



COMMUNITY DEVELOPMENT

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

Notice of Decision

Site Plan Review

SP-03-18

August 1, 2018

Application Information

Proposal:	Change of occupancy from a church to a residential care facility
Review Body:	Staff (Type I-L review)
Property Owner:	Chris Erickson; 2705 Lawnrige Street SW; Albany, OR 97321
Address/Location	103 Main Street SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S03W06DD; Tax Lots 7000 & 7100
Zoning:	Main Street (MS)

On August 1, 2018, the City of Albany Community Development Director granted **Approval with Conditions** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact Project Planner **Anne Catlin**, at **541-917-7560**, or Bob Richardson, Planning Manager, at 541-917-7555.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the Director's notice of decision is mailed [ADC 1.330(5)(a)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City. This approval expires in three years unless the final plat has been submitted to the City's Planning Division for review and approval.

Public Works / Community Development Director

Appeal Deadline: August 22, 2018

Approval Expiration Date (if not appealed): August 1, 2019

Attachments: Conditions of Approval; Information for the Applicant; Staff Report

cd.cityofalbany.net



Conditions of Approval

- Condition 1: Accessible Parking.** Prior to issuing a certificate of occupancy, accessible parking shall be provided in accordance with the Albany Development Code.
- Condition 2: Consistency with Application and Applicable Laws.** The proposed development shall occur consistent with the plans and written proposal submitted by the applicant, except as modified by approved revisions and conditions of approval, and shall comply with all applicable state, federal, and local laws.
- Condition 3: Operating Characteristics.** Prior to issuing an occupancy permit for the residential care facility, the applicant shall provide a copy of license(s) required by the state or any other agency to operate the facility. This license shall be maintained for the duration of the approved use, and the use shall comply with all local and state requirements for its operation.
- Condition 4: Nonconforming Development Improvements.** If the value of the proposed site improvements is greater than \$25,000, the applicant shall allocate at least 10 percent of costs of improvements over the first \$25,000 towards front yard landscaping per ADC 9.140(1), the buffer standards in ADC 9.240, and bring the parking lot further into compliance with the ADC Section 9.150. If improvements are required, they must be reviewed and approved by Planning Division staff and installed prior to issuance of a certificate of occupancy.



COMMUNITY DEVELOPMENT

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

Information for the Applicant

Albany Helping Hands, 103 Main Street SE, Change of Occupancy (SP-03-18)

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

Planning Division Comments

Land use approval does not constitute Building or Public Works permit approvals.

Albany Building Division Comments

Permits

1. Obtain all Building Permits prior to any construction. Separate applications are required for electrical, fire hydrant/fire water supply lines, fire sprinklers, and fire alarms.

Change of Occupancy

2. A building permit will be required for the change of occupancy and any building changes or requirements necessary to change occupancies.
3. If the proposed total occupant load of the structure will be 10 occupants or less and will not be transient in nature (not less than 30 days), the project can be regulated as a Group R-3 Congregate Living Facility. However, if the occupancy contains occupants that receive custodial care then the occupancy will be required to comply as a Group R-4 occupancy under the Oregon Structural Specialty Code.
4. If the proposed total occupant load will be greater than 10 occupants or transient in nature, then the project shall be regulated under the provisions of the Oregon Structural Specialty Code.

Plan Review for Permits

5. All plans submitted for review for building permits will need to be submitted electronically. Contact ePlans@cityofalbany.net for details and instructions prior to submittal. The plans shall be of sufficient detail to demonstrate compliance with the applicable codes.

Codes

6. The project will be subject to the applicable Oregon Building Code and amendments that are in affect at the time of application for building permits.

APPLICABLE DEFINITIONS

ORSC R201.3 states that terms not defined in the ORSC, but that are defined in the OSSC, shall have ordinarily accepted meanings such as the context implies:

- **Boarding House** is defined by **OSSC 202** as a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.
- **Congregate Living Facilities** are defined by both **OSSC 202** and **ORSC R202** as a building, or part thereof, which contains sleeping units where residents share bathroom and/or kitchen facilities.
- **Family** is defined by **OSSC 202** as an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
- **Lodging House** is defined by **OSSC 202** and **ORSC R202** as any building or portion thereof containing not more than 5 “guest” rooms, where rent is paid in money, goods, labor, or otherwise. The total number of “guests” shall not exceed 16. Lodging houses include “bed and breakfast” and similar uses.
- **Transient** is defined by **OSSC 202** as occupancy of a dwelling or sleeping unit for not more than 30 days.
- **Custodial Care** is defined by **OSSC 202** as assistance with day-to-day living tasks; such as assistance with cooking, taking medications, bathing, using toilet facilities, and other tasks of daily living. Custodial care includes persons receiving care who evacuate at a slower rate and/or have mental and psychiatric complications.

OREGON RESIDENTIAL SPECIALTY CODE (ORSC) LIMITATIONS:

Per R101.1 the scope of the ORSC is specifically limited to:

- Detached 1- and 2-family dwellings and townhouses not more than 3 stories in height and their accessory structures.

By exception to R101.2 it also includes:

- Congregate living facilities up to 10 persons or less. (NO ONE SUPERVISED AND PROVIDED WITH CUSTODIAL CARE)
- Lodging houses with not more than 5 “guest” rooms with a maximum of 16 occupants.
- Residences used for family child care home or foster care per ORS 418, 443, and 657.