



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Staff Report

## Adjustment

AD-01-19

November 8, 2019

### Summary

The application is for an adjustment to allow Lot 1 to exceed the maximum lot coverage of 60 percent. The subject property was granted Tentative Subdivision Plat approval for a 5-lot subdivision (file SD-05-19) on October 18, 2019. The subdivision will result in Lot 1, which is developed with the Good Shepherd Church and associated parking lot, exceeding the maximum lot coverage of 60 percent in the RS-6.5 zoning district. As approved in SD-05-19, Lot 1 has a total lot size of 82,000 square feet; of that, 52,819 square feet is impervious surface area, which equates to a total lot coverage of 64.4 percent. Therefore, an adjustment of 7.4 percent from the maximum lot coverage standard is needed before the final plat can be approved.

Adjustment Review criteria contained in Albany Development Code (ADC) 2.080 are addressed in this report. These criteria must be satisfied to grant approval for this application.

### Application Information

Review Body:	Staff (Type I-L review)
Staff Report Prepared By:	Travis North, Project Planner
Property Owner:	Good Shepherd Church; 1910 34th Avenue SE, Albany, OR 97322
Applicant:	Brandie Dalton; Multi/Tech Engineering; 1155 13 <sup>th</sup> Street SE; Salem, OR 97302
Address/Location	1910 34th Avenue SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-17CA; Tax Lots 3201
Zoning:	RS-6.5 (Residential Single Family)
Total Land Area:	Lot 1 is approximately 1.84 acres
Existing Land Use:	Good Shepherd Church
Neighborhood:	Periwinkle
Surrounding Zoning	North: Residential Single-Family (RS-6.5) District East: Residential Single-Family (RS-6.5) District South: Residential Single-Family (RS-6.5) District West: Residential Single-Family (RS-6.5) District
Surrounding Uses:	North: Residential Single-Family East: Residential Single-Family South: Residential Single-Family West: Residential Single-Family

Prior History:	CU-01-74. Conditional Use Review to allow expansion to an existing church and additional Sunday School space.
	CU-11-89. Conditional Use Review to construct 2,500 square feet of additions to an existing church.
	CU-08-04. Conditional Use Review to allow Good Shepherd Lutheran Church to add 24 parking spaces and a 4,565 square-foot building addition to be used as a multi-purpose room.
	SD-05-19. Tentative Subdivision Plat approval for a 5-lot subdivision.

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## Notice Information

Notices were mailed to surrounding property owners within 300 feet of the subject property on October 23, 2019. A revised notice that corrected one of the dates was mailed on October 28, 2019. At the time the comment period ended November 6, 2019, the Albany Planning Division had received no comments.

## Analysis of Development Code Criteria

Section 2.080 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### Criterion 1

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

#### Findings of Fact

- 1.1 The applicant received approval for a 5-lot subdivision (SD-05-19) on October 18, 2019. The requested adjustment is in conjunction with that review and is necessary to satisfy a Condition of Approval that must be met before the final plat can be signed by the City. Thus, the adjustment is not requested to avoid a land use review.
- 1.2 The approved 5-lot subdivision (SD-05-19) met maximum density standards for the RS-6.5 zoning district. The request for an adjustment to lot coverage is not related to an increase in density.

#### Conclusions

- 1.1 The adjustment application is not requested to avoid a land use review or increase density.
- 1.2 This review criterion is met without conditions.

### Criterion 2

**The need for the adjustment 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 Lot 1 is a developed parcel. The existing structure is approximately 15,600 square feet and is served by an existing parking lot. To achieve the maximum 60 percent lot coverage the applicant would need to either adjust the southern property line further south to obtain additional pervious surface area or

remove portions of the existing building or parking lot and convert those portions to pervious surface area. The lot configuration approved as part of the recent subdivision (SD-05-19) cannot be achieved if the lot line is moved further south. Likewise, it is not feasible to remove portions of the building and the parking lot is required in order to accommodate required parking associated with the use and the building. Therefore, staff find the need for the adjustment is created by both the configuration of the property as approved through SD-05-19 and the location of an existing structure and associated parking lot.

## Conclusions

- 2.1 The need for the adjustment is created by the configuration of the property and the location of an existing structure and associated parking lot.
- 2.2 This criterion is met without conditions.

## Criterion 3

**The adjustment 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 The RS-6.5 zoning district permits a maximum lot coverage of 60 percent. As indicated in the applicant's site plan (Attachment B), 64.4 percent of Lot 1 will be covered by impervious area. The applicant states in the written findings (Attachment C) that the proposal is to "increase the maximum lot coverage on Lot 1 to 66 percent." However, the applicant's site plan demonstrates that only 64.4 percent of the lot is covered by impervious surface. Therefore, staff find that the minimum adjustment necessary to address the unusual circumstance is 7.4 percent. Likewise, 7.4 percent is within the 10 percent threshold for an adjustment.

## Conclusions

- 3.1 The request is to increase the maximum lot coverage on Lot 1 to 66 percent.
- 3.2 The minimum adjustment necessary to address the unusual circumstance is 7.4 percent for a total lot coverage of 64.4 percent. Therefore, the approval is to increase the lot coverage to 64.4 percent.
- 3.3 The approval is for no more than 10 percent of the numeric standard.
- 3.4 This review criterion is met without conditions.

## Overall Conclusion

The application for an adjustment to exceed the maximum lot coverage of 60 percent meets the review criteria as outlined in this report.

## Attachments

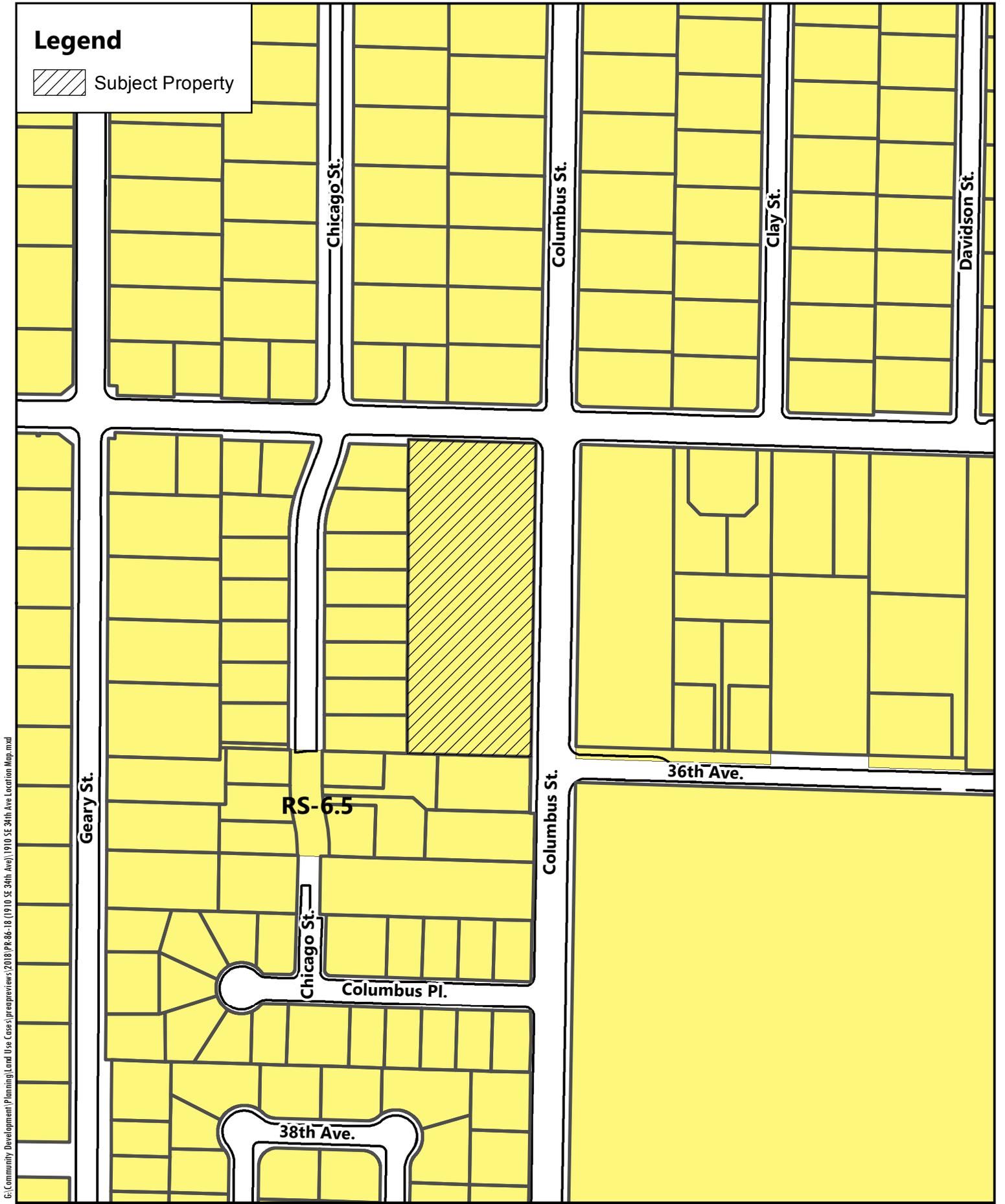
- A Location Map
- B Site Plan
- C Applicant's Written Findings

## Acronyms

ADC	Albany Development Code
CU	Conditional Use (File Designation)
RS	Residential Single Family (Zoning District)
PA	Partition (File Designation)
SD	Subdivision (File Designation)
SP	Site Plan Review (File Designation)

# Legend

 Subject Property



G:\Community Development\Planning\Land Use Cases\prepreviews\2018\Pr-86-18 (1910 SE 34th Ave)\1910 SE 34th Ave Location Map.mxd



Date: 11/7/2018 Map Source: City of Albany

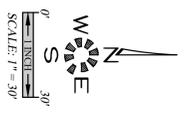
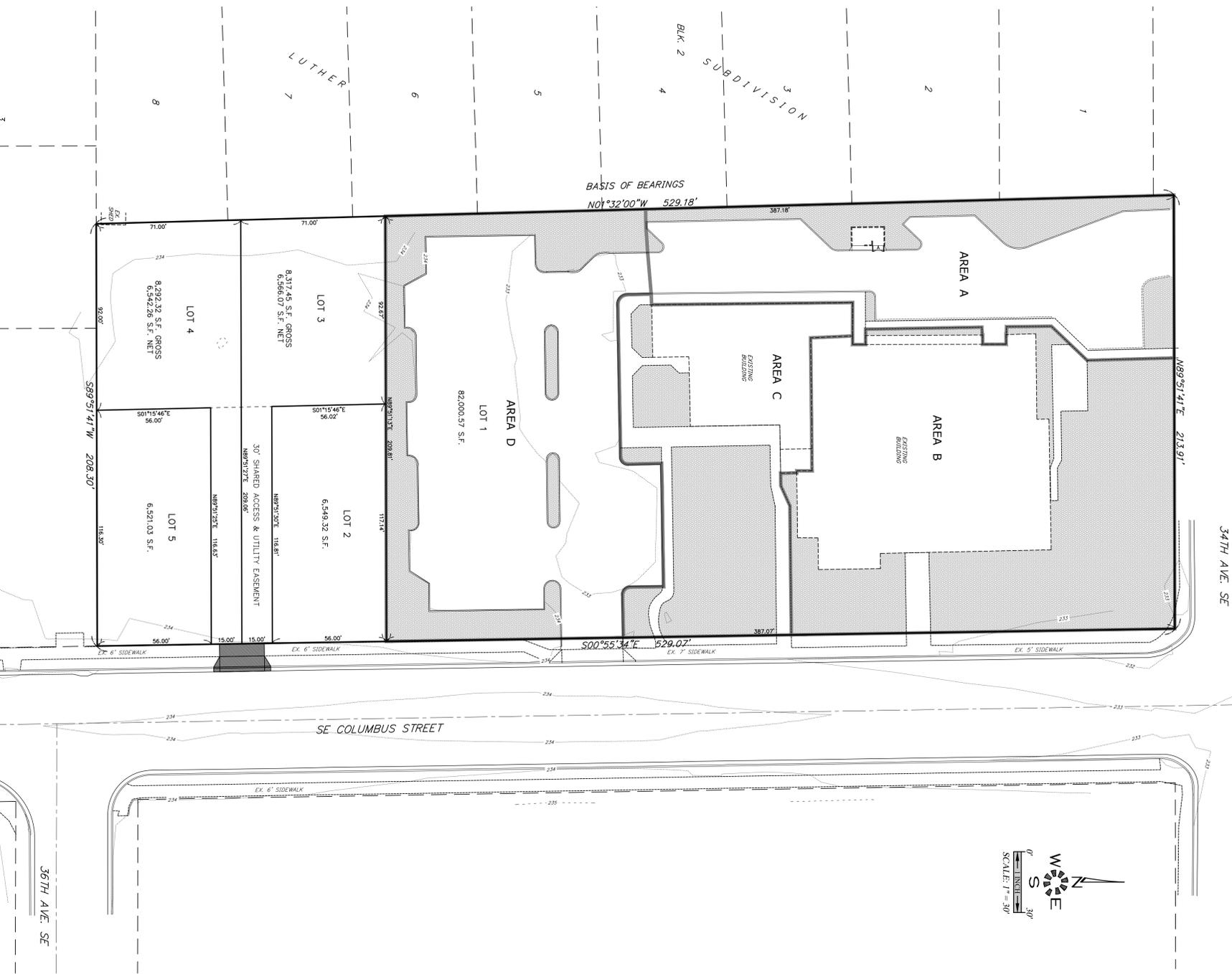
## 1910 34th Avenue SE

### Location / Zoning Map

Owners / Developers:  
**GOOD SHEPHERD**  
**LUTHEREN CHURCH**  
 1910 34TH AVE. SE  
 ALBANY, OREGON 97322

**GOOD SHEPHERD ESTATES**

SEC. 17, T. 11 S., R. 3W., W.M.  
 CITY OF ALBANY  
 OREGON COUNTY, OREGON



AREAS:	S.F.
AREA A:	15,745.7
IMPERVIOUS	12,122.3
AREA B:	26,565.3
IMPERVIOUS	13,796.7
AREA C:	13,641.7
IMPERVIOUS	7,292.0
AREA D:	26,047.8
IMPERVIOUS	19,607.9
LOT 1:	82,000.6
TOTAL IMPERVIOUS	52,819.0
PERVIOUS AREA:	64.4%

**ABBREVIATIONS**

A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACSP	ALUMINIZED CMP	M	METER, MAIN
ASSY	ASSEMBLY	M.H.	MANHOLE
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C.R.G.	CURB & GUTTER	P.C.	POINT OF CURVE
CATV	CABLE TELEVISION	P.C.	POINT OF CONTINUING CURVE
C.B.C.O.	CATCH BASIN CLEANOUT	P.R.C.	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
CMP	CONCRETE METAL PIPE	PUB.	PUBLIC UTILITY EIGHT
C.O.	CLEANOUT	PUB.	PUBLIC UTILITY CHLORIDE
CONC.	CONCRETE	PUE	PROPERTY LINE
CONC.	CONCRETE	P.P.	POWER POLE
D.I.S.T.	DUCTILE IRON	P.L.	PROPERTY LINE
DIA.	DRAWING	R	RADIUS
DWG.	DRAWING	R.O.W.	RIGHT-OF-WAY
E.G.	EDGE OF PAVEMENT	S.M.S. or S.S.	SEWERY
ELEC.	ELECTRIC	S.F.A.	STANDARD
EX.	EXISTING	STD.	STANDARD
EX.	EXISTING	STN. DRN. or S.D.	STATION
FEET	FEET	SW	SEWER
F.F.	FINISH FLOOR	SVC.	SERVICE
F.H.	FORCE MAIN	SW	SIDEWALK
F.M.	FORCE MAIN	TEL.	TELEPHONE
G.V.	GATE VALVE	TEL.	TELEPHONE
IMP.	IMPROVEMENT	UG	UNDERGROUND
INS.	INSERT	W.M.	WATER MAIN
LN	LENGTH, LINE		

**SYMBOLS**

EXIST. PROP.	EXIST. PROP.
BLow OFF ASSY.	MANHOLE SAN. SEWER
CATCH BASIN	MANHOLE STORM DRAIN
CATCH BASIN CLEANOUT	2 DIA. C.O. / M.H.
CATCH BASIN INLET	MANHOLE TELEPHONE
CATV HD. / BOX	REDUCER / INCREASER
CLEANOUT	TEL. HD. / BOX
ELEC. HD. / BOX	TRAFFIC HD. / BOX
FIRE HYDRANT	UTILITY / POWER POLE
GAS LOCATION MARKER	WATER METER
GAS VALVE	WATER VALVE
MAIL BOX	
CABLE TELEVISION	SANITARY SEWER EXIST.
CENTRAL LINE	SANITARY SEWER PROP.
ELECTRICAL LINE	STORM DRAIN PROP.
GAS MAIN	WATER MAIN EXIST.
TELEPHONE LINE	WATER MAIN PROP.

6803P 101PCOV

Design: M.D.G.  
 Drawn: P.H.S.  
 ProjMgr: B.M.G.  
 Date: APRIL 2019  
 Scale: AS SHOWN  
 As-Built: ----

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

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MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED.

**NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE**

**GOOD SHEPHERD ESTATES**

**PRELIMINARY SITE PLAN & COVER SHEET**

**MULTI/TECH**

ENGINEERING SERVICES, INC.

1155 13th ST. S.E. SALEM, OR. 97302  
 PH. (503) 363 - 9227 FAX (503) 364-1260  
 www.mtengineering.net office@mtengineering.net

**P101**

EXPRES 06-30-2019  
 JOB # 6803

# Good Shepherd Estates-Adjustment

October 7, 2019

## **Background:**

The subject property is located at 1910 34<sup>th</sup> Avenue SE (11S03W17CA/Tax Lot 3201). The following are the applicants' statements regarding the Subdivision Criteria (Albany Municipal Code Chapter 11.180).

The City held a pre-application conference (File PR-0086-18) with the applicant's engineering representative, Multi/Tech Engineering, Inc., on November 28, 2018, for the purposes of discussing code requirements for subdivision the subject property.

## **Proposal:**

**The applicant proposes to increase the maximum lot coverage allowed on Lot 1 to 66% where 60% is allowed.**

**Lot 1: 82,000 square feet (Existing Church)**

### Adjustment Application Criteria

- 1. *The adjustment is not requested to avoid a land use review process or increase density; AND***

Applicant Findings: The proposed adjustment is not to avoid a land use review or to increase density. There is an existing church on Lot 1 that will remain. The applicant proposes to increase the maximum lot coverage allowed on Lot 1 to 66% where 60% is allowed.

- 2. *The need for the adjustment 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***

Applicant Findings: The adjustment is needed due to the existing church and parking area located on Lot 1 of the proposed subdivision. In order to create needed single-family lots and not disrupt the existing church, an adjustment to the maximum lot coverage is needed.

- 3. *The adjustment 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.***

Applicant Findings: The adjustment is for the minimum necessary. The applicant proposes to increase the maximum lot coverage allowed on Lot 1 to 66% where 60% is allowed. Therefore, the applicant is only requesting a 6% increase in the maximum lot coverage allowed.