



COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Ph: 541-917-7550 Fax: 541-917-7598
www.cityofalbany.net

NOTICE OF FILING

DATE OF NOTICE: August 3, 2016
FILE: MN-01-16
TYPE OF APPLICATION: 375 square-foot canopy expansion to an existing non-conforming use (contractors office) in a residential zone
REVIEW BODY: Staff (Type II process)
PROPERTY OWNER / APPLICANT: Yohn Baldwin, 330 NW Crest Drive, Corvallis, OR 97330
ADDRESS/LOCATION: 422 Cleveland Street SE
MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-05CC; Tax Lot 10000
ZONING: RM (Residential Medium Density) District

The City of Albany has received the application referenced above. We are mailing notice of this application to property owners within 200 feet of the development. We invite your written comments on these applications to be considered when staff makes a decision on these applications. Your comments must relate to the approval standards listed below. Issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient detail to allow the City to respond to the issue. The deadline for submission of written comments is 5:00 p.m. on **August 17, 2016**, 14 days from the date the City mails the Notice of Filing.

All application materials are available for review at the Planning Division, and copies can be obtained for a minimal charge. Should you wish to discuss this case with a planner, please visit our office or call Melissa Anderson, Project Planner, at 541-917-7550. Submit any written comments to the Planning Division; P.O. Box 490; Albany, OR 97321. Any person submitting written comments will receive a copy of the Notice of Decision.

APPROVAL STANDARDS FOR THIS REQUEST:

Albany Development Code (ADC)

NONCONFORMING USE REVIEW (ADC 2.360)

2.360 Nonconforming Use Review Criteria for Type II Decisions. A request will be approved for nonconforming uses if the review body finds that the application meets all of the following criteria:

- (1) The nonconforming use was not created unlawfully. See Section 2.310.
- (2) With mitigation measures, there will not be a net increase in overall adverse impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:
 - (a) Noise, vibration, dust, odor, fumes, glare, and smoke;
 - (b) Potential for increased litter;
 - (c) The amount, location, and nature of any outside displays, storage, or activities;
 - (d) The appearance of the new use or development will not detract from the desired function and character of the zone.
 - (e) The operating characteristics of the proposed use are compatible with the existing and anticipated uses. The hours of operation in residential zones cannot be extended into the period of 11 p.m. and 6 a.m.;

- (f) The street system has adequate capacity to accommodate the use through the horizon year of the current TSP;
- (g) The site has adequate on-site parking to accommodate the development or adequate parking will be provided in accordance with Article 9;
- (h) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion;
- (i) Public services for water, sanitary sewer, stormwater, water management, and for fire and police protection, can serve the proposed use;
- (j) Activities and developments within overlay districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources, (and 7 (Historic), as applicable;
- (k) If a commercial use is proposed in an existing building in an industrial zone, the development shall not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use; and
- (l) Any applicable criteria in (3) and (4) below.

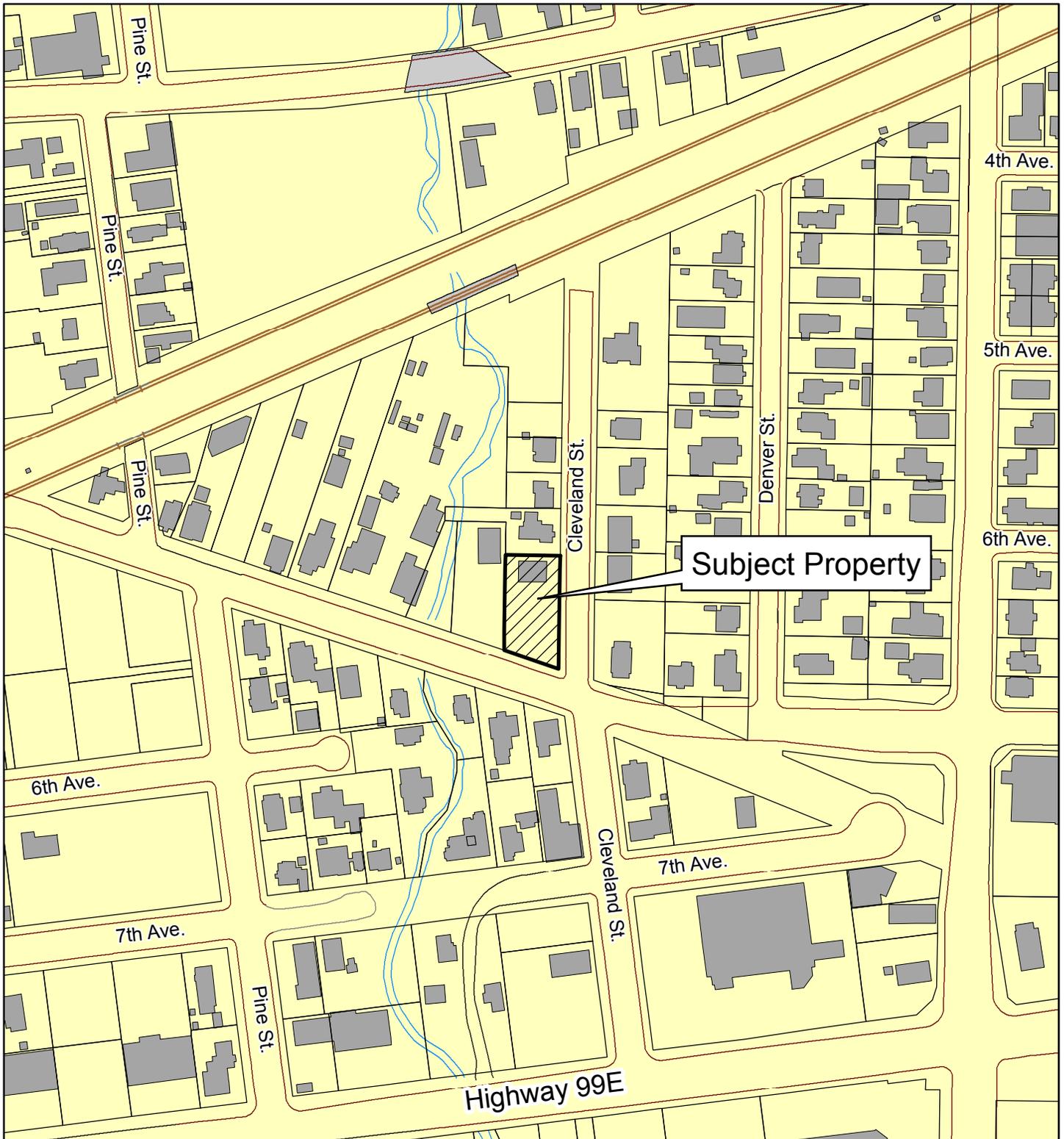
(3) Structural Expansions shall be limited to the following:

<u>Existing Gross Floor Area</u>	<u>% of Expansion Allowed</u>
Buildings under 4,000 sq. ft.	25%
Buildings between 4,000 and 10,000 sq. ft.	20%
Buildings larger than 10,000 sq. ft.	15%

- (a) Nonconforming uses and buildings may expand one time only and must comply with current development standards.
 - (b) Expansion of a nonconforming use onto another site is prohibited, except when:
 - i. The expansion site abuts the site of the nonconforming use; and
 - ii. The expansion site was in the same ownership as the nonconforming site when it became nonconforming; and
 - iii. Prior zoning regulations on the expansion site would have allowed the use; and
 - iv. The expansion is approved through a nonconforming use review.
 - (c) Addition of new residential units to a nonconforming residential use is prohibited.
- (4) Nonconforming Uses or Expansions in Residential Areas. If the nonconforming use is in a residential zone or in a mixed-use zone with residential uses adjacent to the site, the appearance of the new use or development will not lessen the residential character of the area. This is based on taking into account factors such as:
- (a) Building scale, placement, and facade;
 - (b) Parking area placement;
 - (c) Buffering and the potential loss of privacy to abutting residential uses; and
 - (d) Lighting and signs.

ADDITIONAL REVIEW STANDARDS FOR THIS SITE PLAN REVIEW MAY BE FOUND IN ALBANY DEVELOPMENT CODE ARTICLES 1, 2, 3, & 9.

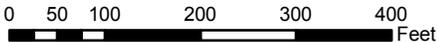
Attachments: Location Map and Site Plan



Location: 422 Cleveland Street SE



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

August 1, 2016

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

