



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Site Plan Review

SP-26-19

May 26, 2020

### Application Information

Proposal:	Remove the existing accessory building and construct a new 1,920 square foot accessory building (48 feet x 40 feet)
Review Body:	Staff (Type I-L review)
Applicant/Property Owner:	Amber & Brad Creager; 2501 Crocker Lane NW, Albany, OR 97321
Address/Location	2501 Crocker Lane NW
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-36; Tax Lot 700
Zoning:	Residential Single Family (RS-10)
Overlay Districts:	Hillside, Wetland, Riparian
Total Land Area:	6.64 acres
Existing Land Use:	Single-family residence
Neighborhood:	North Albany
Surrounding Zoning	North: Residential Single Family (RS-10) District East: RS-10 South: RS-10 West: RS-10
Surrounding Uses:	North: Single-family residence East: Single-family residence/Vacant South: Single-family residence/Vacant West: Crocker Lane/Single-family residences
Prior History:	Prior land use history could not be located

### Summary

The proposal is to remove an existing accessory structure and replace it with a 1,920 square-foot accessory structure with a wall height of 17 feet and an overall height of 23 feet (Attachment B.1 & B.2). The subject property is 6.64 acres. The south and east portions of the property are encumbered with wetlands and a Riparian Corridor overlay and the central part of the property is encumbered with steep slopes.

The property is zoned Residential Single Family, RS-10. Accessory buildings in residential districts that are 750 square feet or larger or have walls taller than 11 feet are allowed outright in the RS-10 zone if they meet compatibility standards in Section 3.080(9) of the Albany Development Code (ADC). The application materials demonstrate that the proposed accessory structure satisfies applicable RS-10 district development standards, such as those relating to setbacks, lot coverage, and maximum building height. However, the proposed structure does not meet compatibility standard ADC 3.080(9)(e) regarding building material compatibility and must be reviewed for conformance with special purpose district standards per ADC 3.080(9)(f).

Because the proposal does not meet these compatibility standards, site plan review is required. Therefore, this report evaluates the proposal for conformance with the applicable Site Plan Review criteria in Section 2.450 of the ADC.

The analysis in this report finds that all applicable standards and criteria for a Site Plan Review are met.

## Notice Information

A Notice of Filing was mailed to property owners located within 100 feet of the subject property on April 15, 2020. At the time the comment period ended on April 29, 2020, the Albany Planning Division had received written comments from one member of the public. Those comments, along with staff response, are summarized below. The entirety of the written comments can be found in Attachment C of this report.

**Comment #1:** The only entrance/exit to the property is via a narrow, single-lane driveway located entirely on the property at 2547 Crocker Lane NW. Heavy equipment, new and demolished building materials, and construction crews and their vehicles will all be coming in and out of the driveway located at 2546 Crocker Lane NW.

**Staff Response:** Staff confirmed that the subject property is accessed via an existing shared paved driveway from Crocker Lane NW located on the abutting property to the north. Based on aerial photography the development and use of the shared driveway predates North Albany's annexation into the City in the early 1990's. Any access right issues regarding the shared driveway is between the two private property owners and is a civil matter. The City does not have the ability or jurisdiction to respond to the legality of the shared access.

**Comment #2:** There is insufficient parking at 2501 Crocker Lane NW to accommodate a construction project. Concerns would include construction crews using the adjacent property located at 2547 Crocker Lane NW for their parking lot, equipment storage, and breaks.

**Staff Response:** Any member of the public who believes their personal property is being damaged or who believes people may be trespassing on their property is encouraged to contact the Albany Police Department.

**Comment #3:** Additional questions regarding the proposed project would include the purpose of the rooms proposed to be built above the loft section of the proposed structure. At this point, there is essentially no room for additional parking. If they intend to use the additional rooms for something to the effect of an Airbnb or large gatherings, then it is a matter of concern due to the additional traffic that would be coming in and out of the driveway.

**Staff Response:** As proposed, the proposed loft area does not qualify as an additional dwelling unit. Subsequently, it is considered accessory to the primary structure (e.g. house) and therefore additional parking is not required. The City does not regulate short-term rentals, such as Airbnb. However,

overnight stays in the loft area would not be permitted without meeting the Oregon Building Code.

Comment #4: The Creager's extended their barn over the property line last year, creating an encroachment that will undoubtedly be an issue when the time comes to sell our property.

Staff Response: In 2018, the City opened a compliance case (CC-60-18) to investigate whether the barn addition was being constructed over a property line and/or in conformance with the City of Albany building setback standards. At the time, the owner of the barn demonstrated that the building addition met the required setback from the property line.

## Analysis of Development Code Criteria

Section 2.450 of the Albany Development Code (ADC) includes the following review criteria that must be met for this application to be approved. Code criteria are written in **bold** 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 eight-inch public sanitary sewer main in Crocker Lane. The existing house on the site is currently connected to the public sewer system.

##### *Water*

1.2 City utility maps show a 12-inch public water main in Crocker Lane. The existing house on the site is currently served by the public water system.

##### *Storm Drainage*

1.3 City utility maps show a combination of ditches and culverts along this section of Crocker Lane. The subject property generally slopes northwest to southeast, away from Crocker Lane.

1.4 Roof drainage must be accommodated according to the building code.

#### Conclusions

1.1 Public sanitary sewer and water currently serve the existing dwelling on the site.

1.2 No stormwater quality facilities will be required for this project.

1.3 The applicant must accommodate roof drainage from the proposed structure according to building code requirements.

1.4 This criterion is met with the following condition.

#### Condition

Condition 1: Before building permits will be issued the applicant must submit a drainage plan for the proposed development showing how roof drainage from the proposed structure will be accommodated in conformance with building codes and City 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 Because the area of proposed impervious surfaces with this project will not exceed 8,100 square feet, no stormwater quality facilities will be required.

### Conclusions

- 2.1 The proposed development is exempt from the City's Stormwater Quality requirements.
- 2.2 This criterion is not applicable.

## Criterion 3

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

### Findings of Fact

- 3.1 The proposed accessory building will be constructed on property that is located on the east side of Crocker Lane at the intersection of Robin Hood Lane and Crocker Lane (Attachment A).
- 3.2 Crocker Lane is classified as a Major Collector and is not improved to City standards. The street is paved to a width of approximately 25 feet. There are no other improvements.
- 3.3 Albany uses the Institute of Transportation Engineer Trip Generation manual to estimate trip generation for new development. Trip generation for single-family residential development is based on the number of dwelling units. This accessory building replaces an existing garage, will not increase the number of dwelling units located on the site, and therefore will not generate additional vehicle trips on the transportation system.
- 3.4 Albany's Transportation System Plan (TSP) does not identify any level of service or safety problems along the frontage of the site.
- 3.5 The City does not require street improvements with the addition of an accessory structure.

### Conclusions

- 3.1 Because no additional dwelling units are proposed as part of this review, no new vehicle trips or impacts to the transportation system are anticipated.
- 3.2 This review criterion is met without conditions.

## Criterion 4

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

### Findings of Fact

- 4.1 No new driveway connections or modifications are proposed with the development.

- 4.2 The subject property is accessed via an existing shared paved driveway from Crocker Lane NW. The access is located on the abutting property to the north. Based on aerial photography the development and use of the shared driveway predates North Albany's annexation into the City in the early 1990's.
- 4.3 The owners of the property to the north have indicated that no shared access easement exists and have requested that this development provide a new driveway connection to Crocker Lane somewhere along the development's frontage.
- 4.4 Any access right issues regarding the shared driveway is between two private property owners and a civil matter. The City does not have the ability or jurisdiction to respond to the legality of the shared access.
- 4.5 Albany's development code does not require that new accessory structures be provided with direct vehicular access via a driveway to the structure. In this case the proposed structure will not modify the existing shared access nor is it expected to intensify the use of the site; the site will continue to be occupied by one single family home. The City does not have the ability to force resolution of the current dispute over the shared driveway by withholding approval for the construction of an accessory building that won't modify the driveway or increase the intensity of its use.
- 4.6 In the event that a future negotiation or legal proceeding results in the need for creation of a new driveway along the frontage of this site, the subject property has sufficient street frontage and lot area to construct a new driveway and approach.
- 4.7 The Albany Development Code does not specify a parking requirement for residential accessory structures. No additional parking is required.
- 4.8 ADC 3.250 states that "required parking spaces, driveways or travel aisles for residential development shall not be located in a required front or interior setback except that circular driveways providing drop-off service to the front door and driveways providing access to garages and carports or driveways that serve as required parking for any residential development may be used to fulfill the requirements." No changes are proposed to existing driveway and its location predates the property's annexation. This standard is not applicable.
- 4.9 ADC 12.100(1) requires that approaches and driveways to City streets and alleys must comply with the City's Standard Construction Specifications, which require, in part, that driveways be paved at least 20 feet as measured from the right of way line (i.e. property line). No changes are proposed to the existing driveway.
- 4.10 ADC 12.100(2) regards required driveway widths at the point of the public right of way. The driveway access is existing, and no changes are proposed to the access.
- 4.11 ADC 12.100(3) requires driveways to be located as far as practical from a street intersection and that in no instance shall the distance from the intersection of a collector street be less than 20 feet. The existing driveway is located more than 100 feet from the nearest intersection at Robin Hood Lane and Crocker Lane.
- 4.12 ADC 12.100(4) – (11) regards standards that are not applicable to this application, such as access to an arterial street, commercial developments, and required common access points.

## Conclusions

- 4.1 Access to the site is via an existing driveway. No changes are proposed to the driveway and the proposed development will not intensify its use.
- 4.2 Albany's Transportation System Plan (TSP) does not identify any level of service or safety problems along the frontage of the site.
- 4.3 This review criterion is met without conditions.

## 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 Residential accessory structures not meeting compatibility standards require Site Plan Review. The proposed structure does not meet compatibility standard ADC 3.080(9)(e) regarding building material compatibility. Specifically, the proposed metal siding and metal roof is not the same material as the primary structure. Therefore, site plan approval is required.
- 5.2 Surrounding development and land uses consist primarily of single-family houses. Properties on the east side of Crocker Lane are significantly larger than the standard city lot and consists of large areas of open space. Properties on the west side of Crocker Lane are more typical of standard city lot sizes. Owing to the diversity in lot sizes and house styles, there is no dominating character or prevailing design aesthetic in the immediate vicinity.
- 5.3 The primary structure has blue cedar shake siding and a dark grey asphalt shingle roof. The applicant's Residential Accessory Structure Compatibility Worksheet (Attachment B.3) indicates that the proposed accessory structure will have grey metal siding and a charcoal grey metal roof. Due to the existing vegetation and elevation changes between the road grade and building area, the applicant's house and existing accessory structure is not readily visible from the public right-of-way.
- 5.4 The proposed accessory structure will be 17 feet tall at the wall eave with an overall height of 23 feet at the peak of the roof. The applicant's Residential Accessory Compatibility Worksheet indicates that the tallest building on the adjacent property is approximately 30 feet. That building is located at 2462 NW Violet Avenue. Thus, the proposed structure is shorter than the tallest adjacent building.
- 5.5 The proposed accessory structure is 1,920 square feet (48 feet x 40 feet). According to the applicant's Residential Accessory Structure Compatibility Worksheet, the foundation size of the largest building on adjacent property is 3,832 square feet. This building is also located at 2462 NW Violet Avenue. However, Benton County Tax Assessor records indicate this structure has a foundation size of only 2,230 square feet. Regardless, the foundation size of the applicant's accessory structure is less than that of the largest building on adjacent property.
- 5.6 Maximum lot coverage for parcels zoned RS-10 is 50 percent. Lot coverage for single-family, detached development shall only include the area of the lot covered by buildings and structures. According to the applicant's Residential Compatibility Worksheet, the foundation area of all buildings on the subject property will total 5,635 square feet after construction of the proposed accessory structure. The lot is 6.64 acres (289,283 square feet). This equates to a lot coverage of approximately 1.9 percent, well below the 60 percent threshold.

- 5.7 The RS-10 zone has a minimum front setback of 20 feet and an interior setback of five feet for accessory structures with walls greater than eight feet. The applicant's Residential Accessory Structure Compatibility Worksheet indicates that the proposed accessory structure is set back at least 20 feet from the front lot lines and at least five feet from the interior lot line (Attachment B.3).

## Conclusions

- 5.1 Residential accessory structures not meeting compatibility standards require Site Plan Review.
- 5.2 The proposal meets the development standards for the RS-10 zone regarding maximum height, lot coverage, and setbacks.
- 5.3 The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses.
- 5.4 The proposed building is shorter than the tallest building on an adjacent property.
- 5.5 The proposed accessory structure has a combined foundation area that is less than the foundation area of the largest adjacent building.
- 5.6 This criterion is met with the following condition.

## Conditions

- Condition 2 Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval and shall comply with all applicable state, federal, and local laws.

## 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 within the Airport Approach District.
- 6.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* According to Plate 7 of the Comprehensive Plan, the subject property is located in the Hillside Development district. The applicant submitted a topographic survey (Attachment B.4) that demonstrates the building site is not located on steep slopes.
- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* Article 6 Floodplains, Comprehensive Plan Plate 5, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0195H and 41043C0211H, dated December 8, 2016 show that the entirety of the 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. However, the City completed a subsequent wetland study in North Albany that shows insignificant local wetlands on the property. The National Wetland Inventory Map also shows wetlands on the property. The building site is located at least 100 feet from the wetland area and approximately 30 feet uphill from the wetlands.

- 6.5 The Planning Division sent a wetland land use notice to Oregon Department of State Lands (DSL) on April 23, 2020. DSL responded (DSL file no. WN2020-0299) and stated that the proposal “does not appear to impact jurisdictional wetlands, waterways or other waters of the state (Attachment D).”
- 6.6 *Article 6:* The subject property is partially located in a Riparian Corridor overlay. However, the building location is over 100 feet from the boundary of the Riparian Corridor. Therefore, no adverse impacts are anticipated.
- 6.7 *Article 6:* The subject property is not located in the Willamette River Greenway, Open Space Zoning, or Habitat overlay district.
- 6.8 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* shows the subject property is not in an Albany historic district. There are no known archaeological sites on the property.

## Conclusions

- 6.1 The proposed structure is not located in the Airport Approach District, Willamette River Greenway, Open Space Zoning, or Habitat overlay district.
- 6.2 Wetlands are shown on the subject property on the U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map. The proposal does not displace or disturb these wetlands.
- 6.3 The subject property is partially located in a Riparian Corridor overlay. The building location does not adversely impact or impede into the Riparian Corridor.
- 6.4 This criterion is met without conditions.

## Criterion 7

**The site is in compliance with prior land use approvals.**

### Findings of Fact and Conclusions

- 7.1 The subject property is not subject to a prior land use approval.
- 7.2 This criterion is not applicable.

## 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 Single-family residential use and accessory buildings are permitted uses in the RS-10 zone. The site and proposed use are not considered nonconforming.
- 8.2 This criterion is not applicable.

## Overall Conclusion

As proposed and conditioned, the application for Site Plan Review to construct a 1,920 square-foot accessory structure with a wall height of 17 feet and an overall height of 23 feet, satisfies all applicable review criteria as outlined in this report.

## Overall Conditions

- Condition 1 Before building permits will be issued the applicant must submit a drainage plan for the proposed development showing how roof drainage from the proposed structure will be accommodated in conformance with building codes and City standards.
- Condition 2 Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval and shall comply with all applicable state, federal, and local laws.

## Attachments

- A. Location Map
- B. Applicant's Submittals
  - 1. Site Plan
  - 2. Elevation Drawings
  - 3. Accessory Structure Compatibility Worksheet
  - 4. Topographic Survey
- C. Public Comment
- D. DSL Wetland Notification

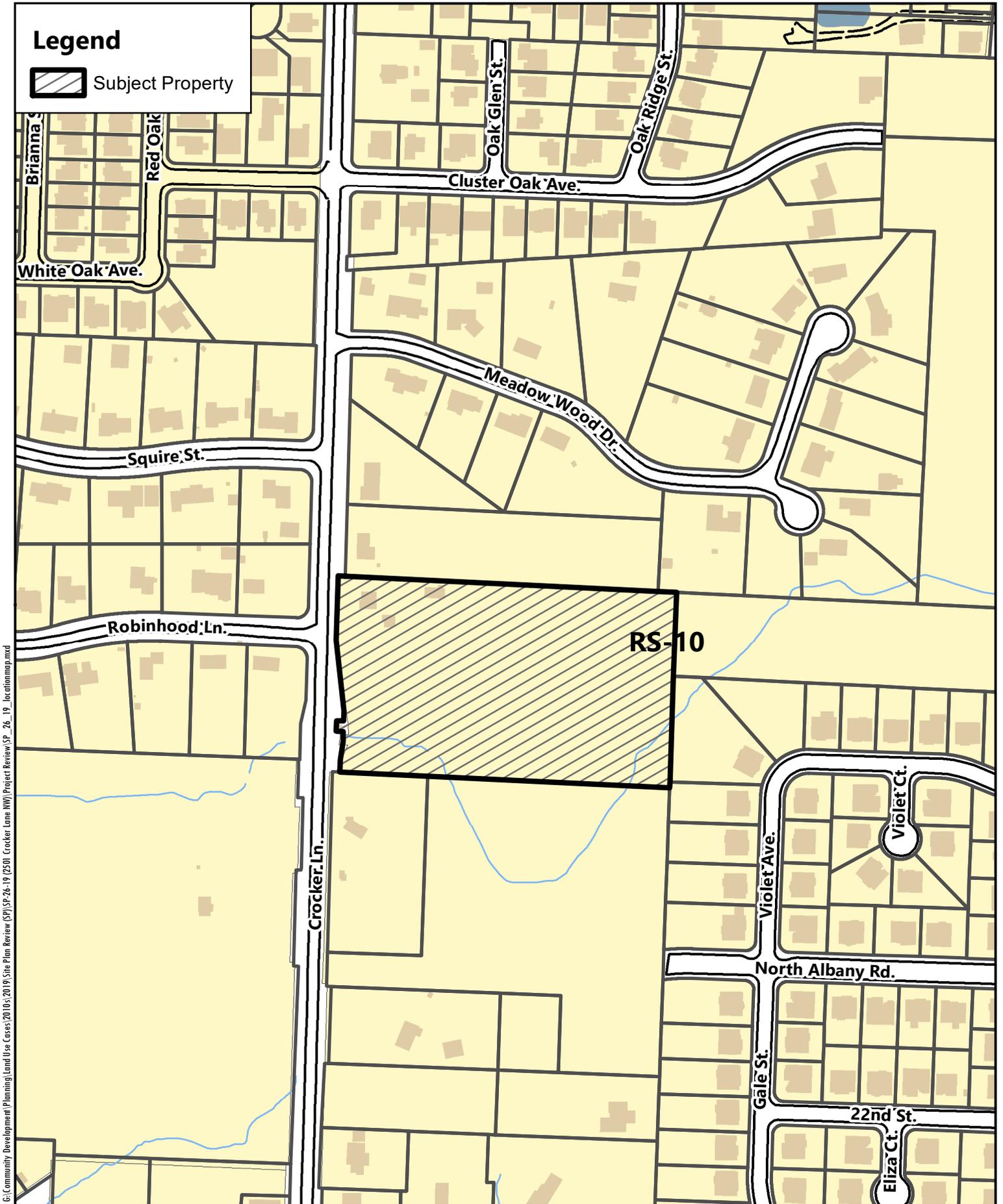
## Acronyms

ADC	Albany Development Code
DSL	Oregon Department of State Lands
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
RS-10	Residential Single-Family Zoning District
SP	Site Plan Review (File Designation)
TSP	Albany's Transportation System Plan

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# Legend

 Subject Property



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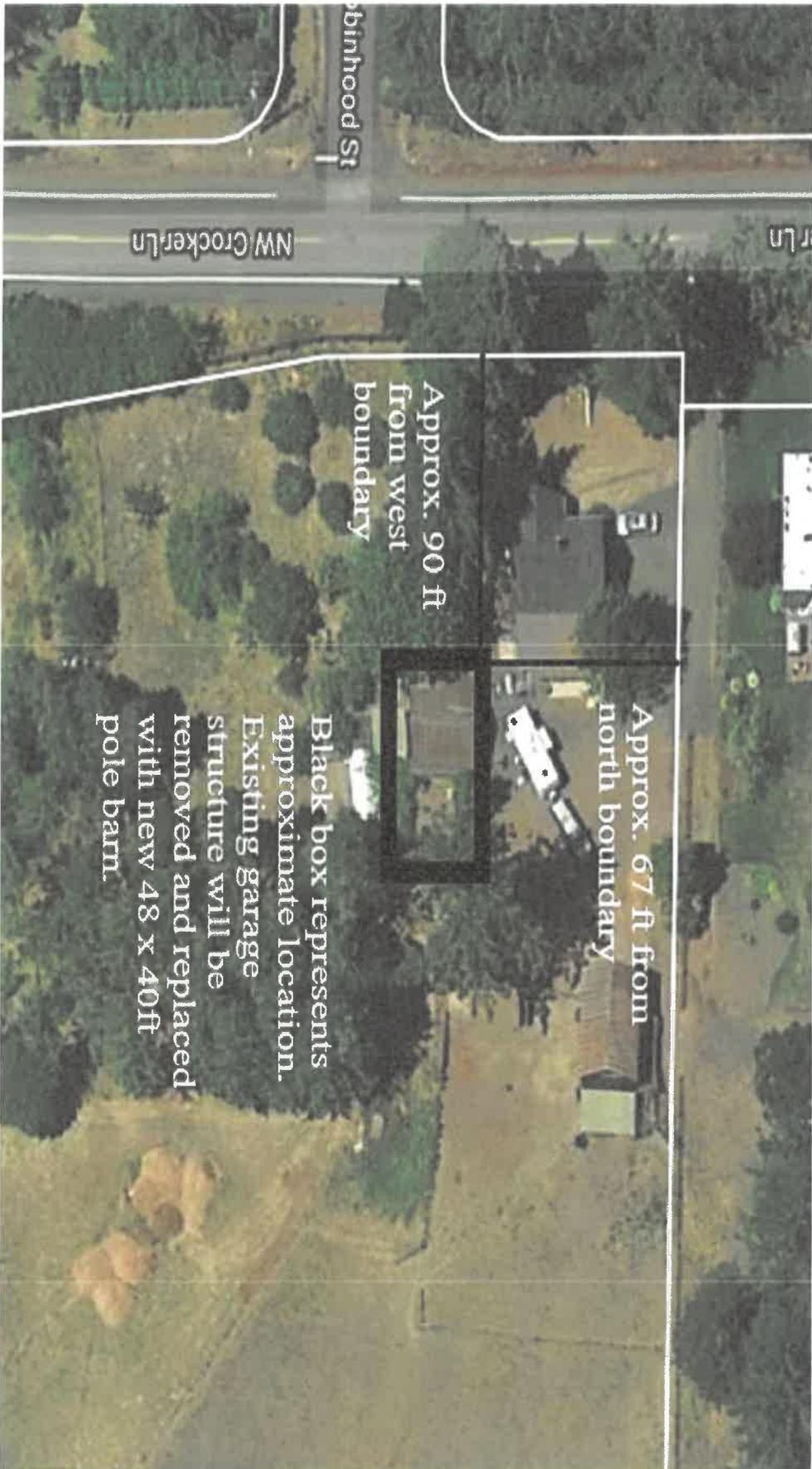
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Date: 11/22/2019 Map Source: City of Albany

## 2501 Crocker Lane NW

### Location / Zoning Map

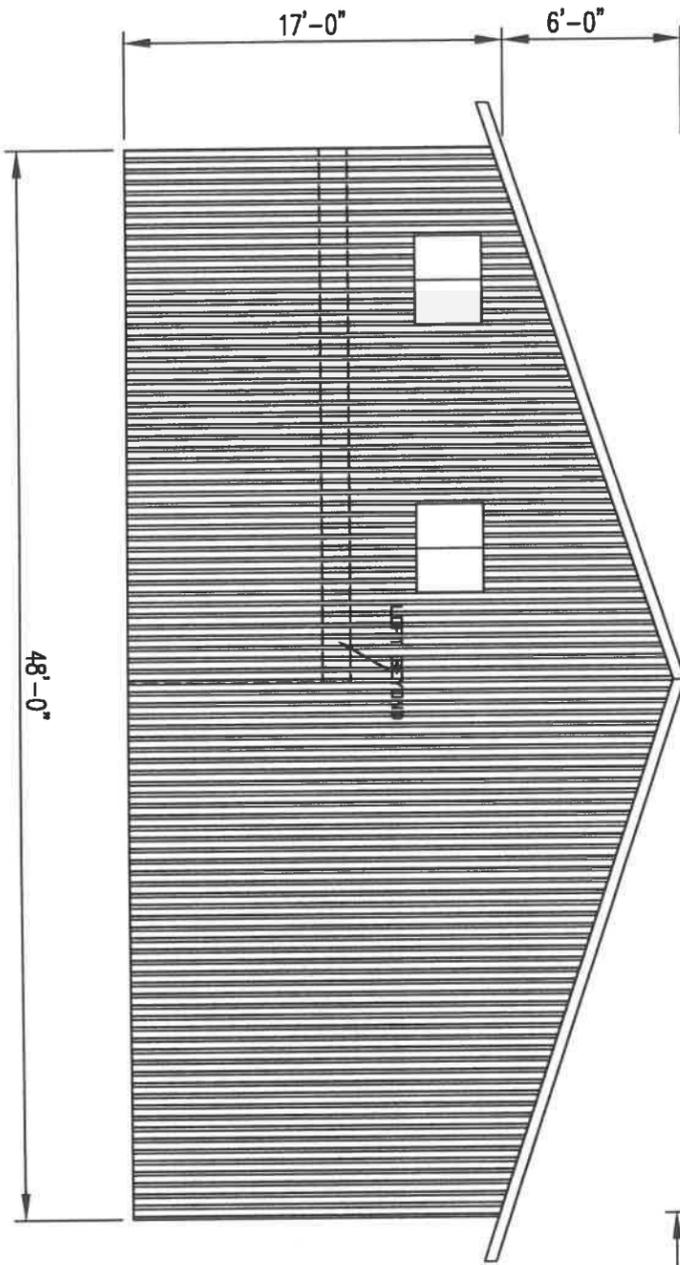
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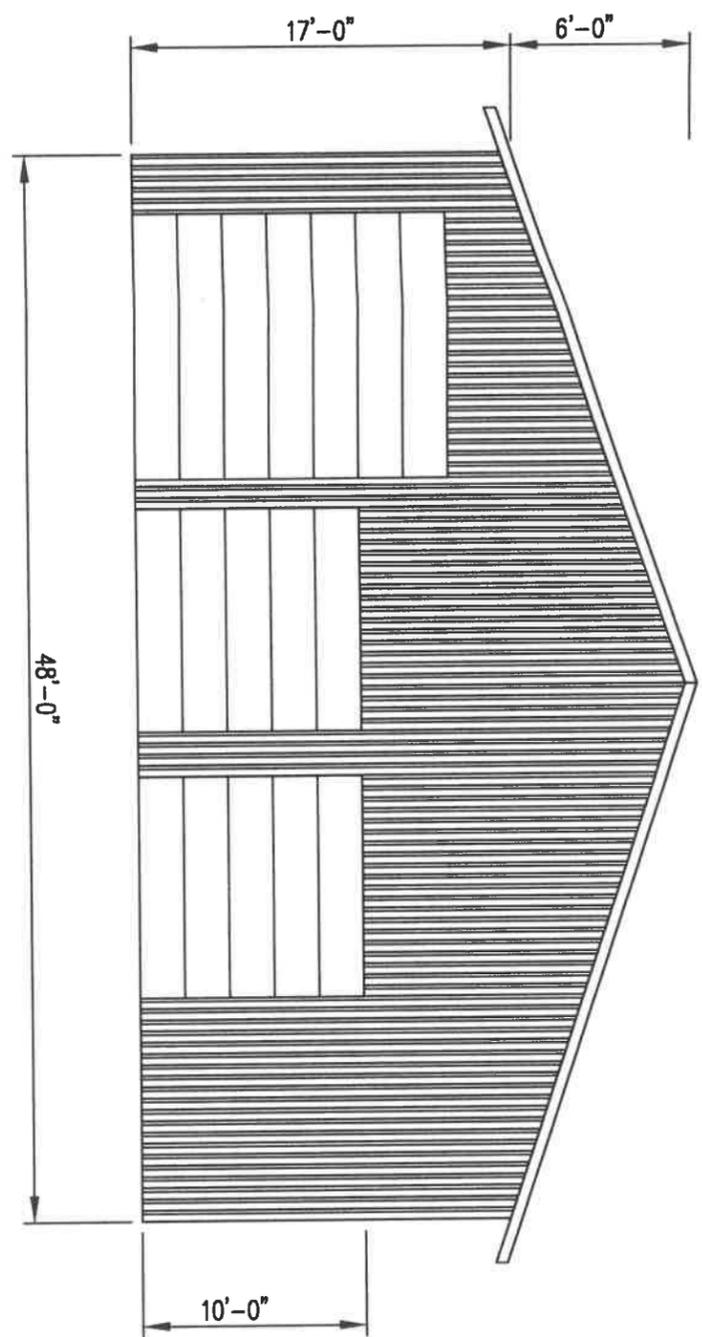
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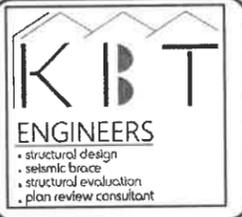
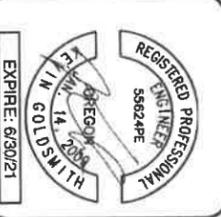


**1**  
**S08**  
**BACK ELEVATION**



**2**  
**S08**  
**FRONT ELEVATION**



<b>S08</b>	<b>SHEET No:</b>	17-1043	<b>JOB No:</b>	<b>DRAWING INFORMATION</b>		48'-0" X 40'-0" X 17'-0" POLE BUILDING BRAD GREAGER 2501 CROCKER LN, ABANY OREGON  STEVE CAIN CONSTRUCTION	 KBT ENGINEERS • structural design • seismic brace • structural evaluation • plan review consultant	 REGISTERED PROFESSIONAL ENGINEER 55624PE KEVIN J. SMITH OREGON EXPIRES: 6/30/21	
	<b>DRAWING FILE:</b>	<b>DRAWN BY:</b>		<b>CHECKED BY:</b>	<b>DATE:</b>				<b>REVISION 1:</b>



## COMMUNITY DEVELOPMENT

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

# Residential Accessory Structure Compatibility Worksheet

For proposed detached structures 750 sq. ft. or larger and/or with walls taller than 11 feet.

**This handout addresses land use planning issues. Building Permits are required for any residential accessory structure larger than 200 square feet.**

Property Owner (print): Brad and Amber Creager

Property Address: 2501 Crocker Lane NW, Albany OR 97321

Assessor's Parcel Map No: \_\_\_\_\_

Tax Lot(s): 104360000700

Zoning District: RS10

Intended Use of the Structure: garage, man cave

The Albany Development Code allows **attached** additions to a residence without limiting size or wall height outright; subject to meeting the applicable development standards (see Table 1).

A **detached** accessory structure also is allowed outright if it can meet the applicable development standards (see Table 2) and the total square footage of the proposed structure is less than 750 square feet and the wall height does not exceed 11 feet. If the size would be larger or the walls taller, the structure may be allowed without a land use review, if it meets all of the established compatibility thresholds listed below. [Albany Development Code 3.080(9)]

**Other considerations related to an accessory structure include** the location of existing easements, septic tanks, drain fields, wells; access (existing and proposed); and whether trees would be removed (number and diameter of the trunks). You must include information about these items on a site plan drawing submitted with this worksheet.

**Don't Forget!** To support the information below, attach a scale drawing of your property showing and labeling the location of all existing and proposed buildings and a scale drawing of each elevation of the proposed building. Include distances (in feet) between all structures and between all structures and property lines.

**Fill in the explanation area after each question below.** If you answer "no" to Questions 1, 2, or 3, or "yes" to Questions 4 or 5, the structure will not be considered compatible. Question 6 calls your attention to special construction standards that will apply in all cases if the property is located in a Special Purpose District, such as the 100-year floodplain. In addition to answering the questions, you must attach a site plan of the property and elevation drawings of the proposed building to the worksheet.

**If the structure cannot meet all of the compatibility standards,** you may either alter the building to meet them or submit a Site Plan Review Accessory Building application to the Planning Division. This plan review typically takes 6 to 8 weeks to process, and requires additional paperwork and a non-refundable review fee. A Notice of Filing will be sent to property owners within 100 feet of your property giving them an opportunity to comment on the project. Filing an application does not guarantee approval.

Residential Accessory Structure Compatibility Worksheet

**Question #1:** Will the roof and siding materials and colors on the proposed building be similar to those on the primary residential structure on the site? Yes \_\_\_ No

• Fill out (a) and (b) to demonstrate this standard would be met:

a) The building materials and colors of the proposed accessory building will be:

Materials: Siding: metal Roof: metal

Colors: Siding: grey two-toned Roof: charcoal grey

b) The building materials and colors of the primary residential structure on the property are (or will be as part of this project):

Materials: Siding: Cedar Shakes Roof: asphalt

Colors: Siding: blue Roof: dark grey

**Question #2:** If the proposed accessory building were built, would the percentage of lot coverage be similar to or less than the percentage allowed in the applicable zoning district? (See Table 1) Yes  No \_\_\_ (you may not exceed the lot coverage threshold by site plan review.)

• Fill out a) through d) to demonstrate this standard would be met:

a) The maximum lot coverage allowed in the RS10 zoning district is 50 percent.

b) Total land area of the property is 289,238.4 sq. ft.

c) The foundation (footprint) size of each building on the property is:

Primary residence: 2515 sq. ft.

Proposed building: 1920 sq. ft.

Other structures: 1200 sq. ft., \_\_\_\_\_ sq. ft., \_\_\_\_\_ sq. ft.

Total foundation area of all structures on the property: 5635 sq. ft.

d) Percentage of building coverage on this lot after construction of the proposed accessory building would be 0.019% percent. (To calculate this percentage, divide the total foundation area of all structures (c) by the total land area of the property (b). This number cannot be larger than (a).)

**Question #3:** Will the proposed accessory building meet the minimum setback requirements for the primary residential structure? (see Table 1) Yes  No \_\_\_

• Fill out a) and b) to demonstrate this standard would be met:

a) The minimum setbacks from property lines for the primary structure in this zone are:

Front: 20 ft. Sides and rear, single-story: \_\_\_\_\_ ft., or two-story: 8 ft.

b) The setbacks from the property lines for the proposed accessory building are:

Front: 67 ft. Sides and rear, single-story: \_\_\_\_\_ ft., or two-story: 90 ft.

**Question #4:** Will the proposed building be taller than the tallest building on adjacent property? Yes \_\_\_ No  (Height in this case is measured to the highest point on the structure. "Adjacent" means any property bordering the property on which the accessory structure would be built or across an adjacent street.)

• Fill out a) through c) and attach a drawing showing the location of the tallest building on adjacent property in relation to your property.

a) The total height of the proposed accessory building is 23 feet.

b) The wall height of the proposed accessory building is 17 feet.

c) The height of the tallest building on adjacent property is approx 30 ft. feet, and it is located at (address) 2402 NW Violet Ave, Albany OR 97321

**Question #5:** Will the area of the proposed building's foundation be larger than the area of the foundation of the largest building on adjacent property? Yes \_\_\_ No ✓

• Fill out (a) and (b) to demonstrate this standard would be met:

a) The area of the proposed accessory building's foundation is 1970 sq. ft.

b) The area of the foundation of the largest building on adjacent property is 3832 sq. ft. (include attached garages). The address of this building is 2402 NW Violet Ave; currently occupied by Mr./Ms. Jessica & Jared Meyer, phone \_\_\_\_\_

**Question #6:** Is this property located in any of the following Special Purpose Districts listed in Articles 6 and 7 of the Development Code? Yes \_\_\_ No ✓ (The text of the Albany Development Code is on the City's website: [www.cityofalbany.net](http://www.cityofalbany.net))

Check the district(s) that apply to this property.

- Airport Approach District (Near the Albany Municipal Airport located east of the I-5 freeway)
- Floodplain District (Property is located within a 100-year floodplain)
- Hillside Development District (Property has slopes greater than 12%)
- Historic District (Monteith, Hackleman, or Downtown districts)
- Willamette Greenway (Property is located near the Willamette River)

If the property is in one of the special districts, have you researched the construction regulations of the special district and determined that the proposed building can meet the standards of the district(s)? Yes \_\_\_ No \_\_\_ (Regardless of approval to allow an oversized accessory structure, you must be able to construct the proposed building in accordance with the regulations of the applicable special district.)

[Signature]  
Property Owner's Signature

10/27/19 10-27-19  
Date

Brad and Amber Creager  
Print Property Owner's Name

(541) 730-1546 / (541) 829-0629  
Daytime Phone

bradandamber1209@gmail.com  
Fax No. or e-mail address

\*We plan to repaint our house to match the color of the garage we're having built. It will be two-toned grey or charcoal grey. We can't paint in the winter months, so we will plan to do so this coming summer.

TABLE 1 [ADC ARTICLE 3]

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS							
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
<b>Minimum Property Size or Land Requirements by Unit Type(1)</b>							
Single-family detached, (1)	5 acres (16)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	3,500 sf	N/A
Single-family, attached (14)(1)	N/A	N/A	N/A	N/A	2,800 sf	2,400 sf	1,800 sf
Duplex (1)	N/A	14,000 sf Corner lot	8,000 sf Corner lot	N/A	7,000 sf Corner lot	4,800 sf	3,600 sf
Multi-family, Studio and 1-bedroom units	N/A	N/A	N/A	N/A	N/A	2,000 sf/ unit	1,500 sf/ unit
2-and 3 bedroom units	N/A	N/A	N/A	N/A	N/A	2,400 sf/ unit	1,800 sf/ unit
4+ bedroom units	N/A	N/A	N/A	N/A	N/A	3,000 sf/ unit	2,200 sf/ unit
Minimum Lot Widths: Detached S-F Attached Units	N/A N/A	65 ft N/A	50 ft N/A	35 ft N/A	40 ft 20 ft	30ft 20 ft	None None
Minimum Lot Depth	N/A	100 ft	80 ft	65 ft	70 ft	60 ft	None
<b>Setbacks (4):</b>							
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft
Maximum Front Setback	None	None	None	None	None	(14)	(14)
Minimum Interior: single- story (4)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (5)(6)	10 ft (5)(6)
Minimum Building Separation	N/A	N/A	N/A	N/A	(12)	(12)	(12)
Min. Garage or carport vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)
Maximum Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	60 ft (15)
Maximum Lot Coverage (9)	20%(11)	50%	60%	60%	60%	70%	70%
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)
Min. Landscaped Area	None	(2)	(2)	(2)	(2)	(3)	(3)

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area, such as alley access.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus required open space.
- (4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210; exceptions to Setbacks for Accessibility Retrofits are in Section 3.263; Zero-Lot Line standards are in Sections 2.365 and 2.370.
- (5) Except for single-family homes (attached and detached) or duplexes, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings.
- (6) More than 3 stories = 10 feet plus 3 feet for each story over 3 per unit requirements. Multiple-family

- developments must also meet the setbacks in Section 8.270(1).
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
  - (8) See exceptions to height restrictions, Section 3.340.
  - (9) Lot coverage for single-family detached development shall only include the area of the lot covered by buildings or structures.
  - (10) See Table 2 for garages with alley access.
  - (11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.
  - (12) The minimum separation between multi-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings.
  - (13) Ten or more units require open space. See Section 8.220.
  - (14) See Section 8.240 for standards.
  - (15) When multiple-family developments abut a single-family use or zone, the setback shall be one foot for each foot of building height. See Section 8.270(1).
  - (16) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.

[Table and footnotes amended by Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07, Ord. 5768, 12/7/11; Ord. 5832, 4/9/14]

TABLE 2 [ADC ARTICLE 3]

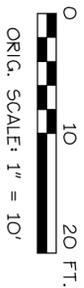
<b>ACCESSORY STRUCTURE STANDARDS</b>	
<b>STRUCTURE</b>	<b>STANDARD</b>
All Accessory Structures	Front setback, see Table 1, by zone if not noted below
Detached Structure walls less than or equal to 8 feet tall (2)	Interior setback = 3 feet (1)
Attached Structure	Interior setback = 5 feet (1)
Detached Structure walls greater than 8 feet tall (2)	Interior setback = 5 feet
Accessory Apartment Building	Front setback is equal or greater than primary residence Interior setback, one-story = 5 feet (1) Interior setback, two-story = 8 feet (1)
Garage or carport with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks=see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences greater than 6 feet tall	See Table 1, by zone; building permit required.
Outdoor swimming pools with depths greater than or equal to 24 inches	Interior setback = 10 feet
Decks less than or equal to 30 inches from grade, with no rails or covers	No setback from property lines

ACCESSORY STRUCTURE STANDARDS	
Decks greater than 30 inches from grade	Interior setback = 5 feet

- (1) Zero-lot line provisions are in Sections 3.265 and 3.270.
- (2) The slab or foundation of accessory structures is not included in the wall height unless it is greater than 24 inches from the ground.

[Table and footnotes modified by Ord. 5673, 6/27/2007 and Ord. 5832, 4/9/14]

**LEGEND:**  
 X (260.00) EXISTING SPOT ELEVATION  
 AS SURVEYED



**SITE PLAN/ SLOPE VERIFICATION**

FOR  
**BRADLEY CREAGER**

LOCATED  
**2501 CROCKER LANE NW**

IN THE

**CITY OF ALBANY, BENTON COUNTY, OREGON**

MARCH 18, 2020

**PURPOSE:**

THIS MAP HAS BEEN CREATED TO SHOW EXISTING GROUND SLOPES AT THE LOCATION OF A PROPOSED POLE BARN. MEASUREMENTS SHOWN ON THIS MAP ARE BASED ON A FIELD SURVEY.

**HORIZONTAL DATUM:**

THE HORIZONTAL DATUM IS A LOCAL ASSUMED COORDINATE SYSTEM.

**VERTICAL DATUM NOTE:**

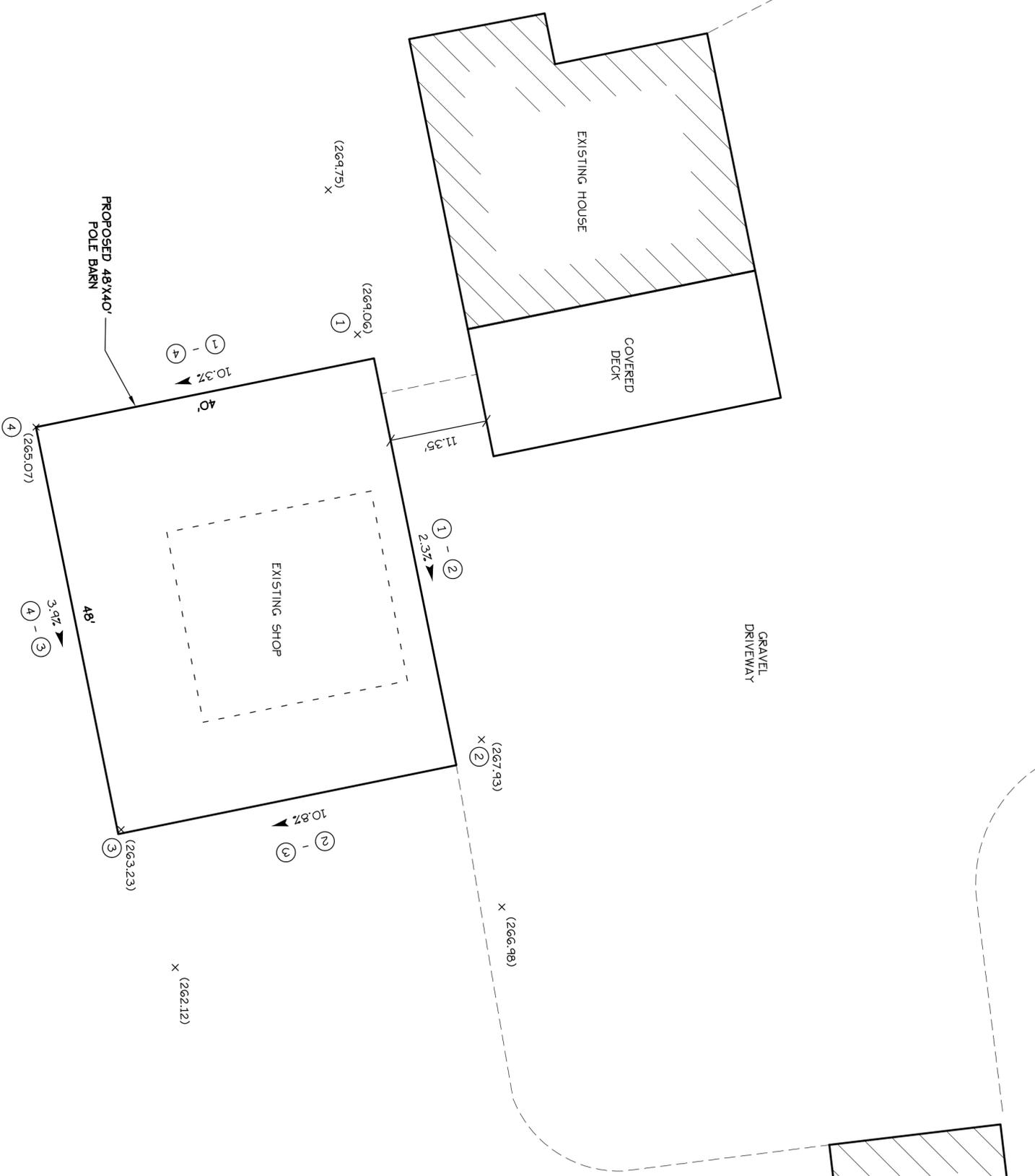
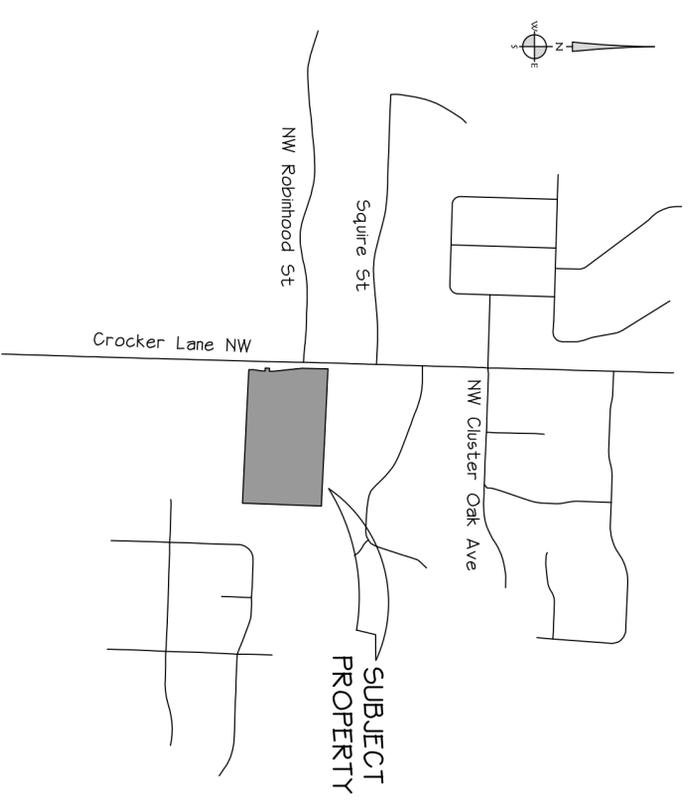
THE VERTICAL DATUM IS "NAVD 88" BASED ON THE CORS REFERENCE STATION LC51-LINN COUNTY OREGON. EL = 270.40

**SITE COORDINATES:**

LAT: 44° 39' 53.14" N  
 LONG: 123° 07' 37.67" W

**VICINITY MAP**

N.T.S.



Date: 3/19/2020 Time: 13:22  
 Scale: 1"=1(F5)  
 File: dwg\2020\20-34\20-34-sitplan.dwg (Jacob)

**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street, P.O. Box 726  
 Astoria, Oregon 97103  
 (503) 325-2889

X (262.35)

X (260.64)

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 9, 2002  
**JOE J. COTA**  
 #58561LS

Renewal: 12/31/21

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To: Travis North; [travis.north@cityofalbany.net](mailto:travis.north@cityofalbany.net)

From: Cheryl & Gene Pawlik / 2547 Crocker Lane NW, Albany, OR 97321

Re: SP-26-19 / Site Plan Review

Property Owner/Applicant: Amber & Brad Creager /2501 Crocker Lane NW, Albany, OR 97321

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**Proposal:**

Remove existing accessory building and construct a new 1,920 square foot accessory building.

**Approval Standards for This Request at Issue:**

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

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

**Concerns:**

The only entrance / exit to the property located at 2501 Crocker Lane NW is via a narrow, single-lane driveway approximately 100 feet long that is located entirely on the property at 2547 Crocker Lane NW. With this noted, all heavy equipment, demolished materials, construction crews, their vehicles, and construction materials for the new structure will be coming in and out of the driveway located on the property at 2547 Crocker Lane NW. *(Please refer to Legend on page 3: Red Section)*

As there is also insufficient parking located at 2501 Crocker Lane NW for a construction project, concerns would include the construction crew using the adjacent property located at 2547 Crocker Lane NW for their parking lot, equipment storage, and breaks. This is essentially what happened last year, when the Creager's extended their barn over the property line, creating an encroachment that will undoubtedly be an issue when the time comes to sell our property. During the re-construction and addition to the Creager's barn, multiple construction crews used our back yard as their parking lot, storage, and break area.

The extended driveway that is used to enter and exit the property located at 2501 Crocker Lane NW is entirely located on the property of 2547 Crocker Lane NW, and **There is no easement on file**. While we would love to be able to put up a fence to enclose our back yard and provide us with some privacy and security, we are unable to do so, as it would block all access to the Creager's being able to enter and exit their residence.

Additional questions regarding the proposed project would include the purpose of the rooms to be built above the loft section of the proposed structure. At this point, there is essentially no room for additional parking. If the intent to use the additional rooms for something to the effect of an Airbnb or large gatherings, then it is a matter of concern, due to the additional traffic that would be coming in and out of the driveway.

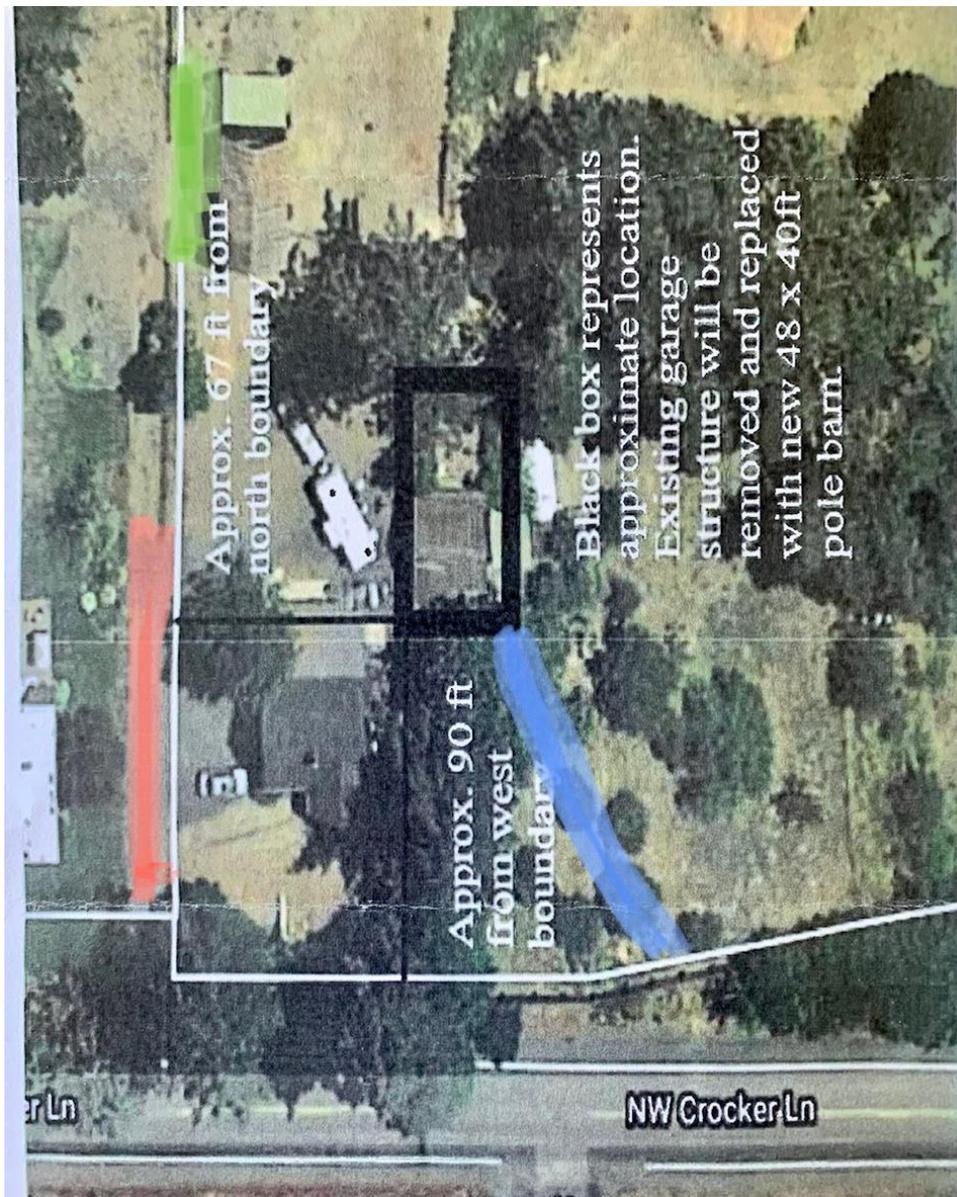
**Proposed Solution:** The issue at hand is not with the construction of the proposed structure itself, but rather with the method that it will take to dismantle the existing structure and to build the new one, much of which is likely to take place on our property.

There is not a lack of land available to the residents of 2501 Crocker Lane NW, and this has been an ongoing issue for some time. With an undertaking as large as demolition and construction, it seems the opportune time for them to begin by creating easier access to their property from the Western boundary, off of Crocker Lane NW, onto their own land, rather than continue accessing it via our property.

Creating their own driveway from Crocker Lane NW to the construction site beforehand will make demolition and construction easier, and it will make access to the family's home more convenient afterward. It will likely increase their property's appeal and value as well. (*Please refer to Legend on page 3: Blue Section*)

## LEGEND

(SP-26-19)



**RED** - Our driveway, a narrow strip approximately 100 feet in length, coming off Crocker Lane NW. Although it is located on 2547 Crocker Lane NW, it is the only entrance /exit to 2501 Crocker Lane NW

**GREEN** - Encroachment where the Creagers have extended their barn over our property line.

**BLUE** – The proposed site where a new driveway could be installed prior to construction on the property owner’s land to more easily and efficiently access the construction site, and subsequently the main residence.

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# Wetland Land Use Notice Response

## Response Page

Department of State Lands (DSL) WN#\*

WN2020-0299

### Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Travis North	City	Albany
Local case file #	County	
SP-26-19	Benton	

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
10S	04W	36		700

Street Address  
 Address Line 2  
 City State / Province / Region  
 Postal / Zip Code Country  
 Benton

Latitude Longitude  
 44.664759 -123.127102

### Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- Local Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

### Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

## Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

## Closing Information

### Additional Comments

Based on review of mapping submitted, the proposed project ("Demolish existing garage and replace it with a slightly larger garage") does not appear to impact jurisdictional wetlands, waterways or other waters of the state.

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

5/21/2020

### Response by:

Grey Wolf

### Response Phone:

503-986-5321