Staff Report
Site Plan Review

SP-22-19

December 27, 2019

Summary
This application is for site plan review to construct a new office building and associated parking lot on a developed parcel in the Light Industrial (LI) zoning district. The property is currently utilized by Best Pots as a storage and distribution site for porta-potties and associated waste recycling services. The office use is ancillary to the primary industrial use. The proposed single-story office building totals 4,800 square feet and is 40 feet wide by 120 feet long. Associated site improvements include a parking lot with 11 parking spaces, travel aisle, and installation of curbside sidewalk.

Site plan review criteria contained in Albany Development Code (ADC) 2.450 are addressed for the proposed development in this report. These criteria must be satisfied to grant approval for this application.

Application Information
Proposal: Removal of 1,400 square foot existing office building and construction of a new 4,800 square foot office building and associated parking lot improvements.

Review Body: Staff (Type I-L review)

Property Owners: Rhodaback Family Trust; P.O. Box 444, Albany, OR 97321

Applicant: NW Custom Construction, Inc.; P.O. Box 3049, Albany, OR 97321

Engineer: Brian Estes, K&D Engineering; P.O. Box 725, Albany, OR 97321

Address/Location 100 41st Avenue SE

Map/Tax Lot: Linn County Assessor’s Map No. 11S-03W-19A; Tax Lot 1600

Zoning: Light Industrial (LI) District

Overlay: A small area on the southwest portion of the property is Open Space.

Total Land Area: 1.44 acres

Existing Land Use: Best Pots

Neighborhood: South Albany

Surrounding Zoning North: Light Industrial (LI)
East: LI
South: LI/Open Space (OS)
West: LI/OS

Surrounding Uses:
North: Eco-Flo Solid Waste Facility
East: Vacant land
South: Undetermined
West: Oregon Metallurgical Corporation

Prior History:
An office building was placed on the site from a different location in 1980 and a 36’ x 72’ storage building was approved on site in 1983. In 1991, the property received site plan review approval (SP-68-91) for a change of use from a real estate office and building contractor’s storage lot to an office and storage lot for a portable restroom business and concurrent request to delay paving of the required parking area. A replat to consolidate two parcels into one parcel was approved in 2014 (RL-102-14).

Notice Information
A Notice of Filing for this application was mailed on November 26, 2019, to owners of property located within 300 feet of the subject property. At the time the comment period ended on December 10, 2019, the Planning Division had received no written comments.

Analysis of Development Code Criteria
Section 2.450 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
Public utilities can accommodate the proposed development.

Findings of Fact
Sanitary Sewer
1.1 City utility maps show an 8-inch public sanitary sewer main in 41st Avenue.
1.2 AMC 10.01.010 (1) states that 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.
1.3 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
1.4 The proposed building must be connected to the public sanitary sewer system.
1.5 Sanitary sewer system development charge credits will be available based on the number of wastewater plumbing fixtures in the building to be removed.
Water

1.6 City utility maps show a 12-inch public water main in 41st Avenue.

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

1.8 The proposed building must be connected to the public water system. If the existing water service/meter is to be used for the new building, then no additional water system development charges will be due.

Storm Drainage

1.9 City utility maps show a 24-inch public storm drainage main along the east boundary of the subject property. This main carries stormwater to the south where it ultimately discharges to Oak Creek.

1.10 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. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements. 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.

1.11 ADC 12.530 states that 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.

1.12 ADC 12.560 states that 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.

1.13 The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City’s Engineering Standards.

1.14 The applicant is proposing to collect stormwater from the proposed new impervious surfaces in a new private stormwater collection system and connect to the existing 24-inch public main along the east boundary of the site.

1.15 Because the site is larger than one acre and the amount of new and/or replacement impervious surfaces proposed for the development exceeds 8,100 square feet, stormwater quality facilities will be required.

1.16 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, where more than 8,100 square feet of impervious surfaces will be created or replaced. (Ord. 5841 § 3, 2014).

1.17 The applicant has submitted a preliminary storm drainage plan for the proposed development that includes on-site stormwater quality facilities. Final design details for the proposed stormwater quality
facilities will be reviewed as part of the storm water quality permit that must be obtained before beginning work. The stormwater quality facilities must comply with the City’s Engineering Design Standards.

Conclusions

1.1 Public sanitary sewer, water, and storm drainage facilities are available to serve the proposed development.

1.2 The site is larger than one acre and the proposed impervious surface area exceeds 8,100 square feet

1.3 Stormwater quality facilities will be required for the proposed development. The applicant must obtain a stormwater quality permit before beginning work on the stormwater facilities. Final design details must conform to City engineering standards and will be reviewed as part of the required permit.

Conditions of Approval

Condition 1 Before the City will issue a final occupancy permit, the applicant must obtain a stormwater quality permit from the City’s Public Works Department and construct stormwater quality facilities for the proposed development. The final design of the required stormwater quality facilities must adhere to the City’s engineering standards.

Criterion 2

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

2.1 Findings, Conclusions and Conditions related to stormwater quality facilities are addressed in Criterion 1 and are incorporated here by reference.

Criterion 3

The transportation system can safely and adequately accommodate the proposed development.

Findings of Fact

3.1 The project is located on the south side of 41st Avenue at the terminus of the roundabout. The proposal is to remove an existing 1,400 square foot office building and replace it with a new 4,800 square foot office building and associated parking lot improvements.

3.2 41st Avenue is classified as a local street and, with the exception of sidewalk, is constructed to City standards. Improvements include curb and gutter, a vehicle travel lane in each direction, and on-street parking.

3.3 A portion of the existing cul-de-sac bulb at the end of 41st Avenue and the northeast corner of this site is located outside the existing right-of-way. The applicant has proposed dedication of this area.

3.4 Albany’s Transportation System Plan (TSP) does not identify any level of service or capacity problems adjacent to the site.

3.5 Based on ITE trip generation rates for an office use, the new building will generate an additional 32
vehicle trips per day, of which 5 will occur during the peak p.m. traffic hour.

3.6 ADC 12.060 requires that new development improve all public streets within and adjoining the development.

3.7 ADC 12.290 requires all new development to construct public sidewalk adjacent to all public street frontages.

Conclusions
3.1 The proposed development has frontage on 41st Avenue, which is not fully improved to city standards due to the lack of sidewalk along the frontage of the development site. ADC 12.060 requires that new development improve all adjoining streets to city standards.

3.2 The improvement of 41st Avenue to city standards will require the installation of public sidewalk along the frontage of the development.

3.3 The applicant has proposed dedication of right-of-way at the northeast corner of the site in order to include the existing cul-de-sac bulb and proposed sidewalk improvements within public right-of-way.

3.4 Albany’s Transportation System Plan does not identify any level of service or capacity problems adjacent to the site.

3.5 This criterion can be met with the following conditions.

Conditions of Approval
Condition 2 Prior to issuance of the final certificate of occupancy, the applicant shall construct a five-foot sidewalk along the frontage of the site.

Condition 3 Prior to issuance of the final certificate of occupancy, the applicant shall dedicate right-of-way at the northeast corner of the site for the cul-de-sac bulb on 41st Avenue as shown on the tentative site plan. The right-of-way radius shall be 60 feet.

Criterion 4
Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

Findings of Fact
4.1 The property is accessed via an existing driveway approach to 41st Avenue. The applicant has proposed to reconstruct the approach. The driveway approach shown on the site plan complies with the design and spacing standards of ADC 12.100 (1) – (11).

4.2 Per Table 9-1 of the ADC, office uses require one parking space per 400 square feet of building space. The proposed building is 4,800 square feet, which equates to twelve require parking spaces. Only eleven parking spaces are proposed. However, 9.020(1) allows certain building areas, such as restrooms, to be deducted from the total floor area for the purposes of required parking spaces. The building floor plans show that restrooms account for over 200 square feet of the floor area. This reduces the required number of parking spaces to eleven. This standard is met.

4.3 Parking area improvements standards are found in ADC 9.120. Those standards that staff have determined require additional clarification regarding the proposed improvements are listed below. Otherwise, either the proposal meets the standard or the standard is not applicable to the proposal.
4.4 ADC 9.120(4) pertains to drainage and stormwater quality facilities. Findings and conditions related to drainage and stormwater quality are addressed in Criterion 1 and 2 and are incorporated here by reference.

4.5 ADC 9.120 (10) states that when “an existing or proposed parking area is adjacent to a developed or undeveloped site within the same zoning district, any modification to the parking areas must be designed to connect to the existing or future adjacent parking area. This requirement may be waived by the Director when it is deemed impractical or inappropriate due to the nature of the adjoining uses.” The adjoining uses are industrial in nature, which typically do not necessitate interconnected parking lots unless there is a need to reduce vehicle trips to the public street. There are no traffic safety issues on this portion of 41st Avenue and therefore an interconnected parking lot is not required.

4.6 ADC 9.120 (12) and (15) pertains to ADA compliant parking spaces and ADA compliant pedestrian access to the public right-of-way. The site plan (Attachment B) indicates ADA parking spaces and a pedestrian walkway will be provided. Their conformance with the Oregon Structural Specialty Code will be assessed at time of building permit.

4.7 Per ADC 9.120 (13), one bicycle parking space is required for every ten vehicle parking spaces. The proposal requires eleven vehicle parking spaces; therefore, one bicycle parking space is required. The applicant’s site plan indicates bicycle parking is provided on the north side of the building. However, this area does not appear to be sheltered as required by ADC 9.120 (13)(h). A condition of approval will ensure this standard is met.

4.8 ADC 9.120(14) states that “any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect the light away from any abutting or adjacent properties.” New lighting is not proposed for the parking area. If the applicant later decides to install new lighting for the parking area, the location and type of lighting can be assessed at time of building permit for conformance with this standard.

4.9 The parking lot plan complies with the travel aisle and stall dimensional standards found in ADC 9.130.

Conclusions

4.1 The proposal will reconstruct an existing driveway approach to 41st Avenue. The driveway approach complies with the design and spacing standards of ADC 12.100 (1) – (11).

4.2 The proposal is not required to connect to an existing or future adjacent parking area.

4.3 ADA compliance will be assessed at time of building permit.

4.4 Based on the information provided, staff could not determine whether the proposed bicycle parking space is sheltered as required by ADC 9.120(13)(h).

4.5 The parking lot plan complies with the travel aisle and stall dimensional standards contained in Section 9.130 of the Development Code.

4.6 This criterion can be satisfied with the following conditions.

Conditions of Approval

Condition 4 Prior to issuance of a building permit, the applicant shall submit details of the bicycle parking rack and overhead canopy to the Community Development Department for review and approval. The bicycle parking area shall meet the requirements of ADC 9.120(13)(e)-(h).
Condition 5  Prior to issuance of an occupancy permit, the applicant shall obtain an encroachment permit from the Public Works Department and reconstruct the site’s driveway approach to 41st Avenue as shown on the approved site plan.

Criterion 5
The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

Findings of Fact
5.1 Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses, as well as with the natural environment. Site Plan Review is not intended to evaluate the proposed use or structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. Where conflicts are identified, mitigation can be required through conditions of approval.

5.2 Design and Operating Characteristics. The subject property is zoned LI. The site is used by Best Pots for storage of porta-potty rental units, waste processing, office space and storage of miscellaneous equipment. The primary use is classified as “Waste and Recycling Related,” which is allowed with Site Plan review approval in the LI zoning district. The proposed office is ancillary to the existing use.

5.3 Surrounding Property. The site is surrounded by LI zoned property to the west, north, and east. The property to the south is zoned both LI and OS. Similarly, the area is comprised almost entirely of industrial uses, save the mostly vacant parcels to the west and south. The design and operating characteristics of the office building are consistent with these industrial uses in that the office is ancillary to the primary industrial use.

5.4 Setbacks. The minimum setback from a front property line is 15 feet in the LI zoning district. Because the property does not abut a residential zoning district, there is no interior setback requirement. As shown in the site plan (Attachment B), the proposed office building is located approximately 70 feet from the front property line and 9.5 feet from the closest side property line. Therefore, the setback standards are met.

5.5 Building Height. According to the applicant’s elevation drawings (Attachment C), the proposed building height is approximately 16 feet 7 inches. There is no maximum height standard for the LI district. This standard is not applicable.

5.6 Lot Coverage. There is no maximum lot coverage standard for the LI district. The applicant provided calculations for new and/or replaced impervious surface areas in order to quantify stormwater quality requirements. This standard is not applicable.

5.7 Landscaping. ADC 9.140(2) requires that all required front and interior setbacks (exclusive of access ways and other permitted intrusions) are landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped. The applicant did not provide landscaping plans. A condition of approval will require that the applicant provide landscaping and irrigation plans for review.
5.8 Parking Lot Landscaping. Parking lots must be landscaped in accordance with ADC 9.150.

- ADC 9.150(1) requires that parking areas be divided into bays of not more than 12 parking spaces and that both ends of each parking bay shall be curbed with planters at least five feet wide, excluding the curb. Each planter shall contain one canopy tree at least ten feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. The applicant’s site plan demonstrates that parking bays do not exceed 12 parking spaces. The east end of the north parking bay is not bordered by a curbed planter. This is done to accommodate a pedestrian walkway to the street and therefore is not required in this location. However, a curbed planter is not shown at the south end of the west parking bay. A condition of approval will require a planter in this location.

- ADC 9.150(2) requires that both sides of a parking lot entrance are bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted. The applicant proposes to reconstruct the existing driveway approach in the same location. Therefore, this standard is not applicable.

5.9 Irrigation System. ADC 9.160 states that all required landscape areas be provided with a piped underground irrigation system unless certified drought-tolerant plantings are used. The applicant did not provide an irrigation plan. Condition 6 requires submittal and approval of an irrigation plan.

5.10 Environmental Standards. ADC 9.440 - 9.500 include environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of the proposed office use is like other industrial operations in the surrounding area that also provide office space for the primary industrial use on the site. The office building is unlikely to generate noise levels that exceed noise levels that are typical for industrial areas. Likewise, the office building is not anticipated to create visible emissions, vibrations, odors, glare, heat, or hazardous waste. Attraction of rodents or insects is also not anticipated.

5.11 Outside Storage. ADC 4.290(4) states that outside storage is allowed in the LI zone in front and interior yards outside of the required setbacks. Outside storage in the front yard must be screened from public rights-of-way with a sight-obscuring fence, wall, hedge, or berm made of non-combustible material. No outside storage is proposed in conjunction with the office building. This standard is not applicable to the proposal.

5.12 Refuse Containers. ADC 4.300 requires that any refuse container or disposal area that would otherwise be visible from a public street, customer, resident parking area, public facility, or any residential area must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. All refuse materials must be contained within the screened area. No refuse containers are proposed in conjunction with the office building. This standard is not applicable to the proposal.

Conclusions

5.1 The proposal is to construct an office building that will serve the primary industrial use, which is allowed through site plan review. The design and operating characteristics of the proposed development are like other industrial operations in the area.

5.2 The proposal meets the standards for building height, lot coverage, setbacks, and environmental standards.
5.3 Lighting, outside storage, and refuse containers are not proposed in conjunction with the office building.

5.4 A curbed landscape planter shall be installed at the south end of the side parking bay in accordance with ADC 9.150(1).

5.5 Landscape and irrigation plans were not provided. The applicant shall install landscaping and irrigation in accordance with ADC 9.140(2).

5.6 The proposed development will be compatible with existing or anticipated uses in terms of size, building style, intensity, setbacks, and landscaping when the following conditions are met.

Conditions of Approval

Condition 6 Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan must be consistent with the landscaping standards of ADC 9.140(2), landscape parking lot standards of ADC 9.150, and irrigation standards of ADC 9.160.

Condition 7 Prior to issuance of the final certificate of occupancy, all proposed and required site improvements (e.g. parking, bicycle shelters, landscaping, etc.), shall be constructed and completed in accordance with the approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.

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

Findings of Fact

6.1 Article 4 Airport Approach district: According to Figure 4-1 of the ADC, the subject property is not located in the Airport Approach district.

6.2 Article 6 Steep Slopes, Comprehensive Plan Plate 7: shows that there are no areas of steep slopes on the subject property.

6.3 Article 6 Floodplains, Comprehensive Plan Plate 5: does not show the subject site in a 100-year floodplain. FEMA/FIRM Community Panel No. 41043C0526G, dated September 29, 2010, shows that the entirety of the subject property is located outside the 100-year floodplain.

6.4 Article 6 Wetlands, Comprehensive Plan Plate 6: does not show any wetlands on the subject site; the National Wetlands Inventory does not show any wetlands on the property.

6.5 Article 7 Historic Districts, Comprehensive Plan Plate 9: shows the subject property is not in any historic district. There are no known archaeological sites on the property.

Conclusions

6.1 The site is not located within any special purpose district. This criterion is not applicable.

Criterion 7 The site is in compliance with prior land use approvals.
Findings of Fact and Conclusions
7.1 In 1991, the property received site plan review approval (SP-68-91) for a change of use from a real estate office and building contractor’s storage lot to an office and storage lot for a portable restroom business and concurrent request to delay paving of the required parking area. A condition of approval required the construction of four-foot sidewalk along the property frontage and, presumably, dedication of right-of-way to accommodate the sidewalk. These improvements were never completed. Condition 2 and Condition 3 of this review address both sidewalk construction and right-of-way dedication, negating any need for retroactive enforcement of the original condition.

7.2 This standard is met without conditions.

Criterion 8
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 Conclusions
8.1 The site is not considered nonconforming. This criterion is not applicable.

Overall Conclusion
As proposed and conditioned, the application for the Site Plan Review of a new office building and associated parking lot improvements satisfies all applicable review criteria as outlined in this report.

Conditions of Approval
Condition 1 Storm Drainage Facilities. Before the City will issue a final occupancy permit, the applicant must obtain a stormwater quality permit from the City’s Public Works Department and construct stormwater quality facilities for the proposed development. The final design of the required stormwater quality facilities must adhere to the City’s engineering standards.

Condition 2 Sidewalk. Prior to issuance of the final certificate of occupancy, the applicant shall construct a five-foot sidewalk along the frontage of the site.

Condition 3 ROW Dedication. Prior to issuance of the final certificate of occupancy, the applicant shall dedicate right-of-way at the northeast corner of the site for the cul-de-sac bulb on 41st Avenue as shown on the tentative site plan. The right-of-way radius shall be 60 feet.

Condition 4 Bicycle Parking. Prior to issuance of a building permit, the applicant shall submit details of the bicycle parking rack and overhead canopy to the Community Development Department for review and approval. The bicycle parking area shall meet the requirements of ADC 9.120(13)(e)-(h).

Condition 5 Encroachment Permit. Prior to issuance of an occupancy permit, the applicant shall obtain an encroachment permit from the Public Works Department and reconstruct the site’s driveway approach to 41st Avenue as shown on the approved site plan.

Condition 6 Landscaping. Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The
plan must be consistent with the landscaping standards of ADC 9.140(2), landscape parking lot standards of ADC 9.150, and irrigation standards of ADC 9.160.

Condition 7  Site Improvements. Prior to issuance of the final certificate of occupancy, all proposed and required site improvements (e.g. parking, bicycle shelters, landscaping, etc.), shall be constructed and completed in accordance with the approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.

Attachments
A. Location Map  
B. Site Plan  
C. Building Elevations

Acronyms
ADA    Americans with Disabilities Act  
ADC    Albany Development Code  
AMC    Albany Municipal Code  
FEMA    Federal Emergency Management Agency  
FIRM    Flood Insurance Rate Map  
ITE    Institute of Transportation Engineers  
LI    Light Industrial Zoning District  
OS    Open Space Zoning District  
ROW    Right of Way  
SP    Site Plan Review File Designation  
TSP    Transportation Systems Plan