



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-01-20

July 8, 2020

Summary

This application is to adjust the noise setback standards found in ADC 3.320. The subject property is a 6,350 square foot vacant lot located on the corner of Pacific Boulevard and 36th Avenue within the RS-6.5 zoning district. A new single-family residence is proposed on the subject property with a roughly 1,600 square foot building footprint. The subject property abuts Pacific Boulevard, which requires a 25-foot noise setback in addition to the 15-foot front setback required for detached dwellings RS-6.5 Zoning District. The length of the subject property is roughly 87 feet, the proposed structure is roughly 68 feet in length, and the total required setback from Pacific Boulevard is 40 feet. Therefore, an adjustment of 20 feet is required to allow for the construction of a new single-family residence.

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:	Tony Mills, Project Planner
Property Owner/ Applicant:	Justin Tedrow; 805 13 th Avenue NE, Albany, OR 97321
Address/Location	1000 36 th Ave SW Albany, Oregon 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-04W-13DC; Tax Lots 2802
Zoning:	RS-6.5 (Residential Single Family)
Total Land Area:	.14 acres
Existing Land Use:	Vacant
Neighborhood:	West Albany
Surrounding Zoning	North: Residential Single-Family (RS-6.5) District (across 36 th Avenue) East: Light Industrial (LI) District (across Pacific Boulevard) South: Residential Single-Family (RS-6.5) District West: Residential Single-Family (RS-6.5) District
Surrounding Uses:	North: Residential Single-Family East: Personal Storage (across Pacific Boulevard) South: Residential Single-Family West: Residential Single-Family
Prior History:	No prior land use history.

Notice Information

Notices were mailed to surrounding property owners within 100 feet of the subject property on April 23, 2020. At the time the comment period ended May 7, 2020, the Albany Planning Division had received no comments.

Analysis of Development Code Criteria

Section 2.080 of the 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 subject property is situated within the RS-6.5 zoning district and is conforming to the minimum lot standards found in ADC 3.190 Table 1.
- 1.2 In accordance with ADC 3.050, a detached single-family residence is an outright allowed use in the RS-6.5 zoning district.

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 The subject property is a 6,350 square foot vacant lot situated within the RS-6.5 zoning district located on the corner of Pacific Boulevard and 36th Avenue.
- 2.2 Measuring from the eastern property line (abutting Pacific Boulevard) to the western property line the lot is 87.21 feet in length. Per ADC 3.320 the noise corridor setback standard associated with Pacific Boulevard is 25 feet in addition to any setbacks required by the zoning district. A minimum 15-foot front setback is required in the RS-6.5 zoning district. This means that the subject property would require a 40-foot setback from Pacific Boulevard, which is almost half of the length of the property. Additionally, the property is restricted by a five-foot interior setback along the western and southern property lines and a 15-foot front setback along the property line that abuts 36th Avenue.
- 2.3 The proposed building footprint is 1,600 square feet, with approximately 62 feet in length and 26 feet in width.

Conclusions

- 2.1 The need for the adjustment is created by the configuration of the property in relation to the special noise corridor setback along Pacific Boulevard SW.
- 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 A detached single-family residence is an outright allowed use in the RS-6.5 zoning district.
- 3.2 An 80 percent reduction to the noise setback standard is being proposed; meaning the structure will be situated 20 feet from Pacific Boulevard.
- 3.3 The portion of the proposed structure that is situated within the noise setback area will be primarily occupied by an attached garage associated with the single-family residence.
- 3.4 In written findings, the applicant states that they will construct the portion of the residence located in the noise setback area with noise mitigating materials by adding a layer of 5/8" Gypsum Board with Green Glue Noise Proofing Compound. Based on information submitted by the applicant, this building technique will achieve the same noise reduction that a 25-foot setback would achieve.

Conclusions

- 3.1 The approval is for more than 10 percent of the numeric standard.
- 3.2 The request is to reduce the Pacific Boulevard noise corridor setback from 25 feet to 5 feet.
- 3.3 The attached garage will occupy 12 feet of the portion of the structure situated within the noise setback area.
- 3.4 The applicant will soundproof the portion of the structure situated within the noise corridor setback, which will provide noise reduction that is the equivalent of a full 25-foot setback.
- 3.5 This review criterion is met with the following condition.

Condition

- Condition 1 A layer of 5/8" gypsum board with green glue noise proofing compound is required to be installed to manufacturers specifications in the walls of all habitable space situated within the 25-foot noise setback area.

Overall Conclusion

The application requesting a reduction to the noise setback standards (ADC 3.320) for the placement of a single-family residence is approved with conditions.

Overall Conditions

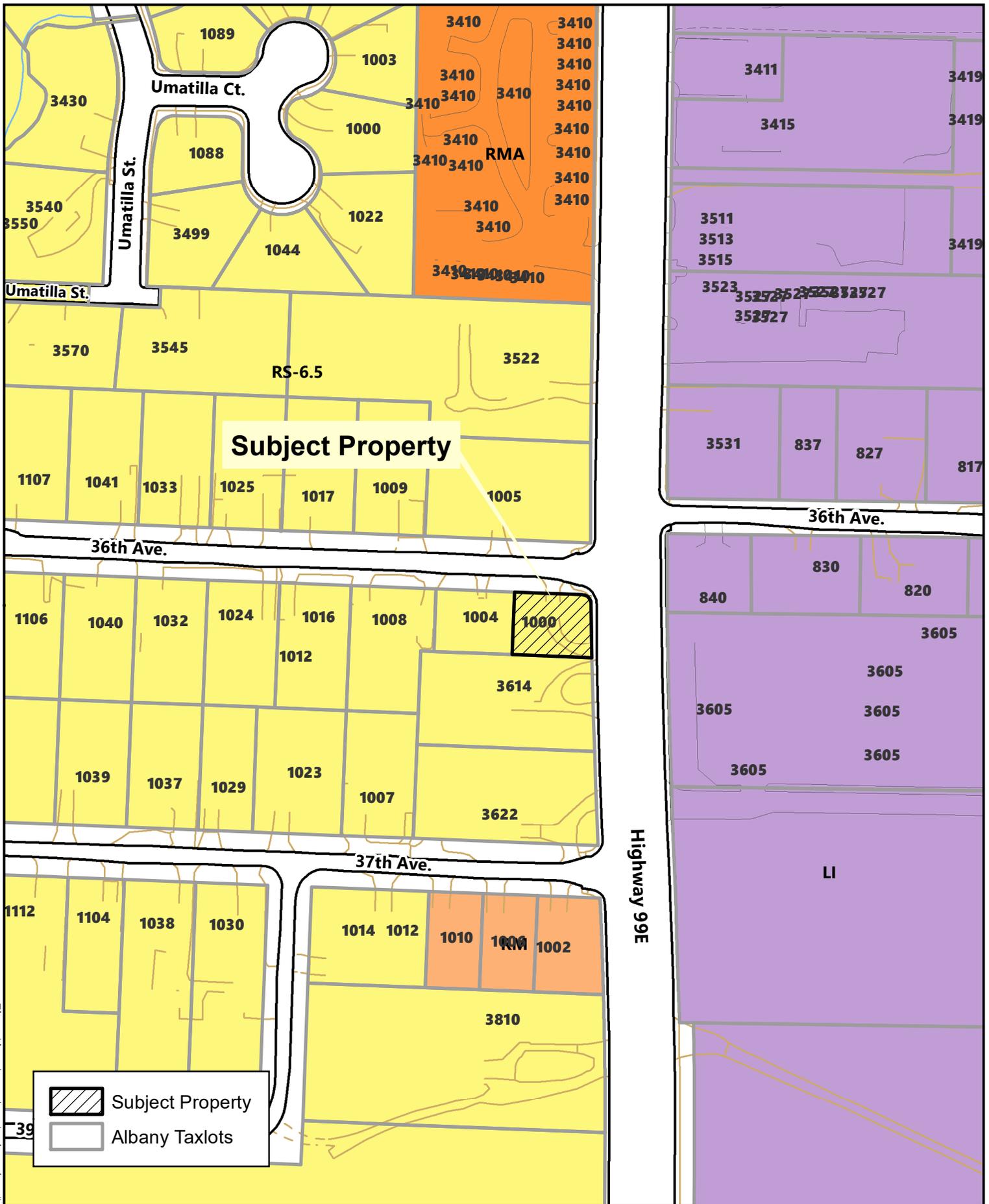
- Condition 1 A layer of 5/8" gypsum board with green glue noise proofing compound is required to be installed to manufacturers specifications along any habitable space situated within the 25-foot noise setback area.

Attachments

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

Acronyms

ADC	Albany Development Code
LI	Light Industrial (Zoning District)
RS	Residential Single Family (Zoning District)



Subject Property

RS-6.5

RMA

36th Ave.

37th Ave.

Highway 99E

LI

 Subject Property
 Albany Taxlots



N 0225 50
 Feet

Location Map: 1000 36th Avenue SW

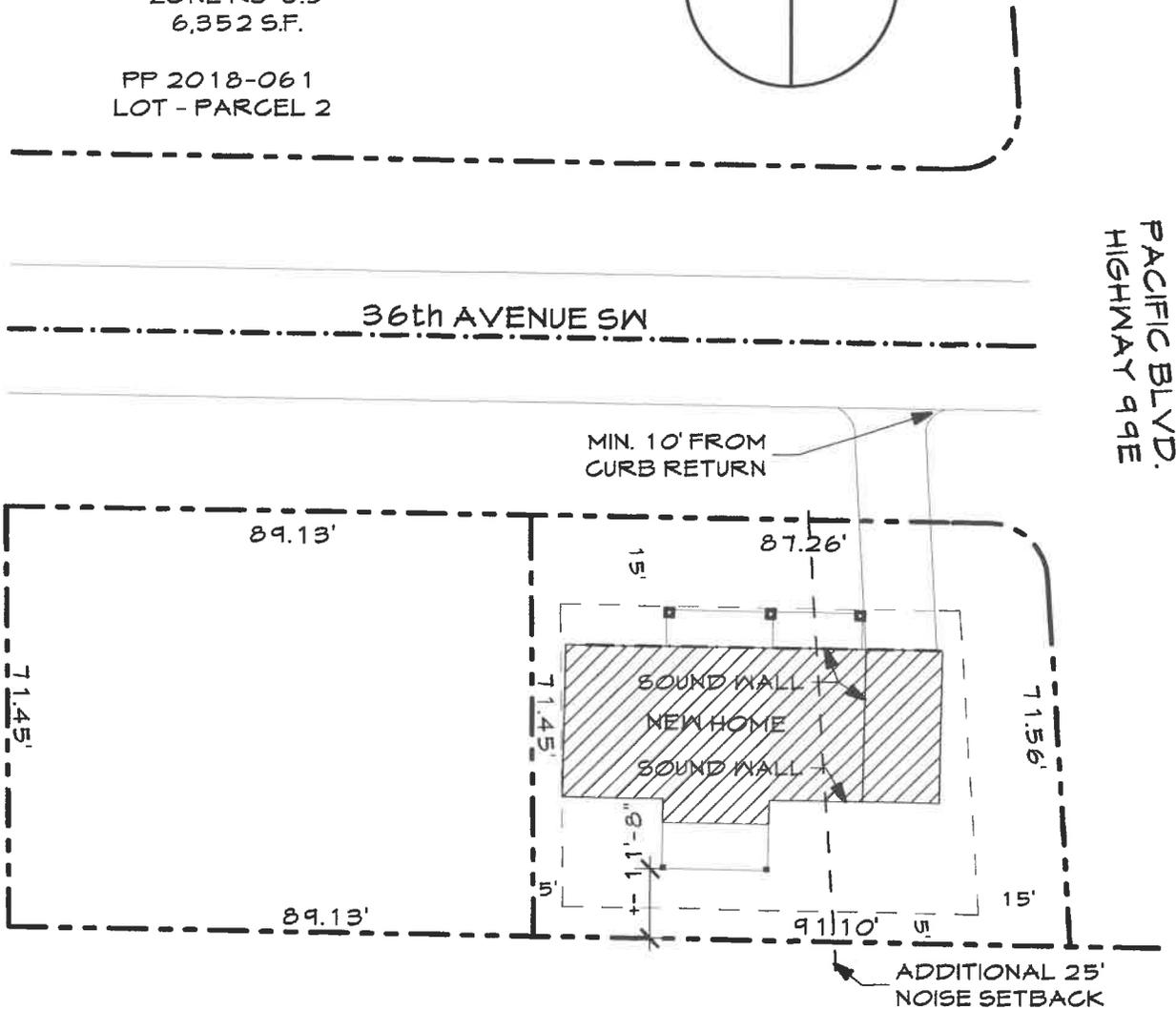
Date: 3/20/2020 Map Source: City of Albany

City of Albany, OR

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1000 36th AVE. SW
ALBANY, OREGON
1 1504W 13DC 02802
ZONE RS-6.5
6,352 S.F.

FP 2018-061
LOT - PARCEL 2



SITE PLAN

SCALE: 1" = 30'

Review Criteria

A Regular Adjustment Application Criteria (Article 2.080)

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

Fact: the adjustment is being requested to allow an alternate means of assuring an equal or greater level of sound reduction as that provided by the 25 ft additional noise setback.

Fact: the adjustment does not increase the density of the development area.

Conclusion: the adjustment is not being requested to avoid a land use review process or increase density.

2 **The need for the adjustment is created by the unusual configuration of the property,**

Fact: the buildable (for habitable space) area of the 6,352 square foot site is reduced to 3,510 square feet by the combined 15 foot yard and 25 foot additional noise setbacks, a 45% reduction.

Fact: the requirement for the driveway to be a minimum of 10 feet from the 36th Ave. return to Santiam Highway combined with the reduced area for habitable development creates an extremely limited building area.

Conclusion: the size of the property, its location adjacent to Santiam Highway and the substantial impact of the 25 foot additional noise setback combine to make the request for adjustment necessary.

3 **The adjustment is the minimum necessary to address the unusual circumstance,**

Fact: as sited, the 25 foot additional noise setback intrudes approximately 8'-10" into the habitable space of the home.

Fact: Sound decreases 6 dB every time the distance is doubled. The Inverse Square Law states that as the distance doubles: The dispersing of a single source spreads over four times the area becoming only $\frac{1}{4}$ of its intensity. Each factor of two in distance from the source leads to a decrease in intensity by a factor of four.

Fact: The 25 foot additional noise setback would reduce the sound intensity by $(25/15) \times 6$ dB for a total of 10 dB.

Fact: The addition of an additional layer of 5/8" Gypsum Board with Green Glue Noise Proofing Compound applied per manufacturers instructions increases the STC value of the wall by 10 points. (soundisolationcompany.com)

Fact: An STC rating roughly equals the decibel (dB) reduction in noise volume a wall or partition can provide. For example, if an 80 dB sound on one side of a wall/floor/ceiling is reduced to 50 dB on the other side, that partition is said to have an STC of 30. ("Sound Transmission – Minnesota Sustainable Housing Initiative")

Conclusion: Allowing the 25 foot additional noise setback to be reduced by approximately 8'-10" with the addition of the proposed noise isolation measures will maintain the level of noise reduction the setback is intended to provide.