum five-foot-wide landscape planter strip. As shown on the site plan and landscaping plan, a planter bay greater than five feet in width is proposed at the parking lot accessways.
- 6.23 ADC 9.150(3) requires parking areas to be separated from the exterior wall of a structure by pedestrian walkways or loading areas, or by a five-foot strip of landscaping materials. As shown on the site plan, the residential buildings are separated from parking areas by a 5-foot-wide sidewalk.
- 6.24 ADC 9.165 requires that all landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation.
- 6.25 Environmental Standards. ADC 9.440 - 9.500 includes environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of a multi-dwelling residential development are comparable to other residential developments in the vicinity and therefore no adverse environmental impacts are anticipated.

Conclusions

- 6.1 The parking lot plan complies with the travel aisle and stall dimensional standards of ADC 9.130.
- 6.2 A maximum of 15 vehicle parking spaces are permissible based on the proposed unit types. 13 parking spaces are proposed on-site.
- 6.3 A minimum of 10 bicycle parking spaces is required based on the number of dwelling units proposed. A total of 10 indoor bicycle parking spaces are proposed at the south elevation of the proposed structure; therefore, this standard is met.
- 6.4 The landscaping plan indicates that the required landscaping buffer and screening requirements can be met. A final landscape and irrigation plan will be provided prior to the issuance of building permits.
- 6.5 The proposal conforms with the applicable environmental standards.
- 6.6 As proposed, all applicable Article 9 standards can be met.

Criterion 7

The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sewer

- 7.1 Albany Municipal Code (AMC) 10.01.010(1) states the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 7.2 ADC 12.470 requires all new developments to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 7.3 ADC 12.490 states sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.
- 7.4 The City has sole authority in determining the conditions necessary for providing service to a property (AMC 10.01.100 (5)(e)).
- 7.5 The minimum size of the public sanitary sewer main to be installed must be eight inches in diameter where a larger size is not needed to provide an adequate system, conform with the size of existing mains, meet future needs, or conform to the size specified by the utility's sewer system facility plan (AMC 10.01.110 (2)(a)).
- 7.6 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110 (2)(b)).
- 7.7 All public sanitary sewer mains must be installed in accordance with the City's Standard Construction Specifications. If constructed under a private contract, the developer must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division.
- 7.8 City utility maps show an 8-inch public sanitary sewer main and easement along the east boundary of the subject property. Development on Parcel 2 is currently served by a sewer service lateral that is connected to this public main.

Water

- 7.9 ADC 12.410 requires all new developments to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.



- 7.10 ADC 12.450 requires all new development within the city, where appropriate, to provide for the extension of existing water lines serving surrounding areas.
- 7.11 AMC 11.01.120(2)(e) states all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.
- 7.12 AMC 11.01.120(2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water system improvements to be built under a private contract require that the developer obtain a Permit for Private Construction of Public Improvements.
- 7.13 AMC 11.01.120(2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 7.14 AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.
- 7.15 City utility maps show a 12-inch public water main along the north boundary of the site in the Queen Avenue right-of-way and along the west boundary of the site in a recorded easement. Development on Parcel 2 is connected to the public water system.

Storm Drainage

- 7.16 ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.
- 7.17 ADC 12.580 states all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property

to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.

- 7.18 ADC 12.550 states any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 7.19 ADC 12.560 states where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
- 7.20 AMC 12.45.030 states a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).
- 7.21 AMC 12.45.080 states applicants for a post-construction stormwater quality permit shall submit as a part of their permit application a post-construction stormwater quality plan. Each plan shall comply with the minimum standards outlined in the engineering standards, construction standards, and the provisions of this chapter. Each post-construction stormwater quality plan shall be reviewed, approved, and stamped by a professional licensed in Oregon as a civil or environmental engineer or landscape architect. (Ord. 5841 § 3, 2014).
- 7.22 AMC 12.45.130 states: (1) Private stormwater facilities operation and maintenance agreements are required for all private post-construction stormwater quality facilities that require a permit under this chapter. (2) Private stormwater facilities operations and maintenance agreements shall be recorded at the applicable County Recorder's Office and shall run with the land. (3) Redevelopment of a property already operating under a private stormwater facilities operation and maintenance agreement will require execution of a new agreement if the Director determines, in the exercise of reasonable discretion, that the redevelopment is likely to have a material impact upon the operation, maintenance, or effectiveness of the previously approved facilities. (Ord. 5841 § 3, 2014).
- 7.23 City utility maps show a 72-inch public storm drainage main in the Queen Avenue right-of-way and a 12-inch public storm drainage facility adjacent to the subject property exiting the existing curb inlet. Queen Avenue is currently improved to City standards with curbs and gutters.

Conclusions

- 7.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property.

- 7.2 New public utility services must be provided to development on Parcel 1. Installation of new sewer laterals is the responsibility of the developer. An encroachment permit must be obtained before beginning work on or around a public utility.

Criterion 8

The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.

Findings of Fact and Conclusion

- 8.1 The proposal is to construct a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1.
- 8.2 The site is ±0.77-acre acres in size and located at 2080 Queen Ave. SE. The site is zoned Residential Medium Density Attached District (RMA) with a Residential Medium Density Comprehensive Plan designation.
- 8.3 The subject site has direct frontage on Queen Avenue SE and provides access via a shared driveway along its west boundary. The driveway is shared with adjoining parcels to the south and west. Easements implementing the shared access are currently in place.
- 8.4 ADC 12.060 requires all streets adjacent and interior to new development be improved to City standards.
- 8.5 Queen Avenue is classified as a minor arterial street and is improved to city standards except for the width of the public sidewalk. Improvements include curb and gutter, a five-foot wide sidewalk, a vehicle travel lane in each direction, a two-way center left turn lane, and on-street bike lanes.
- 8.6 ADC 12.290 requires all development for which land use applications are required, and all expedited and middle housing land divisions, to construct sidewalks adjacent to public streets.
- 8.7 ADC 12.300(1) requires a sidewalk width of 7 feet along arterial streets. As shown on the site plan the existing sidewalk along the frontage of the site is 5-foot-wide. A right-of-way dedication of 2 feet is proposed along the site's frontage to allow for future construction of a 7-foot sidewalk.
- 8.8 The ITE trip generation manual breaks up multi-family housing into three categories. Multi-family housing containing three to ten floors is classified as mid-rise. Mid-rise multi-family development generates 5.44 vehicle trips per day and 0.44 trips during the peak PM traffic hour.

The proposal is to construct a 30-unit multi-dwelling development. Construction of 30 units would add about 163 new vehicle trips per day to the public street system with 13 occurring during the peak p.m. traffic hour per day to the public street system.

- 8.9 The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips.
- 8.10 Albany's Transportation System Plan (TSP) does not identify any capacity or safety issues occurring along the street frontages of this development.

Conclusions

- 8.1 Except for sidewalks, the site's street frontage along Queen Avenue is improved to city standards. The existing sidewalk width is 5 feet. A right-of-way dedication of 2 feet is proposed along the site's frontage to allow for future construction of a 7-foot sidewalk.
- 8.2 Access to the site is via a shared driveway. An easement for the shared driveway is already in place. No new driveways will be created by the development.
- 8.3 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

Criterion 9

The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Findings of Fact and Conclusion

- 9.1 See Findings under Criterion Seven (above) related to stormwater quality standard in response to this review criterion. These findings are incorporated herein by reference.

Criterion 10

The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Findings of Fact and Conclusion

- 10.1 Prior vested land use decisions for this property include the following:
- a. PA-07-23: An Expedited Land Division to divide a 2.73-acre parcel into two parcels, which was approved with the following conditions:
 - i. Condition 1 The partition plat must contain a declaratory statement that Parcel 1 and Parcel 2 can only be rented or sold to households with incomes below 120 percent of the median family income for Linn County or must be developed with residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.

- ii. Condition 2 Prior to, or with recordation of the partition plat, the applicant shall dedicate two feet of public street right-of-way along the site’s frontage on Queen Avenue SE.
- b. SP-53-99: A Site Plan Review for construction of a 50-unit three-story independent senior multi-dwelling unit development. All conditions of approval were satisfied prior to granting occupancy of the building.
- c. SP-03-97: A Site Plan Review for construction of a 40-unit senior multi-dwelling unit development. This approval was withdrawn and replaced with planning file no. SP-53-99.

10.2 The only unsatisfied condition of approval is Condition 1 under planning file no. PA-07-23, which will be staffed with approval of this request.

Criterion 11

Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.330.

Findings of Fact and Conclusion

11.1 The site is not considered nonconforming; therefore, this criterion is not applicable.

III. Tree Felling Review Criteria (ADC 9.205)

Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet with some limited exceptions.

Section 9.205(2) of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The Community Development Director or his/her designee shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist’s report.

Findings

1.1 According to ADC 9.204, Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.



- 1.2 The submitted Site Plan Review – Tree Felling application is submitted for concurrent review with a site plan review for constructing a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1.
- 1.3 It is necessary to remove numerous on the subject site based on proposed site, utility, and building improvements. Eight trees indicated for removal are subject to ADC 9.204 because they are eight inches in diameter or larger.
- 1.4 The submitted Tree Removal Plan shows the locations of the trees along with their type and size. As shown in the plan, if not removed, the trees would be severely impacted during development and if retained, would prevent the proposed development of the subject property.
- 1.5 In the event proposed development does not take place, the trees proposed for removal on the Tree Removal Plans shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Criterion 2

For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director or his/her designee shall approve Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:

- a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.

Findings

- 2.1 It is necessary to remove eight trees larger than 25 inches in circumference (approximately eight inches in diameter) from the subject site to construct proposed development.
- 2.2 The subject property is located within the RMA zoning district. The applicant proposes to construct a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1. Multi dwelling uses are consistent with the RMA zoning district.
- 2.3 Oregon Department of Forestry (ODF) permits are required only if commercial use of the felled trees will occur (e.g., logs E or firewood are sold). None of the felled trees will be sold.
- 2.4 Findings under Section III, Criteria 1 and 3, incorporated herein by reference, address all other applicable tree felling provisions.

- b) The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the



environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

2.5 The applicable Albany Development Code sections are as follows:

a. ADC Table 1.100-1 which includes the below table sections:

Application Action	Procedure Type	Decision Body	Pre-App. conference required	Neighborhood Mtg. Required	Applicable Sections
Tree Removal	I-L	CDD	Yes*	No	9.204, 9.205

*Unless waived by the Community Development Director (CCD)

2.6 Pursuant to ADC 9.205, the application will be processed via a Type I-L review procedure, which includes issuance of a notice of decision by the Community Development Director.

2.7 In accordance with ADC Table 1.100-1, a pre-application meeting was held on July 19, 2023, to discuss the development proposal and associated tree felling (see PR-27-23).

2.8 Per ADC Table 1.100-1, a neighborhood meeting was not required or conducted in association with this request.

2.9 Findings pertaining to ADC 9.204 and 9.205 are included above in Criterion 1 and included herein by reference.

2.10 Tree regulations are found in Chapter 7.98 of the Albany Municipal Code. The applicable sections are as follows:

- a. AMC 7.98.030(6): *Unless removal is expressly authorized by a land use action or approval issued by the City of Albany, it shall be unlawful to remove any tree larger than or equal to 6.5 feet in circumference (approximately 25 inches in diameter), public or private, within the City of Albany city limits without first making application to the City of Albany and obtaining a permit or as otherwise authorized by this code*
- b. AMC 7.98.404(2): *A permit shall be obtained from the City Forester, applying criteria contained in AMC 7.98.180, for the removal of individual trees equal to or greater than six and one-half feet in circumference on all property within the city limits of the City of Albany.*
- c. AMC 7.98.100(2): *Additional tree removal permits are not required for any trees that have been authorized for removal in an approved site plan review processed in accordance with the Albany Development Code.*
- d. AMC 7.98.120: *The Parks, Recreation, and Tree Advisory Commission may designate certain trees as "heritage trees" within the City with the consent of the owner(s) of record. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. The Parks,*



Recreation, and Tree Advisory Commission shall have the authority to determine, select, and identify such trees that qualify as heritage trees. Once a tree is designated as a heritage tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and removed as such. Heritage trees may not be removed without the express consent of the Parks, Recreation, and Tree Advisory Commission.

- e. AMC 7.98.205: Permit application fees for removal permits shall be established by Council resolution.
- f. AMC 7.98.215: When removing trees under a permit or site plan approval, precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees:
 - 1) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
 - 2) Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of four feet tall, secured with metal T-posts, no closer than six feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris, or fill within the fenced tree protection zone.
 - 3) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
 - 4) No damaging attachment, wires, signs, or permits may be fastened to any protected tree.
 - 5) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way, and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (2) of this section. This may be accomplished by placing metal T-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
 - 6) The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the table below.

Auger Distances for Installation of Utilities	
Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8-9	5
10-14	10



15-19	12
Over 19	15

- 2.11 Per AMC 7.98.030(6), AMC 7.98.404(2), AMC 7.98.100(2), and ADC 9.204, this Site Plan Review – Tree Felling application was submitted for review and approval.
- 2.12 There are no heritage trees on the subject property, therefore, the provisions of AMC 7.98.120 are not applicable.
- 2.13 In accordance with AMC 7.98.205, the paid application fee was based on the adopted fee schedule.
- 2.14 The provisions of AMC 7.98.215 are reviewed in association with an Erosion Prevention and Sediment Control (EPSC) plan, which will be reviewed and approved by the Public Works Department prior to on-site work.
 - c) **The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.**
- 2.15 ADC 9.204 states Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.
- 2.16 A tree inventory has been conducted and outlined in the Tree Removal Plan. As shown, trees proposed to be removed include a variety of deciduous trees. Only trees with developable areas are proposed to be felled. As shown in the Tree Removal Plan, the trees proposed to be removed would be severely impacted during development, or if retained, would prevent the proposed development upon the subject property.
- 2.17 None of the trees are known to possess historic value and no heritage trees exist on the site.
 - d) **Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.**
- 2.18 The property where tree felling is proposed is not located within a Significant Natural Resource Overlay district; therefore, this criterion is not applicable.

Criterion 3

For property where tree felling is proposed and there is no approved or concurrent Site Plan Review, Conditional Use, or land division application for development of the property, the Community Development Director or his/her designee shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria in subsection (2) above are met, and the following additional criteria are met:



- a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
- b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
- c) Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
- d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
- e) Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents. (f) Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties. (g) The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning.

Findings

- 3.1 The Site Plan Review Tree Felling application has been submitted concurrently with a Site Plan Review application; therefore, this criterion is not applicable.

III. Minor Variance

Criterion 1

The Minor Variance is not requested to avoid a land use review process or increase density; AND

Findings of Fact

- 1.1 The following three Minor Variances are requested in association to the Site Plan Review application outlined in Section II, above:
 - a. A Minor Variance to the special noise corridor setback of ADC 3.320 to allow installation of higher sound rated windows in three dwelling units in lieu of a 10-foot special noise corridor setback.
 - b. A Minor Variance to the private open space standards of ADC 8.220(3) to allow increased common open space in lieu of individual patios or balconies.
 - c. A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 26-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 28-foot 3-inch setback is required based on building top of wall height.
- 1.2 The underlying zoning designation of the subject property is Residential Medium Density Attached District (RMA), which allows the proposed multi-dwelling development with Site Plan Review approval.

- 1.3 This Minor Variance application is under concurrent review with the submitted Site Plan Review application for the multi-unit development; and is therefore, not requested to avoid a land use review process.
- 1.4 Per ADC 3.020(6), developments in the RMA zone may not exceed 35 units per gross acre. The gross acreage of proposed Parcel 1 is ±0.77-acres. Therefore, the maximum density is 27 units before density bonuses are applied. A total of 30 units are proposed with the application of a 30 percent affordable housing density bonus per ADC Table 3.220-2.
- 1.5 Per ADC 3.220(6), For the provision of housing that is affordable to low- and moderate-income households earning 120 percent or less of the area median income (AMI), a density bonus through reductions in lot size or area requirement is permitted for all units within the development, or development phase for phased developments, as provided in Table 3.220-2. The proposed development will have at least 20 percent of units set aside for persons whose household income is less than or equal to 50 percent AMI.
- 1.6 Per ADC 3.190, Table 3.190-1, the RMA zoning district requires a minimum lot size based on unit type. Studios and 1-bedrooms require 1,500 square feet per unit; 2-and 3-bedroom units require 1,800 square feet; and 4 plus bedroom units require 2,200 square feet unless the bonus provisions for area requirements per ADC 3.220(6) are applicable.
- 1.7 The below table denotes the total required area per unit type with the application of a 30 percent area reduction bonus per Table 3.220(6):

Site Area/Unit Summary			
<i>Unit Type</i>	<i>Unit Count</i>	<i>Site Area/Unit</i>	<i>Required Area/Unit</i>
Studio	8	1,050 s.f.	8,400 s.f.
1-bdrm	22	1,050 s.f.	23,100 s.f.
30			31,500 sf (0.73-acres)

The ±0.77-acres subject property exceeds the minimum required 0.73-acre parcel size based on the proposed unit type per ADC 3.220(6); and is therefore, not requested to increase density.

Conclusions

- 1.1 This criterion is met.

Criterion 2

The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

Findings of Fact

- 2.1 The gross acreage of the subject property is ±0.77-acres with the Queen Avenue SE right-of-way to the north, existing single-dwelling development to the east, existing multi-dwelling



development to the south, and a utility substation to the west. Therefore, the site is less than one acre with development on both sides.

- 2.2 The subject property can also be described as infill development as defined by ADC 22.400, below:

Development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, streets, and other public services are readily available.

The abutting developed properties with water, sewer, and streets and other public services readily available. Therefore, this minor variance is needed due to the size of the property and constants from being infill development.

Conclusions

- 2.4 This criterion is met.

Criterion 3

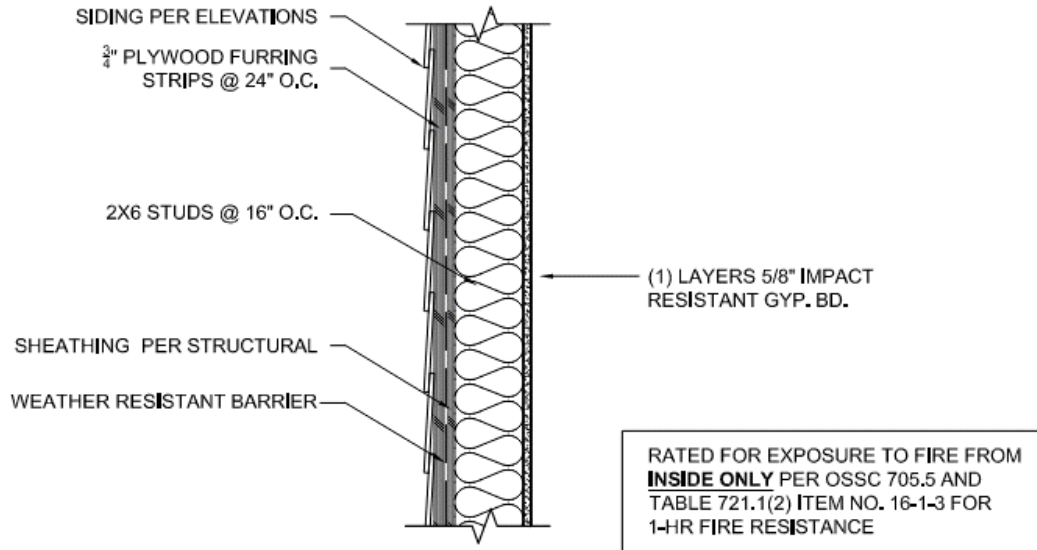
The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Findings of Fact

- 3.1 A Minor Variance to the special noise corridor setback of ADC 3.320 is proposed to allow installation of higher sound rated dwelling windows in three encroaching dwelling units in lieu of a 10-foot special noise corridor setback.

A portion of three units (i.e., living room and kitchen areas) of the 30 total units will encroach into the required 10-foot special noise corridor setback. Although not expressed in the code, the purpose of the Special Noise Corridor Setback is believed to be aimed at reducing sound transfer from higher volume roadways from residential dwelling spaces. Therefore, all dwelling windows that are within the 10-foot special noise corridor setback are proposed to have a minimum 33 Sound Transmission Class (STC), which will decrease airborne sound transmission. Additionally, the exterior wall construction in this project will provide a 5 STC improvement over the standard code compliant exterior wall throughout the entire building.

Per HUD Manual chapter 4 (Noise attenuation), a standard 2x4 wall with exterior siding, interior sheetrock, and acoustical blankets has a STC of 37. The proposed exterior wall assembly is a 2x6 wall with blown-in insulation and sealed penetrations. The increase in the cavity depth, plus the additional 2 inches of blown in insulation and having all wall penetrations sealed provides a wall with a STC of 43.



EXTERIOR WALL W/ F.C. SIDING

WOOD FRAMED
STC 43

FIRE RATING: 1-HOUR
FROM INTERIOR ONLY

Three of thirty total dwelling units (i.e., 10 percent) will encroach into the 10-foot special noise corridor setback. Alternatively, the special noise corridor equates to 1,295.2 square feet (i.e., 129.52 feet of property frontage by 10-foot setback), which equates to an 18 percent encroachment (i.e., 236 square foot unit area encroachment) into the 10-foot special noise corridor setback. Therefore, the requested minor variance is generally no more than 10 percent deviation from a numeric standard.

- 3.2 A Minor Variance to the private open space standards of ADC 8.220(3) to allow increased common open space in lieu of individual patios or balconies.

The stated purpose of ADC 8.220 is to ensure that new multiple dwelling unit developments and mixed-use developments with multiple-dwelling units provide spaces for outdoor recreation and relaxation that are adequately sized, located, and functional. The standards are also intended to ensure that a development project's open space is an integral part of the overall development design, not merely leftover space.

The standard requires at least 80 percent of units to provide private open space in accordance with ADC 8.220(3), but exempts assisted living and nursing homes from these standards.

ADC 22.270 defines an assisted living facility, which includes nursing homes as follows: *places that provide housing, personal care or assistance to unrelated residents that need help with activities of daily living, who are usually elderly or disabled persons. At least one person responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents is present on the site at all times. Larger group-living facilities may*

offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.

As outlined in Exhibits E and F, the proposed development shares characteristics of an Assisted Living facility, as for the safety if residents access points to the building are limited. Therefore, this development should be exempted from private open space requirements (per ADC 8.220(3)).

Regardless, additional common open spaces in lieu of private open space (i.e., per ADC 8.220(3)) are proposed. Additionally, common open spaces include second and third floor lounge areas and an outdoor common area north of the proposed community garden area.

As shown on the site plan and floor plans, all units (i.e., 30 units or 100 percent) will be provided with additional common open space as opposed to only 24 units or 80 percent of the units with private open space. A total of 1,992 square feet of additional common space or 10 percent greater common open space than private open space is proposed. Therefore, the requested minor variance is generally no more than 10 percent deviation from a numeric standard.

- 3.3 A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 26-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) as opposed to 28-foot 3-inch setback required based on building top of wall height.

As shown on the site plan, the proposed structure is unable to be set back further from the east property line of 2110 Queen Avenue SE as the site is constrained by existing shared access and waterline easements. Therefore, the proposed transitional setback is less than a 10 percent deviation from the required setback standard.

Conclusions

- 3.1 This criterion is met.

IV. Overall Conclusion

As proposed, the applications for Site Plan Review and Minor Variances satisfy all applicable review criteria as outlined in this report.

V. Attachments

A. Architectural Plan Set

- a. Site Plan, Sheet G002
- b. First and Second Floor Plans, A111
- c. Third Floor and Roof Floor Plans, A112
- d. Building Elevations, A211

B. Civil Plan Set

- a. Existing Conditions, Sheet C100
- b. Existing Conditions, Sheet C101



- c. Preliminary Paving Plan, C104
 - d. Preliminary Grading Plan Overview, C200
 - e. Preliminary Grading Plan North, Sheet C201
 - f. Preliminary Grading Plan South, Sheet C202
 - g. Preliminary Drainage Plan Overview, Sheet C300
 - h. Preliminary Drainage Plan North, Sheet C301
 - i. Preliminary Drainage Plan South, Sheet C302
 - j. Preliminary Drainage Details, Sheet C303
 - k. Preliminary Utility Plan, Sheet C400
 - l. Drainage Details, Sheet C600
 - m. Drainage Details, Sheet C601
- C. Preliminary Stormwater Management Plan
 - D. Lighting Plan, Sheet E1.1
 - E. Linn County Health Services, Letter Regarding Private Open Space
 - F. Linn Benton Housing Authority, Letter Regarding Private Open Space

SITE PLAN REVIEW, TREE FELLING, & MINOR VARIANCE APPLICATIONS

Submitted to: City of Albany
 Planning Division
 P.O. Box 490
 Albany, Oregon 97321-0144
 541-917-7550 / cd.customerservice@cityofalbany.net

Property Owner/Applicant: Linn Benton Housing Authority/Clayton Meadows LLC
 Donna Holt
 1250 Queen Avenue SE
 Albany, OR 97322
 (541) 918-7314 / donna@l-bha.org

Applicant's Representative: BDA Architecture and Planning, PC
 Michael Magee, AIA, CDT, LEED AP
 1369 Olive Street
 Eugene, OR 97401
 (541) 683-8661 ext. 5 / magee@bdarch.net

Udell Engineering and Land Surveying, LLC
 63 E. Ash Street
 Lebanon, OR 97355
 Laura LaRoque
 (541) 990-8661 / laura@udelleng.com
 Brian Vandetta
 (541) 451-5125 / brian@udelleng.com

Site Location: 2080 Queen Ave. SE, Albany, OR 97322

Linn County Assessor's Map No.: 11S-03W-08DB Tax Lot 6000

Site Size: ±0.77-acres

Existing Land Use: Unimproved Parcel

Zone Designation: Residential Medium Density Attached District (RMA);
 with Airport Approach Overlay

Comprehensive Plan Designation: Residential Medium Density

Surrounding Zoning: North: RM
 East: RM
 South: RS-6.5
 West: RMA



23-078 LBHA
 1250 Queen Avenue SE
 Site Plan Review & Minor Variance Applications

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Surrounding Uses:

North: Residential
South: Residential
East: Residential
West: Residential/Utility

I. Executive Summary

The applicant “Linn Benton Housing Authority/Clayton Meadows LLC” requests approval of the following applications:

1. A Site Plan Review to construct a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1.
2. A Site Plan Review Tree Felling to remove eight trees larger than 25 inches in circumference (approximately eight inches in diameter) from the subject site to construct proposed development.
3. A Minor Variance to the special noise corridor setback of ADC 3.320 to allow installation of higher sound rated dwelling windows in three encroaching dwelling units in lieu of a 10-foot special noise corridor setback.
4. A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 28-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 29-foot setback is required based on top of wall height.

The site is ±0.77-acre acres in size and located at 2080 Queen Ave. SE. The site is zoned Residential Medium Density Attached District (RMA) with a Residential Medium Density Comprehensive Plan designation.

Site Plan Review and Minor Variance criteria contained in Albany Development Code (ADC or Code) ADC 2.450 and 2.696, respectively, are addressed in this report for the proposed development. These criteria must be satisfied to grant approval for this application.

II. Site Plan Review

Section 2.450 of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The application is complete in accordance with the applicable requirements.

Findings of Fact and Conclusions

- 1.1 The submitted application includes the supplemental submittal requirements outlined in ADC 1.160(1) and will therefore, be deem complete in accordance ADC 1.160, upon the submittal date.



1.2 This criterion is met without conditions.

Criterion 2

The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

Findings of Fact

- 2.1 The underlying zoning designation of the subject property is Residential Medium Density Attached District (RMA). Per ADC 3.020(6) The RMA District is intended primarily for medium- to high-density urban residential development.
- 2.2 The proposal includes the construction of a 30-unit multi-dwelling development with associated site and parking lot improvements on proposed Parcel 1. Table 3.00-1 lists multi-dwelling units as allowed use with Site Plan Review approval.
- 2.3 Per ADC 3.020(6), developments in the RMA zone may not exceed 35 units per gross acre. The gross acreage of proposed Parcel 1 is ±0.77-acres. Therefore, the maximum density is 27 units before density bonuses are applied. A total of 30 units are proposed with the application of a 30 percent affordable housing density bonus per ADC Table 3.220-2.
- 2.4 Per ADC 3.220(6), For the provision of housing that is affordable to low- and moderate-income households earning 120 percent or less of the area median income (AMI), a density bonus through reductions in lot size or area requirement is permitted for all units within the development, or development phase for phased developments, as provided in Table 3.220-2.

A total of 30 units are proposed with the application of a 30 percent affordable housing density bonus per ADC Table 3.220-2 as the proposed development will have at least 20 percent of units set aside for persons whose household income is less than or equal to 50 percent AMI.

TABLE 3.220-2

AFFORDABLE HOUSING DENSITY BONUS STANDARDS		
Affordability Level	Percent of units set aside for persons whose household income is less than or equal to the affordability level (including bonus units)	Area Reduction Bonus Permitted
120% AMI	50 percent of units	5 percent
100% AMI	50 percent of units	10 percent
80% AMI	5 percent of units	5 percent
	10 percent of units	10 percent
	20 percent of units	20 percent
50% AMI	5 percent of units	10 percent
	10 percent of units	20 percent
	20 percent of units	30 percent

[Ord. 5947, 1/1/21; Ord. 5966, 11/12/21]



2.5 Per ADC 3.190, Table 3.190-1, the RMA zoning district requires a minimum lot size based on unit type. Studios and 1-bedrooms require 1,500 square feet per unit; 2-and 3-bedroom units require 1,800 square feet; and 4 plus bedroom units require 2,200 square feet unless the bonus provisions for area requirements per ADC 3.220 are applicable.

The below table denotes the total required area per unit type with the application of a 30 percent area reduction bonus per Table 3.220(6):

Site Area/Unit Summary			
<i>Unit Type</i>	<i>Unit Count</i>	<i>Site Area/Unit</i>	<i>Required Area/Unit</i>
Studio	8	1,050 SF	8,400 SF
1-bdrm	22	1,050 SF	23,100 SF
	30		31,500 sf (0.73-acres)

The ±0.77-acres subject property exceeds the minimum required 0.73-acre parcel size based on the proposed unit type.

2.6 The maximum lot coverage in the RMA zoning district is 70 percent. According to ADC 22.400, lot coverage is defined as the “portion of a lot which, when viewed directly from above, would be covered by a building, or structure, pavement, or any area not vegetated or in a naturally permeable state.”

The site is ±0.77-acres with a total lot coverage of 51 percent which is less than the maximum lot coverage standard of 70 percent.

2.7 Building Height. The maximum height in the RMA zoning district is 60 feet. According to ADC 22.400, the height of a building is defined as the “vertical distance above “Grade” as (...) the average height of the highest gable of the pitched or hipped roof.”

The proposed structure measures approximately 34 feet at average height of the highest gable, which is less than the maximum 60-foot height standard in the RMA zoning district.

2.8 Setbacks. The RMA zoning district has a minimum 12-foot front setback.

Per ADC 22.400 the terms setback and front lot line are defined as follows:

- *Setback: The minimum distance required between a structure or parking area and an abutting property line.*
- *Lot Line, Front: A lot line abutting any street.*

As shown on the site, the proposed structure is 12.5 feet from the front property line after the 2-foot right-of-way dedication, which exceeds the RMA front setback standard.

2.9 Multiple-dwelling unit developments must also meet the setbacks and building orientation in ADC 8.240(3) when sites have frontage along a collector or local public street. However, in this case, the site abuts Queen Avenue SE, which is classified as a Minor Arterial in the Albany Transportation System Plan. Therefore, these standards are not applicable to the proposed development.

- 2.10 Multi-dwelling unit developments have a minimum interior setback of 10 feet plus three feet for each story over three per unit requirements unless transitional setbacks of ADC 8.270(3) are applicable.

Per ADC 22.400 the terms setback and interior lot line are defined as follows:

- *Setback: The minimum distance required between a structure or parking area and an abutting property line.*
- *Lot Line, Interior: Any lot line other than a front lot line*

Multiple-dwelling unit developments must also meet the setbacks in Section 8.270(3). Per ADC 8.270(3) multi-dwelling buildings must be set back at least one foot for each foot in building height from a shared property line, up to a maximum required setback of 30 feet, when the abutting lot sharing the property line meets criteria (a) or (b) below, or both.

- The abutting lot is in a residential single dwelling zoning district or in the HM zoning district and is developed with single-dwelling residential or middle housing uses or is underdeveloped or vacant.*
- The abutting lot has a pre-existing single-dwelling home and is in a zoning district other than the NC, CC, RC, LI, HI, or IP. For the purposes of this section a “pre-existing single-dwelling home” is one constructed prior to January 1, 2021.*

- 2.11 The transitional setbacks per ADC 8.270(3) apply to shared property line along 2110 Queen Avenue SE since this property is developed with an existing single-dwelling and will abut the proposed multi-unit development. A minimum 29-foot transitional setback is required since the top of wall height of the proposed structure is 29-feet-tall.

A Minor Variance to transition to lower density use setback provisions of ADC 8.270(3) to allow up to a 28-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 29-foot setback is required based on top of wall height. Findings provided under Section III, below are incorporated herein by reference.

- 2.12 ADC 3.320 requires residential development adjacent to Queen Avenue to maintain a ten-foot setback in addition to the required setback for the RMA zoning district. Although not expressed in the code, the purpose of the Special Noise Corridor Setback is believed to be aimed at reducing sound transfer from higher volume roadways from residential dwelling spaces.

As shown on the site and floor plans, the portions of three units and main front stairway will encroach within the 10-foot special noise corridor setback. A Minor Variance to the special noise corridor setback of ADC 3.320 to allow installation of higher sound rated dwelling windows in the three encroaching dwelling units in lieu of a 10-foot special noise corridor setback. Findings provided under Section III, below are incorporated herein by reference.

- 2.13 ADC 3.390 requires all refuse containers or refuse disposal areas to be placed 15 feet or greater than a dwelling window and screened by placement of a sight-obscuring fence, wall, or hedge at least six feet in height.

As shown on the site plan, the refuse area will be placed near the entrance of the parking lot. The refuse container area is greater than 15 feet from any dwelling units and will be screened by a six-foot-tall sight-obscuring fence.

Conclusions

- 2.1 The proposed use is allowed in the RMA zoning district with site plan approval.
- 2.2 The proposal meets all development standards in the RMA zoning district.
- 2.3 This review criterion is met.

Criterion 3

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

Findings of Fact

- 3.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is located within the Horizontal Area and Conical Area of the Airport Approach Overlay Zone. The horizontal area is 150 feet above the airport elevation and the conical area begins at the periphery of the horizontal zone and slopes 20 feet outward for each foot upward. The airport is located at an elevation of 222 feet above mean sea level (NGVD29) or 225.38 feet above mean sea level (NAVD88). The subject property has a mean sea level elevation of between 224 and 226 feet (NGVD29) or 227.38 to 229.38 feet (NAVD88). The maximum height in the RMA district is 60 feet; therefore, the tallest structure that could be constructed would have an elevation of 286 feet (NGVD29). An elevation of 286 feet (NGVD29) would be 64 feet above the airport elevation, well below penetrating into the 150 feet of the horizontal surface.
- 3.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* does not show any steep slopes on the property.
- 3.3 Article 6: Significant Natural Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation or wildlife habitat on the property.
- 3.4 Article 6: Riparian Corridor: *Comprehensive Plan Plate 6: Natural Vegetation and Wildlife Habitat*, does not show any areas of riparian corridors on the property.
- 3.5 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0214H and 41043C0527G, dated September 29, 2010), the subject property is not located in the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.

- 3.6 Article 6: Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property. This property is not included in a local wetlands inventory.
- 3.7 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9: Historic Districts*, shows the property is not located in a historic district. There are no known archaeological sites on the property.

Conclusions

- 3.1 The only special purpose district that the subject property is in is the Airport Approach district. The height limitation of the RMA zone prevents any intrusion into the horizontal surface; therefore, any potential development would comply with the height limitations associated with the Airport Approach district.

Criterion 4

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

Findings of Fact

- 4.1 Applicability. According to ADC 8.205, standards of ADC 8.220 through 8.300 apply to the development of new multi-dwelling unit developments.
- 4.2 Relationship to Historic Overlay Districts. ADC 8.210 requires designated historic resources to comply with the standard in Article 7. The site is not located in a historic district, nor does it contain a designated historic resource. This standard is not applicable.
- 4.3 Recreation and Open Space Areas. ADC 8.200 requires multi-dwelling unit developments with 10 or more units to: 1) designate 15 percent of the total development site area as common open in accordance with the standards in ADC 8.200(2); 2) provide a children's play area for developments with 10 or more units that each have two or more bedrooms.

The proposed development consists of 30 units comprised of 8-studio units and 22 one-bedroom units and therefore, is not required to provide a children's play area per ADC 8.220(2)(a)(ix).

ADC 8.220(C)(i) states that a common open space area credit up to 25 percent is permitted if there is direct access by a pedestrian path, not exceeding $\frac{1}{4}$ mile, from the proposed multi-dwelling development to an improved public park and recreation area or public-school playground.

Fifteen percent of the 0.77-acre development site is 5,019 square feet. However, the project is eligible for a 25 percent common open space area credit (i.e., 1,255 square feet) since the site located with $\frac{1}{4}$ mile of Periwinkle Trail, with connectivity via Periwinkle Park on the south side of 21st Avenue SE. This reduction results in a total required open space of 3,764 setback square feet.

The site plan shows a total of 3,776 square feet of common space is provided on the site consisting of 63 percent lawn/garden/hardscape; 27 percent of hard surfaced area; 16 percent of indoor community room; and 16 percent of lawn/garden/landscape area.

- 4.4 Private Open Space. Per ADC Table 8.220-1 private open space is required in the RMA zoning district, with at least 80 percent of the units requiring private open space.

The stated purpose of ADC 8.220 is to ensure that new multiple dwelling unit developments and mixed-use developments with multiple-dwelling units provide spaces for outdoor recreation and relaxation that are adequately sized, located, and functional. The standards are also intended to ensure that a development project's open space is an integral part of the overall development design, not merely leftover space.

The standard requires at least 80 percent of units to provide private open space in accordance with ADC 8.220(3), but exempts assisted living and nursing homes from these standards.

ADC 22.270 defines an assisted living facility, which includes nursing homes as follows: *places that provide housing, personal care or assistance to unrelated residents that need help with activities of daily living, who are usually elderly or disabled persons. At least one person responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents is present on the site at all times. Larger group-living facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.*

The proposed development shares characteristics of an Assisted Living facility, as access points to the building are limited for the safety of residents. Therefore, this development is exempted from private open space requirements (per ADC 8.220(3)).

Regardless, additional common open spaces are proposed in lieu of private open space (i.e., per ADC 8.220(3)). As shown on the site and floor plans, the proposed additional common open spaces include second and third floor lounge areas and an outdoor common area north of the proposed community garden area.

- 4.5 Setbacks and Building Orientation. According to ADC 8.240(3) subsections (a) and (b) are only applicable to sites with frontage on a collector or local public street. The subject site has frontage on Queen Avenue SE, which is classified as a Minor Arterial; therefore, these standards are not applicable to this application.

- 4.6 Façade design, articulation, and windows. According to ADC 8.255(1), the standards in this section pertain to any façade that faces towards or within 45 degrees of a front lot line, except where there is more than one building on the site.

ADC 8.255(2) requires a minimum of two architectural features. As shown in the site plan and building elevations the following façade design and articulation are proposed for the regulated façade (i.e., north building elevation): eaves/overhang greater than 12-inches; offset in façade; and raised planters.

ADC 8.255(3) requires a minimum of 15 percent of the total area of each regulated façade must contain windows or doors that meet all the criteria in (a) through (c), below:

- (a) *Made of transparent material with a minimum visible transmittance of 0.4. (Only the transparent portion of doors may be counted towards required window areas.) Windows with a visible transmittance rating less than 0.4 and windows that are frosted, fritted, patterned, or obscure may be counted towards up to half of the required window area provided that the windows in total allow views from the building to the street.*
- (b) *Located in any part of the building except garages and parking areas.*
- (c) *Face towards or within 45 degrees of the front lot line.*

As shown in the site plan and building elevations, the regulated façade (i.e., north building elevation) consists of an internal stairwell, entrance doorway, upper-level hallways, and living room/kitchen of three dwelling unit with 15 percent of street facing windows.

- 4.7 Transition to Lower Density Uses. Multiple-dwelling unit developments must also meet the setbacks in Section 8.270(3). According to ADC 8.270(3) multi-dwelling buildings shall be set back at least one foot for each foot in building height from a shared property line, up to a maximum required setback of 30 feet, when the abutting lot sharing the property line meets criteria (a) or (b) below, or both.

- c. *The abutting lot is in a residential single dwelling zoning district or in the HM zoning district and is developed with single-dwelling residential or middle housing uses or is underdeveloped or vacant.*
- d. *The abutting lot has a pre-existing single-dwelling home and is in a zoning district other than the NC, CC, RC, LI, HI, or IP. For the purposes of this section a “pre-existing single-dwelling home” is one constructed prior to January 1, 2021.*

- 4.8 The transitional setbacks per ADC 8.270(3) apply to shared property line along 2110 Queen Avenue SE since this property is developed with an existing single-dwelling and will abut the proposed multi-unit development. A minimum 29-foot transitional setback is required since the top of wall height of the proposed structure is 29-feet (see building height definition in ADC 22.400). A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 28-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 29-foot setback is required based on top of wall height. Findings provided under Section III, below are incorporated herein by reference.

- 4.9 Pedestrian Connections. ADC 8.280 requires an internal pedestrian circulation system and connectively between the development and each adjacent street and sidewalk for every 200 linear feet of street frontage. The site plan indicates an internal sidewalk system with connections from the parking lot to the proposed structure as well as from the proposed structure/parking lot to the public sidewalk along Queen Avenue Street SE.

- 4.10 Parking Location. ADC 8.300 requires all parking areas to be located within 100 feet of the building entrance for a minimum of 50 percent of units in the development. As shown on the site plan, the proposed parking area meets this standard.

Conclusion

- 4.1 According to ADC 8.240(3) subsections (a) and (b) are only applicable to sites with frontage on a collector or local public street. The subject site has frontage on Queen Avenue SE, which is classified as a Minor Arterial; therefore, these standards are not applicable to this application.
- 4.2 No directly accessible patios or balconies are proposed or required in association with this development. Additional common open spaces are proposed in lieu of private open space (i.e., per ADC 8.220(3)). As shown on the site and floor plans, the proposed additional common open spaces include second and third floor lounge areas and an outdoor common area north of the proposed community garden area.
- 4.3 As proposed, all other applicable Multiple Dwelling Design Standards are met.

Criterion 5

The application complies with all applicable Design Standards of Article 10

Findings of Fact and Conclusion

- 5.1 Article 10 pertains to manufactured homes, manufactured home parks, and RV parks. These uses do not pertain to the proposal; therefore, this standard is not applicable.

Criterion 6

The application complies with all applicable On-Site Development and Environmental Standards of Article 9.

Findings of Fact

- 6.1 The proposal is an application for Site Plan Review to construct a 30-unit multi-dwelling development with associated site and parking lot improvements.
- 6.2 ADC 9.020 states that off-street parking and loading must be developed in accordance with the standards in Article 9.
- 6.3 ADC 9.020, Table 9-1, stipulates off-street maximum parking for senior housing is one vehicle parking space per two units.

Parking Summary

<u>Unit Type</u>	<u>Unit Count</u>	<u>Maximum Parking</u>
Studio and 1-bdrm	1 space per 2 units	15

Based on the proposed development a maximum of 15 vehicle parking spaces are permitted. 13 off-street parking spaces are shown on the site plan, with zero designated compact spaces.



- 6.4 ADC 9.030 states that bicycle parking must be provided in the amounts specified in Table 9.030-1 for all new developments and changes of use. Per Table 9.030-1, senior housing developments are required to provide a minimum of one bicycle parking space per three beds. A mix of 30-studio and one-bedroom units are proposed; therefore, a minimum of 10 bicycle parking spaces are required. A total of 10 indoor bicycle parking spaces are proposed at the south elevation of the proposed structure; therefore, this standard is met.
- 6.5 ADC 9.100(3) requires parking areas to have a durable, dust-free surface. The site plan indicates the entirety of the parking area will be paved. This standard is met.
- 6.6 ADC 9.100(4) requires that all parking lots provide a drainage system to dispose of stormwater runoff. Findings regarding the proposed stormwater system are found in this section under Criterion 7 and incorporated here by reference.
- 6.7 ADC 9.100(5) requires perimeter curbing around all parking areas. The site plan indicates that perimeter curbing has been provided along the entirety of the parking lot. This standard is met.
- 6.8 ADC 9.100(6) requires wheel bumpers be used when parking stalls front a sidewalk, alleyway, street, or property line. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required. The site plan indicates wheel bumpers for all parking stalls.
- 6.9 ADC 9.100(7) requires parking spaces to be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley. The site plan indicates a parking lot served by a travel aisle for off-street backing and turnaround movements.
- 6.10 ADC 9.100(8) requires parking stalls to be permanently and clearly striped. The site plan indicates the parking lot will be striped.
- 6.11 ADC 9.100(9) requires parking lots to connect to adjacent existing or future parking areas. The site plan shows easements for existing shared access to abutting private parking lots to the south and west multi-unit developments.
- 6.12 ADC 9.100(10) requires conformance with the parking lot landscaping standards found in ADC 9.150. Findings pertaining to parking lot landscaping are included below.
- 6.13 Per ADC 9.100(11) no more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words "Compact Car Only." No compact spaces are proposed in association with this application.
- 6.14 Per ADC 9.035 when parking is provided, at least one standard-sized parking space shall be reserved for carpool/vanpool parking, or ten percent of employee-use parking spaces provided, whichever is greater. (2) Preferential carpool/vanpool parking spaces must be closer to the employee entrance of the building than other parking spaces, except for ADA accessible parking spaces. (3) Required carpool/vanpool spaces must be clearly marked "Reserved – Carpool/Vanpool Only."

No carpool/vanpool parking spaces are proposed in association with this application.

- 6.15 ADC 9.050 states that pursuant to ORS 455.417, electrical service capacity sufficient for a level 2 electric vehicle charging station must be provided for no less than 40 percent of all vehicle parking spaces serving newly constructed residential buildings with five or more multi-dwelling units. Additionally, electric vehicle charging capacity must be provided for 40 percent of ADA spaces in residential and mixed-use developments with five or more units.

13 parking spaces are proposed to serve the 30-unit multi-dwelling development. As indicated on the site plan, electrical service capacity sufficient for a level 2 electric vehicle charging station is proposed to serve 40 percent of vehicle parking spaces including the ADA parking space.

- 6.16 ADC 9.100 states that all public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards. When the total surface parking area for the development site exceeds 10,890 square feet, parking area improvements must comply with the standards in Section 9.130.

- a. ADC 9.100(12) requires accessible parking at least 9 feet wide and 17 feet long with adjacent access aisle at least 8 feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space to be provided in conformance with the Oregon Specialty Code.

As indicated on the site plan, accessible parking and an accessible route to the building are proposed with the development. Conformance with the Oregon Specialty Code will be assessed at the time of building permit.

- b. ADC 9.100(13) requires lighting to be arranged to reflect light away from any abutting or adjacent properties. Any new lighting will be arranged to reflect light away from any abutting or adjacent properties.
- c. ADC 9.100(14) requires walkways and accessways to be provided for all new off-street parking lots and additions, to connect sidewalks adjacent to new development to the entrances of new buildings. The site plan indicates a sidewalk and access path will be provided from the public sidewalk adjoining the main building entrances and Queen Avenue SE.

- 6.17 ADC 9.120 states that all off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design, and supplemental drawings in Figures 1 and 2.

The site plan indicates that the proposed parking lot complies with the below standards.

- a. ADC 9.115 states that when new development, including expansions to existing structures, results in the conversion or elimination of existing off-street surface parking areas for a use other than bicycle-oriented and transit oriented facilities

(bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities), all existing parking areas that are physically impacted by the development must be improved to the standards in Article 9.

The site is infill development served by an improved, existing 30-foot-wide shared access easement and Queen Avenue encroachment. No modifications proposed to the existing shared driveway access or encroachment; therefore, the standard of ADC 9.120(2) and (3) are not applicable.

- b. ADC 9.120(5) states that parking stall and aisle dimensions must comply with Table 9.120-1. Stall dimensions are measured from inside the stripes. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. See also Figures 9.120-1 and 9.120-2.
- c. ADC 9.120(6)(7) states that compact spaces shall be at least 8 feet wide by 16 feet long and accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.
- d. ADC 9.120(8) states long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent planter islands must be at least 9.5 feet wide. Stall dimensions are measured from inside the stripes.

- 6.18 ADC 9.130 states that in addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), and to parking lot additions of 5,000 square feet or more when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking area of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping.

The total parking lot area is 5,675 square feet; therefore, the standards under ADC 9.130(2) are not applicable.

- 6.19 ADC 9.140 includes landscaping requirements by type of use. ADC 9.140(1) includes residential landscape standards. ADC 9.140(1) states that all front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. However, in this case the landscaping buffer and screening requirements are more restrictive and are therefore applicable to the proposed development.

According to the buffering and screening matrix in Table 9.210-1, a 10-foot-wide landscape buffer and screen is required along parking lots with five or more parking spaces, a 10-foot-wide landscape buffer is required for multi-dwelling units abutting dwellings in the RS-6.5 zoning district, and a 10-foot-wide landscape buffer is required for multi-dwelling development along an arterial street.

ADC 9.240 states: *The minimum improvements within a buffer consist of the following: (a) One row of trees. These trees will be not less than ten feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart, and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart; (b) Five 5-gallon or ten 1-gallon shrubs, trees or accent plants for each 1,000 square feet of required buffer area; (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*

ADC 9.250 states: *Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above: (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation*

The site has 99.6-feet of street frontage along Queen Avenue after deducting accessways. Therefore, the following landscaping is required: one row of either three (3) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; five (5) five-gallon shrubs or ten (10) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). As shown in the landscaping plan, proposed landscaping complies with 10-foot-wide front yard landscape buffer landscaping provisions.

The west and south property line of 2110 Queen Avenue are 100-feet and 110-feet respectively. The west property lines along 2120 Queen Avenue and 1818 Clay Street SE are 74-feet. Therefore, the following landscaping buffering is required:

- 2110 Queen Avenue West Property Line: At least one row of either three (3) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; five (5) five-gallon shrubs or ten (10) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- 2110 Queen Avenue South Property Line: At least one row of either four(4) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; six (6) five-gallon shrubs or eleven ten (11) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). Plus, screening by four-foot-tall

continuous evergreen hedge or a fence or masonry wall at least five street tall constructed to provide a uniform sight-obscuring screen.

- 2120 Queen Avenue and 1818 Clay Street SE West Property Lines: At least one row of either four(4) 10-foot-tall deciduous trees spaced not more than 30 feet apart or seven (7) 5-foot-tall evergreen trees spaced not more than 15 feet apart; six (6) five-gallon shrubs or eleven ten (11) one-gallon shrubs; and the remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). Plus, screening by four-foot-tall continuous evergreen hedge or a fence or masonry wall at least five street tall constructed to provide a uniform sight-obscuring screen.

The landscaping plan indicates that the required landscaping buffer and screening requirements can be met. A condition of approval may require the submittal of final landscaping and irrigation plans for review and approval in association with the building permit and installation of required landscaping prior to building occupancy.

- 6.20 ADC 9.150 provides parking lot landscaping standards, which includes requirements for planter bays, entry landscaping, parking space buffers, alternative plans, and landscape protection. As shown on the site plan and landscaping plan, the parking lot includes planter bays and landscape protection in accordance with the standards of ADC 9.150.
- 6.21 ADC 9.150(1) states that parking areas shall be divided into bays of not more than 12 parking stalls and that the end of each parking bay shall be a curbed planter at least five feet wide. The site plan indicates that all proposed parking areas will conform to this standard.
- 6.22 ADC 9.150(2) requires that both sides of the parking lot entrance should be bordered by a minimum five-foot-wide landscape planter strip. As shown on the site plan and landscaping plan, a planter bay greater than five feet in width is proposed at the parking lot accessways.
- 6.23 ADC 9.150(3) requires parking areas to be separated from the exterior wall of a structure by pedestrian walkways or loading areas, or by a five-foot strip of landscaping materials. As shown on the site plan, the residential buildings are separated from parking areas by a 5-foot-wide sidewalk.
- 6.24 ADC 9.165 requires that all landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman provides documentation that the plants do not require irrigation.
- 6.25 Environmental Standards. ADC 9.440 - 9.500 includes environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of a multi-dwelling residential development are comparable to other residential developments in the vicinity and therefore no adverse environmental impacts are anticipated.

Conclusions

- 6.1 The parking lot plan complies with the travel aisle and stall dimensional standards of ADC 9.130.
- 6.2 A maximum of 15 vehicle parking spaces are permissible based on the proposed unit types. 13 parking spaces are proposed on-site.
- 6.3 A minimum of 10 bicycle parking spaces is required based on the number of dwelling units proposed. A total of 10 indoor bicycle parking spaces are proposed at the south elevation of the proposed structure; therefore, this standard is met.
- 6.4 The landscaping plan indicates that the required landscaping buffer and screening requirements can be met. A final landscape and irrigation plan will be provided prior to the issuance of building permits.
- 6.5 The proposal conforms with the applicable environmental standards.
- 6.6 As proposed, all applicable Article 9 standards can be met.

Criterion 7

The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sewer

- 7.1 Albany Municipal Code (AMC) 10.01.010(1) states the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 7.2 ADC 12.470 requires all new developments to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 7.3 ADC 12.490 states sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.

- 7.4 The City has sole authority in determining the conditions necessary for providing service to a property (AMC 10.01.100 (5)(e)).
- 7.5 The minimum size of the public sanitary sewer main to be installed must be eight inches in diameter where a larger size is not needed to provide an adequate system, conform with the size of existing mains, meet future needs, or conform to the size specified by the utility's sewer system facility plan (AMC 10.01.110 (2)(a)).
- 7.6 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110 (2)(b)).
- 7.7 All public sanitary sewer mains must be installed in accordance with the City's Standard Construction Specifications. If constructed under a private contract, the developer must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division.
- 7.8 City utility maps show an 8-inch public sanitary sewer main and easement along the east boundary of the subject property. Development on Parcel 2 is currently served by a sewer service lateral that is connected to this public main.

Water

- 7.9 ADC 12.410 requires all new developments to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 7.10 ADC 12.450 requires all new development within the city, where appropriate, to provide for the extension of existing water lines serving surrounding areas.
- 7.11 AMC 11.01.120(2)(e) states all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.
- 7.12 AMC 11.01.120(2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water system improvements to be built under a private

contract require that the developer obtain a Permit for Private Construction of Public Improvements.

- 7.13 AMC 11.01.120(2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 7.14 AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.
- 7.15 City utility maps show a 12-inch public water main along the north boundary of the site in Queen Avenue right-of-way and along the west boundary of the site in a recorded easement. Development on Parcel 2 is connected to the public water system.

Storm Drainage

- 7.16 ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.
- 7.17 ADC 12.580 states all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 7.18 ADC 12.550 states any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 7.19 ADC 12.560 states where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
- 7.20 AMC 12.45.030 states a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).
- 7.21 AMC 12.45.080 states applicants for a post-construction stormwater quality permit shall submit as a part of their permit application a post-construction stormwater quality plan. Each plan shall comply with the minimum standards outlined in the engineering standards, construction standards, and the provisions of this chapter. Each post-construction stormwater quality plan shall be reviewed, approved, and stamped by a professional

licensed in Oregon as a civil or environmental engineer or landscape architect. (Ord. 5841 § 3, 2014).

- 7.22 AMC 12.45.130 states: (1) Private stormwater facilities operation and maintenance agreements are required for all private post-construction stormwater quality facilities that require a permit under this chapter. (2) Private stormwater facilities operations and maintenance agreements shall be recorded at the applicable County Recorder's Office and shall run with the land. (3) Redevelopment of a property already operating under a private stormwater facilities operation and maintenance agreement will require execution of a new agreement if the Director determines, in the exercise of reasonable discretion, that the redevelopment is likely to have a material impact upon the operation, maintenance, or effectiveness of the previously approved facilities. (Ord. 5841 § 3, 2014).
- 7.23 City utility maps show a 72-inch public storm drainage main in the Queen Avenue right-of-way and a 12-inch public storm drainage facility adjacent to the subject property exiting the existing curb inlet. Queen Avenue is currently improved to City standards with curbs and gutters.

Conclusions

- 7.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property.
- 7.2 New public utility services must be provided to development on Parcel 1. Installation of new sewer laterals is the responsibility of the developer. An encroachment permit must be obtained before beginning work on or around a public utility.

Criterion 8

The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.

Findings of Fact and Conclusion

- 8.1 The proposal is to construct a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1.
- 8.2 The site is ±0.77-acre acres in size and located at 2080 Queen Ave. SE. The site is zoned Residential Medium Density Attached District (RMA) with a Residential Medium Density Comprehensive Plan designation.
- 8.3 The subject site has direct frontage on Queen Avenue SE and provides access via a shared driveway along its west boundary. The driveway is shared with adjoining parcels to the south and west. Easements implementing the shared access are currently in place.
- 8.4 ADC 12.060 requires all streets adjacent and interior to new development be improved to City standards.

- 8.5 Queen Avenue is classified as a minor arterial street and is improved to city standards except for the width of the public sidewalk. Improvements include curb and gutter, a five-foot wide sidewalk, a vehicle travel lane in each direction, a two-way center left turn lane, and on-street bike lanes.
- 8.6 ADC 12.290 requires all development for which land use applications are required, and all expedited and middle housing land divisions, to construct sidewalks adjacent to public streets.
- 8.7 ADC 12.300(1) requires a sidewalk width of 7 feet along arterial streets. As shown on the site plan the existing sidewalk along the frontage of the site is 5-foot-wide. A right-of-way dedication of 2 feet is proposed along the site's frontage to allow for future construction of a 7-foot sidewalk.
- 8.8 The ITE trip generation manual breaks up multi-family housing into three categories. Multi-family housing containing three to ten floors is classified as mid-rise. Mid-rise multi-family development generates 5.44 vehicle trips per day and 0.44 trips during the peak PM traffic hour.
- The proposal is to construct a 30-unit multi-dwelling development. Construction of 30 units would add about 163 new vehicle trips per day to the public street system with 13 occurring during the peak p.m. traffic hour per day to the public street system.
- 8.9 The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips.
- 8.10 Albany's Transportation System Plan (TSP) does not identify any capacity or safety issues occurring along the street frontages of this development.

Conclusions

- 8.1 Except for sidewalks, the site's street frontage along Queen Avenue is improved to city standards. The existing sidewalk width is 5 feet. A right-of-way dedication of 2 feet is proposed along the site's frontage to allow for future construction of a 7-foot sidewalk.
- 8.2 Access to the site is via a shared driveway. An easement for the shared driveway is already in place. No new driveways will be created by the development.
- 8.3 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

Criterion 9

The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Findings of Fact and Conclusion

9.1 See Findings under Criterion Seven (above) related to stormwater quality standard in response to this review criterion. These findings are incorporated herein by reference.

Criterion 10

The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Findings of Fact and Conclusion

10.1 Prior vested land use decisions for this property include the following:

- a. PA-07-23: An Expedited Land Division to divide a 2.73-acre parcel into two parcels, which was approved with the following conditions:
 - i. Condition 1 The partition plat must contain a declaratory statement that Parcel 1 and Parcel 2 can only be rented or sold to households with incomes below 120 percent of the median family income for Linn County or must be developed with residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site.
 - ii. Condition 2 Prior to, or with recordation of the partition plat, the applicant shall dedicate two feet of public street right-of-way along the site's frontage on Queen Avenue SE.
- b. SP-53-99: A Site Plan Review for construction of a 50-unit three-story independent senior multi-dwelling unit development. All conditions of approval were satisfied prior to granting occupancy of the building.
- c. SP-03-97: A Site Plan Review for construction of a 40-unit senior multi-dwelling unit development. This approval was withdrawn and replaced with planning file no. SP-53-99.

10.2 The only unsatisfied condition of approval is Condition 1 under planning file no. PA-07-23, which will be staffed with approval of this request.

Criterion 11

Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.330.

Findings of Fact and Conclusion

11.1 The site is not considered nonconforming; therefore, this criterion is not applicable.

III. Tree Felling Review Criteria (ADC 9.205)

Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet with some limited exceptions.



Section 9.205(2) of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The Community Development Director or his/her designee shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report.

Findings

- 1.1 According to ADC 9.204, Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.
- 1.2 The submitted Site Plan Review – Tree Felling application is submitted for concurrent review with a site plan review for constructing a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1.
- 1.3 It is necessary to remove numerous on the subject site based on proposed site, utility, and building improvements. Eight trees indicated for removal are subject to ADC 9.204 because they are eight inches in diameter or larger.
- 1.4 The submitted Tree Removal Plan shows the locations of the trees along with their type and size. As shown in the plan, if not removed, the trees would be severely impacted during development and if retained, would prevent the proposed development of the subject property.
- 1.5 In the event proposed development does not take place, the trees proposed for removal on the Tree Removal Plans shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Criterion 2

For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director or his/her designee shall approve Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:

- a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the

applicant’s property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.

Findings

- 2.1 It is necessary to remove eight trees larger than 25 inches in circumference (approximately eight inches in diameter) from the subject site to construct proposed development.
- 2.2 The subject property is located within the RMA zoning district. The applicant proposes to construct a 30-unit multi-dwelling development with associated site, utility, and parking lot improvements on proposed Parcel 1. Multi dwelling uses are consistent with the RMA zoning district.
- 2.3 Oregon Department of Forestry (ODF) permits are required only if commercial use of the felled trees will occur (e.g., logs E or firewood are sold). None of the felled trees will be sold.
- 2.4 Findings under Section III, Criteria 1 and 3, incorporated herein by reference, address all other applicable tree felling provisions.
 - b) **The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.**
- 2.5 The applicable Albany Development Code sections are as follows:
 - a. ADC Table 1.100-1 which includes the below table sections:

Application Action	Procedure Type	Decision Body	Pre-App. conference required	Neighborhood Mtg. Required	Applicable Sections
Tree Removal	I-L	CDD	Yes*	No	9.204, 9.205

*Unless waived by the Community Development Director (CCD)

- 2.6 Pursuant to ADC 9.205, the application will be processed via a Type I-L review procedure, which includes issuance of a notice of decision by the Community Development Director.
- 2.7 In accordance with ADC Table 1.100-1, a pre-application meeting was held on July 19, 2023, to discuss the development proposal and associated tree felling (see PR-27-23).
- 2.8 Per ADC Table 1.100-1, a neighborhood meeting was not required or conducted in association with this request.



- 2.9 Findings pertaining to ADC 9.204 and 9.205 are included above in Criterion 1 and included herein by reference.
- 2.10 Tree regulations are found in Chapter 7.98 of the Albany Municipal Code. The applicable sections are as follows:
- a. AMC 7.98.030(6): *Unless removal is expressly authorized by a land use action or approval issued by the City of Albany, it shall be unlawful to remove any tree larger than or equal to 6.5 feet in circumference (approximately 25 inches in diameter), public or private, within the City of Albany city limits without first making application to the City of Albany and obtaining a permit or as otherwise authorized by this code*
 - b. AMC 7.98.404(2): *A permit shall be obtained from the City Forester, applying criteria contained in AMC 7.98.180, for the removal of individual trees equal to or greater than six and one-half feet in circumference on all property within the city limits of the City of Albany.*
 - c. AMC 7.98.100(2): *Additional tree removal permits are not required for any trees that have been authorized for removal in an approved site plan review processed in accordance with the Albany Development Code.*
 - d. AMC 7.98.120: *The Parks, Recreation, and Tree Advisory Commission may designate certain trees as "heritage trees" within the City with the consent of the owner(s) of record. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. The Parks, Recreation, and Tree Advisory Commission shall have the authority to determine, select, and identify such trees that qualify as heritage trees. Once a tree is designated as a heritage tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and removed as such. Heritage trees may not be removed without the express consent of the Parks, Recreation, and Tree Advisory Commission.*
 - e. AMC 7.98.205: *Permit application fees for removal permits shall be established by Council resolution.*
 - f. AMC 7.98.215: *When removing trees under a permit or site plan approval, precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees:*
 - 1) *Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.*
 - 2) *Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of four feet tall, secured with metal T-posts, no closer than six feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris, or fill within the fenced tree protection zone.*
 - 3) *During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material*

harmful to the life of a tree within the drip line of any protected tree or group of trees.

- 4) *No damaging attachment, wires, signs, or permits may be fastened to any protected tree.*
- 5) *Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way, and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (2) of this section. This may be accomplished by placing metal T-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.*
- 6) *The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the table below.*

<i>Auger Distances for Installation of Utilities</i>	
<i>Tree Diameter at Breast Height (inches)</i>	<i>Auger Distance from Face of Tree (feet)</i>
<i>8-9</i>	<i>5</i>
<i>10-14</i>	<i>10</i>
<i>15-19</i>	<i>12</i>
<i>Over 19</i>	<i>15</i>

- 2.11 Per AMC 7.98.030(6), AMC 7.98.404(2), AMC 7.98.100(2), and ADC 9.204, this Site Plan Review – Tree Felling application was submitted for review and approval.
- 2.12 There are no heritage trees on the subject property, therefore, the provisions of AMC 7.98.120 are not applicable.
- 2.13 In accordance with AMC 7.98.205, the paid application fee was based on the adopted fee schedule.
- 2.14 The provisions of AMC 7.98.215 are reviewed in association with an Erosion Prevention and Sediment Control (EPSC) plan, which will be reviewed and approved by the Public Works Department prior to on-site work.
- c) **The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.**
- 2.15 ADC 9.204 states Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.



- 2.16 A tree inventory has been conducted and outlined in the Tree Removal Plan. As shown, trees proposed to be removed include a variety of deciduous trees. Only trees with developable areas are proposed to be felled. As shown in the Tree Removal Plan, the trees proposed to be removed would be severely impacted during development, or if retained, would prevent the proposed development upon the subject property.
- 2.17 None of the trees are known to possess historic value and no heritage trees exist on the site.
- d) **Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.**
- 2.18 The property where tree felling is proposed is not located within a Significant Natural Resource Overlay district; therefore, this criterion is not applicable.

Criterion 3

For property where tree felling is proposed and there is no approved or concurrent Site Plan Review, Conditional Use, or land division application for development of the property, the Community Development Director or his/her designee shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria in subsection (2) above are met, and the following additional criteria are met:

- a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
- b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
- c) Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
- d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
- e) Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents. (f) Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties. (g) The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning.

Findings

- 3.1 The Site Plan Review Tree Felling application has been submitted concurrently with a Site Plan Review application; therefore, this criterion is not applicable.

III. Minor Variance

Criterion 1

The Minor Variance is not requested to avoid a land use review process or increase density; AND

Findings of Fact

- 1.1 The following three Minor Variances are requested in association to the Site Plan Review application outlined in Section II, above:
 - a. A Minor Variance to the special noise corridor setback of ADC 3.320 to allow installation of higher sound rated windows in three dwelling units in lieu of a 10-foot special noise corridor setback.
 - b. A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 28-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) where a 29-foot setback is required based on building top of wall height.
- 1.2 The underlying zoning designation of the subject property is Residential Medium Density Attached District (RMA), which allows the proposed multi-dwelling development with Site Plan Review approval.
- 1.3 This Minor Variance application is under concurrent review with the submitted Site Plan Review application for the multi-unit development; and is therefore, not requested to avoid a land use review process.
- 1.4 Per ADC 3.020(6), developments in the RMA zone may not exceed 35 units per gross acre. The gross acreage of proposed Parcel 1 is ±0.77-acres. Therefore, the maximum density is 27 units before density bonuses are applied. A total of 30 units are proposed with the application of a 30 percent affordable housing density bonus per ADC Table 3.220-2.
- 1.5 Per ADC 3.220(6), For the provision of housing that is affordable to low- and moderate-income households earning 120 percent or less of the area median income (AMI), a density bonus through reductions in lot size or area requirement is permitted for all units within the development, or development phase for phased developments, as provided in Table 3.220-2. The proposed development will have at least 20 percent of units set aside for persons whose household income is less than or equal to 50 percent AMI.
- 1.6 Per ADC 3.190, Table 3.190-1, the RMA zoning district requires a minimum lot size based on unit type. Studios and 1-bedrooms require 1,500 square feet per unit; 2-and 3-bedroom units require 1,800 square feet; and 4 plus bedroom units require 2,200 square feet unless the bonus provisions for area requirements per ADC 3.220(6) are applicable.
- 1.7 The below table denotes the total required area per unit type with the application of a 30 percent area reduction bonus per Table 3.220(6):

Site Area/Unit Summary

<i>Unit Type</i>	<i>Unit Count</i>	<i>Site Area/Unit</i>	<i>Required Area/Unit</i>
Studio	8	1,050 SF	8,400 SF



1-bdrm	22	1,050 SF	23,100 SF
	30		31,500 sf (0.73-acres)

The ±0.77-acres subject property exceeds the minimum required 0.73-acre parcel size based on the proposed unit type per ADC 3.220(6); and is therefore, not requested to increase density.

Conclusions

1.1 This criterion is met.

Criterion 2

The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

Findings of Fact

2.1 Compliance with this code criteria can be based on an unusual configuration of the property (...) **OR** the site is an infill **OR** redevelopment site less than one acre with development on both sides. In this case, the site is less than one area with development on both sides, infill development, **AND** due to an unusual configuration of the property as further outlined in the findings below.

2.2 The gross acreage of the subject property is ±0.77-acres with the Queen Avenue SE right-of-way to the north, existing single-dwelling development to the east, existing multi-dwelling development to the south, and a utility substation to the west. Therefore, the site is less than one acre with development on both sides.

2.3 The subject property can also be described as infill development as defined by ADC 22.400, below:

Development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, streets, and other public services are readily available.

The abutting developed properties with water, sewer, and streets and other public services readily available. Therefore, this minor variance is needed due to the size of the property and constants from being infill development.

2.4 As shown on the site plan, the proposed structure is located 2-foot east of the waterline easement (i.e., Easement for Public Utility, VOL. 1265, Page 970). The 2-foot setback allows for 24-inch-wide building eave overhangs and the outer edge of the foundation footings to be constructed outside of the easement. As shown on the elevation plans, 1-foot (24-inch) eave overhangs extend from the wall plane. The required distance from the easement in addition to building width results in a 28-foot setback from the abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) as opposed to 29-foot setback required based on building top of wall height.



Conclusions

2.4 This criterion is met.

Criterion 3

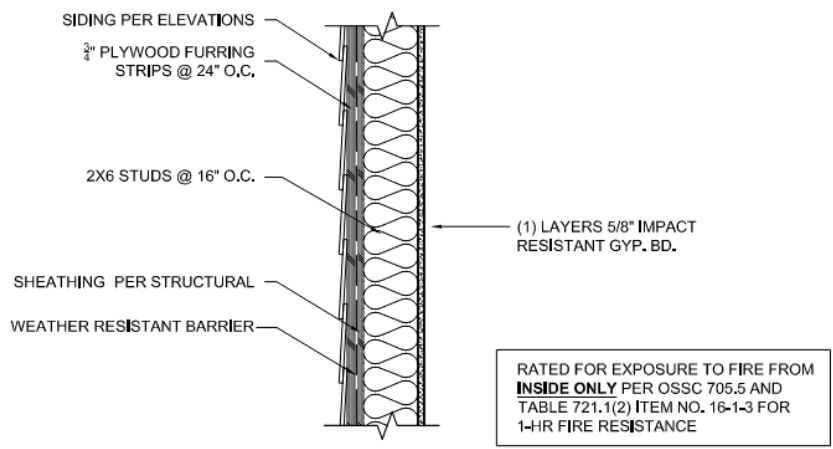
The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Findings of Fact

3.1 A Minor Variance to the special noise corridor setback of ADC 3.320 is proposed to allow installation of higher sound rated dwelling windows in three encroaching dwelling units in lieu of a 10-foot special noise corridor setback.

A portion of three units (i.e., living room and kitchen areas) of the 30 total units will encroach into the required 10-foot special noise corridor setback. Although not expressed in the code, the purpose of the Special Noise Corridor Setback is believed to be aimed at reducing sound transfer from higher volume roadways from residential dwelling spaces. Therefore, all dwelling windows that are within the 10-foot special noise corridor setback are proposed to have a minimum 33 Sound Transmission Class (STC), which will decrease airborne sound transmission. Additionally, the exterior wall construction in this project will provide a 5 STC improvement over the standard code compliant exterior wall throughout the entire building.

Per HUD Manual chapter 4 (Noise attenuation), a standard 2x4 wall with exterior siding, interior sheetrock, and acoustical blankets has a STC of 37. The proposed exterior wall assembly is a 2x6 wall with blown-in insulation and sealed penetrations. The increase in the cavity depth, plus the additional 2 inches of blown in insulation and having all wall penetrations sealed provides a wall with a STC of 43.



EXTERIOR WALL W/ F.C. SIDING

WOOD FRAMED
STC 43

FIRE RATING: 1-HOUR
FROM INTERIOR ONLY



Three of thirty total dwelling units (i.e., 10 percent) will encroach into the 10-foot special noise corridor setback. Alternatively, the special noise corridor equates to 1,295.2 square feet (i.e., 129.52 feet of property frontage by 10-foot setback), which equates to an 18 percent encroachment (i.e., 236 square foot unit area encroachment) into the 10-foot special noise corridor setback. Therefore, the requested minor variance is generally no more than 10 percent deviation from a numeric standard.

- 3.2 A Minor Variance to transition to lower density use provisions of ADC 8.270(3) to allow up to a 28-foot setback along the east property line abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) as opposed to 29-foot setback required based on building top of wall height.

As shown on the site plan, the proposed structure is located 2-foot east of the waterline easement (i.e., Easement for Public Utility, VOL. 1265, Page 970). The 2-foot setback allows for 24-inch-wide building eave overhangs and the outer edge of the foundation footings to be constructed outside of the easement. As shown on the elevation plans, 1-foot (24-inch) eave overhangs extend from the wall plane. The required distance from the easement in addition to building width results in a 28-foot setback from the abutting single-dwelling residential development (i.e., 2110 Queen Avenue SE) as opposed to 29-foot setback required based on building top of wall height. Therefore, the proposed transitional setback is less than a 10 percent deviation from the required setback standard and minimum necessary to address the unique situation on this infill parcel.

Conclusions

- 3.1 This criterion is met.

IV. Overall Conclusion

As proposed, the applications for Site Plan Review and Minor Variances satisfy all applicable review criteria as outlined in this report.

V. Attachments

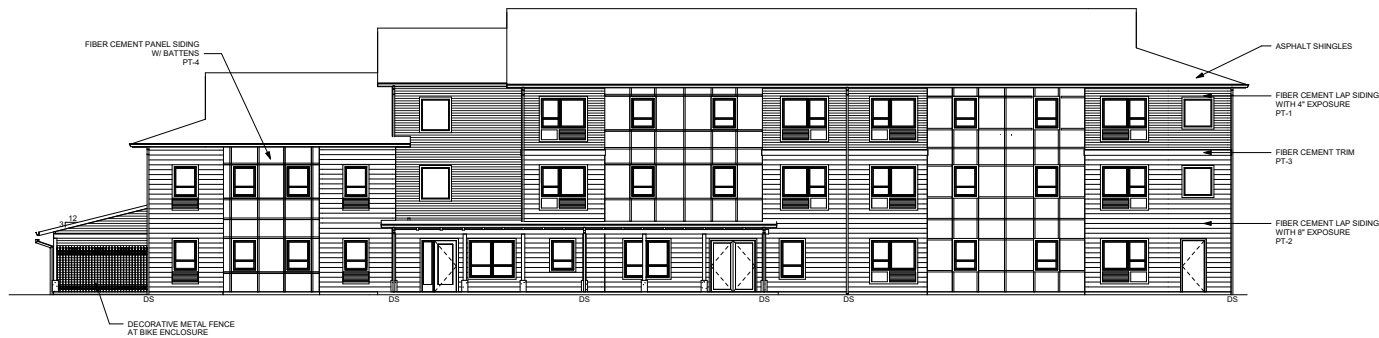
- A. Architectural Plan Set
- a. Site Plan, Sheet G002
 - b. First and Second Floor Plans, A111
 - c. Third Floor and Roof Floor Plans, A112
 - d. Building Elevations, A211
- B. Civil Plan Set
- a. Existing Conditions, Sheet C100
 - b. Existing Conditions, Sheet C101
 - c. Preliminary Paving Plan, C104
 - d. Preliminary Grading Plan Overview, C200
 - e. Preliminary Grading Plan North, Sheet C201
 - f. Preliminary Grading Plan South, Sheet C202

- g. Preliminary Drainage Plan Overview, Sheet C300
 - h. Preliminary Drainage Plan North, Sheet C301
 - i. Preliminary Drainage Plan South, Sheet C302
 - j. Preliminary Drainage Details, Sheet C303
 - k. Preliminary Utility Plan, Sheet C400
 - l. Drainage Details, Sheet C600
 - m. Drainage Details, Sheet C601
- C. Preliminary Stormwater Management Plan
 - D. Lighting Plan, Sheet E1.1
 - E. Landscaping Plan

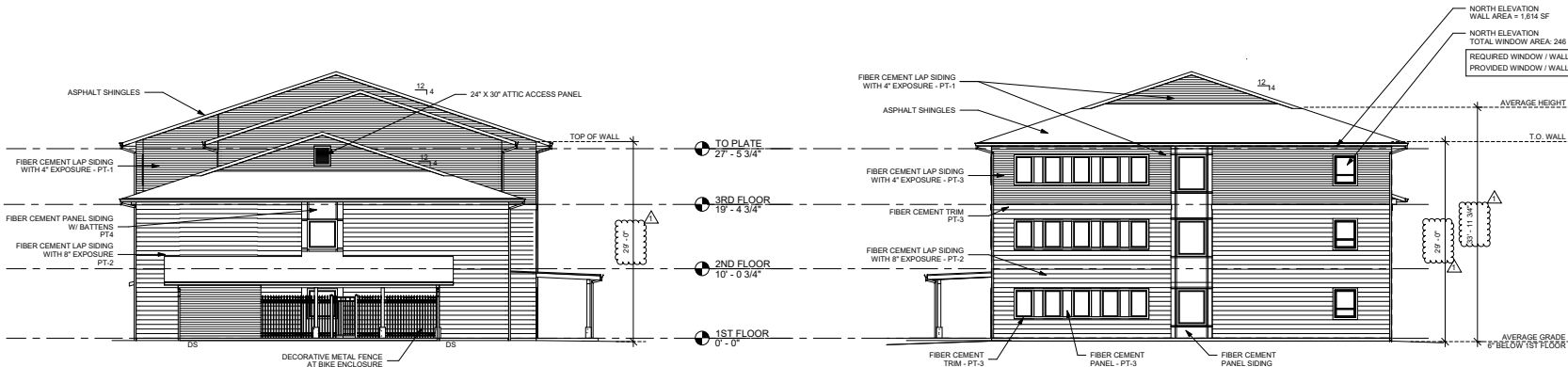
ATTACHMENT F



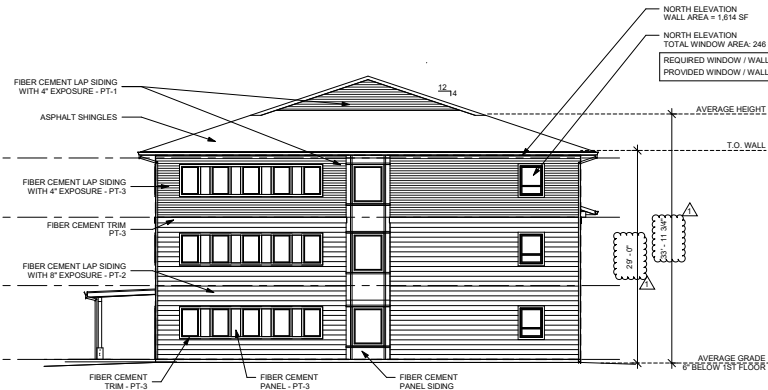
4 BUILDING ELEVATION - WEST
A211 1/8" = 1'-0"



3 BUILDING ELEVATION - EAST
A211 1/8" = 1'-0"



2 BUILDING ELEVATION - SOUTH
A211 1/8" = 1'-0"



1 BUILDING ELEVATION - NORTH
A211 1/8" = 1'-0"

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Professional Seal Information:
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Revision Summary	
Revision Number	Revision Date
1	4-16-2024

VALOR PLACE APARTMENTS
2080 QUEEN AVENUE
ALBANY, OREGON
LINN BENTON HOUSING AUTHORITY

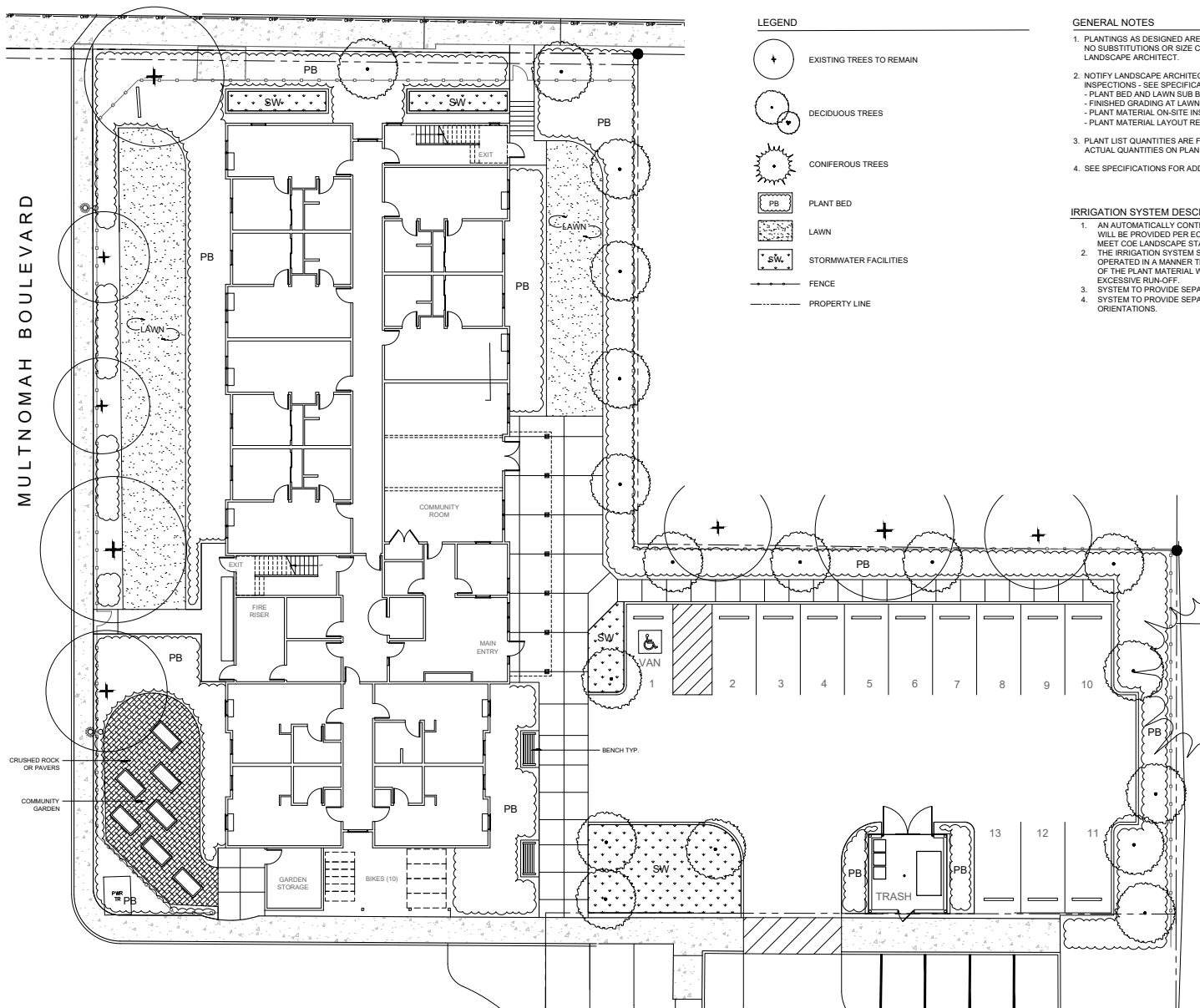
BUILDING ELEVATIONS

date	03-05-2024
file	2325
d.b.	CT

A211

QUEEN AVENUE

MULTNOMAH BOULEVARD



- LEGEND**
- EXISTING TREES TO REMAIN
 - DECIDUOUS TREES
 - CONIFEROUS TREES
 - PLANT BED
 - LAWN
 - STORMWATER FACILITIES
 - FENCE
 - PROPERTY LINE

- GENERAL NOTES**
1. PLANTINGS AS DESIGNED ARE INTENDED TO MEET SPECIFIC REQUIREMENTS. NO SUBSTITUTIONS OR SIZE CHANGES PERMITTED WITHOUT APPROVAL BY LANDSCAPE ARCHITECT.
 2. NOTIFY LANDSCAPE ARCHITECT 48 HOURS PRIOR TO THE FOLLOWING INSPECTIONS - SEE SPECIFICATIONS.
 - PLANT BED AND LAWN SUB BASE / EXCAVATION
 - FINISHED GRADING AT LAWNS AND PLANT BEDS
 - PLANT MATERIAL ON-SITE INSPECTION
 - PLANT MATERIAL LAYOUT REVIEW
 3. PLANT LIST QUANTITIES ARE FOR CONTRACTOR CONVENIENCE ONLY. VERIFY ACTUAL QUANTITIES ON PLAN.
 4. SEE SPECIFICATIONS FOR ADDITIONAL CONTRACT REQUIREMENTS.

- IRRIGATION SYSTEM DESCRIPTION:**
1. AN AUTOMATICALLY CONTROLLED, UNDERGROUND IRRIGATION SYSTEM WILL BE PROVIDED PER EC 9.622G FOR ALL PLANT MATERIAL USED TO MEET COE LANDSCAPE STANDARDS.
 2. THE IRRIGATION SYSTEM SHALL BE DESIGNED, MAINTAINED AND OPERATED IN A MANNER THAT PROMOTES THE HEALTH AND APPEARANCE OF THE PLANT MATERIAL WHILE MINIMIZING WATER USE AND AVOIDING EXCESSIVE RUN-OFF.
 3. SYSTEM TO PROVIDE SEPARATE ZONES FOR LAWN AND SHRUB AREAS.
 4. SYSTEM TO PROVIDE SEPARATE ZONES FOR DIFFERENT SOLAR ORIENTATIONS.

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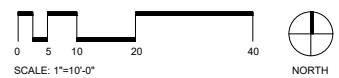
REGISTERED
LANDSCAPE ARCHITECT
LINN BENTON HOUSING AUTHORITY
2080 QUEEN AVENUE
ALBANY, OREGON

Revision Number	Revision Summary	Revision Date

VALOR PLACE APARTMENTS
2080 QUEEN AVENUE
ALBANY, OREGON
LINN BENTON HOUSING AUTHORITY

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PRELIMINARY
LANDSCAPE PLAN



LANDSCAPE
PLAN

date	03-08-2024
file	
d.b.	

LA-1