



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 - Residential Accessory Building

SP-33-18

November 21, 2018

Application Information

Proposal:	Site Plan Review for new construction of a 1,256 square-foot accessory structure with 16-foot walls and an overall height of 21 feet.
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	Mike McKay; 2041 36 th Avenue SE; Albany, OR 97322
Address/Location	2013 36 th Avenue SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-17DB; Tax Lot 5300
Zoning:	Residential Single Family (RS-6.5) District
Overlays:	None
Total Land Area:	7,707 square feet
Existing Land Use:	Vacant
Neighborhood:	Periwinkle
Surrounding Zoning	North: Residential Single Family (RS-6.5) District East: RS-6.5 South: RS-6.5 West: RS-6.5
Surrounding Uses:	North: Single-family residential East: Single-family residential South: High School West: Single-family residential

Summary

On September 19, 2018, the applicant submitted a Site Plan Review application to construct a residential accessory structure on vacant property addressed 2013 36th Avenue SE. The applicant submitted an updated site plan the week of October 29. The updated site plan relocated the driveway from the private access road to 36th Avenue and increased the building footprint by 24 square feet. The proposed accessory structure is 1,256 square feet with a wall height of 16 feet and an overall height of 21 feet (Attachment C & D). The structure will have grey Hardie Plank lap siding with a black-grey architectural shingled roof. The property is zoned Residential Single Family, RS-6.5.

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-6.5 zone if they meet compatibility standards in Section 3.080(9) of the Albany Development Code (ADC). If all the compatibility standards are not met, approval of a Site Plan permit is required.

The application materials demonstrate that the proposed accessory structure satisfies applicable RS-6.5 district development standards, such as those relating to setbacks, lot coverage, and maximum building height. However, the proposed structure does not meet standards in ADC 3.080(9). More specifically, because the parcel is vacant and no primary structure is proposed, the proposed accessory structure cannot be compared with a primary structure and therefore cannot meet standard (e) regarding building material compatibility. Because these standards are not satisfied, the proposed accessory structure is required to be evaluated 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 permit are satisfied.

Notice Information

A Notice of Filing was mailed to property owners located within 100 feet of the subject property on October 17, 2018. No comments were received during the 14-day comment period.

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 and Conclusions

Sanitary Sewer

- 1.1 City utility maps show an 8-inch public sanitary sewer main in 36th Avenue.
- 1.2 The applicant is not proposing to install plumbing in the accessory structure.

Water

- 1.3 City utility maps show an 8-inch public water main in 36th Avenue.
- 1.4 The applicant is not proposing to install plumbing in the accessory structure.

Storm Drainage

- 1.5 City utility maps show a 10-inch public storm drainage main in 36th Avenue. A private storm drainage system exists in the private shared access road that serves the adjacent lots.
- 1.6 Because the subject property is less than one acre, no storm water quality facilities will be required with this development.
- 1.7 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.
- 1.8 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.
- 1.9 The applicant is proposing to connect the roof drains of the structure to the private access road where the private drainage system will collect the runoff.

Conclusions

- 1.1 The applicant is not proposing to install plumbing in the proposed accessory structure, so there will be no impact to the public sanitary sewer or water systems.
- 1.2 Storm water quality facilities will not be required for the proposed development.
- 1.3 This criterion is met without conditions.

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 and Conclusions

- 2.1 Section 12.45.030 of the Albany Municipal Code states that 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 (Ordinance 5841).
- 2.2 The applicant's submittal indicates that the subject site is 7,707 square feet.
- 2.3 Section 12.45.040 of the Albany Municipal Code (AMC) states that development may be exempted from a post-construction stormwater quality permit if the development creates and/or replaces less than 8,100 square feet of impervious surface, cumulatively.
- 2.4 According to the applicant's site plan, the proposed accessory building totals 1,256 square feet, and a future house footprint will be 1,259 square feet, which when combined is less than the maximum allowed for an exemption from the AMC standards.

Conclusions

- 2.1 The proposed development is exempt from the City's Storm Water Quality requirements.

2.2 This criterion is met without conditions.

Criterion 3

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

Findings of Fact and Conclusions

- 3.1 The proposed accessory building will be constructed on property that is located on the north side of 36th Avenue SE (Attachment A). Access to the property is from 36th Avenue. The applicant's site plan shows that the 1,256-square-foot residential accessory building will be located in the northwest corner of the property, behind the future single-family residence (Attachment D).
- 3.2 36th Avenue is classified as a local residential street and is constructed to city standards with the exception of sidewalk. Sidewalk does not currently exist along the frontage of the site. Improvements along both sides of the road include curb and gutter, with a sidewalk located on the south side of 36th Avenue.
- 3.3 Trip generation for single-family residential development is based on the number of dwelling units. This accessory building will not increase the number of dwelling units located on the site.
- 3.4 Albany's Transportation System Plan (TSP) does not identify any level of service or safety problems along the frontage of the site.

Conclusions

- 3.1 Because no additional dwelling units are proposed, an increase in vehicle trip generation is not anticipated.
- 3.2 This review criterion is satisfied without conditions.

Criterion 4

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

Findings of Fact and Conclusions

- 4.1 The subject property is accessed via a proposed driveway from 36th Avenue. The proposed driveway will serve both the accessory structure and the future residence.
- 4.2 The Albany Development Code does not specify a parking requirement for residential accessory structures except for accessory dwelling units.
- 4.3 ADC 12.100 contains standards regarding the design and placement of driveways. For that portion located in the public right-of-way, residential driveways must be at least 10 feet in width and can have a maximum width of 24 feet. Lots can have more than one driveway connection if a minimum separation of five feet between driveways can be achieved.
- 4.4 The applicant's site plan (Attachment C) indicates the proposed driveway will be 30 feet wide at the point of the curb cut. The proposed driveway serves both the future residence and the proposed accessory structure. The driveway narrows to approximately 17 feet once it extends behind the front of the house. Because 30 feet exceeds the maximum allowable width either the driveway must be reduced in width or the applicant must utilize separate driveways for the house and accessory structure.

A condition of approval will ensure the portion of driveway located in the public right-of-way does not exceed 24 feet in width.

- 4.5 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 interior side of the public sidewalk. The applicant did not indicate whether the driveway will be paved. A condition of approval will require the driveway be paved for that portion extending 20 feet from the sidewalk.
- 4.6 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 proposed driveway is located on the west side of the parcel and is approximately 175 feet from the closest intersection of 36th Avenue, a local street, and Columbus Street, a minor collector street. Although the driveway could be moved further east, the benefits of doing so are negligible given the distance the driveway is located from the intersection. Therefore, this standard is met.
- 4.7 ADC 3.250 states that "...driveways or travel aisles for residential development shall not be located in a required front or interior setback..." The subject property is located in the RS-6.5 district. The required front setback is 15 feet and the required interior setback is 5 feet. The proposed driveway is located 6 feet from the interior west property line and therefore satisfies setback requirements.
- 4.8 The subject parcel was created through a land use subdivision approval, file SD-02-14. This approval included a condition that "sidewalk placement along the development's 36th Avenue frontage shall be setback" and that "the installation of sidewalk may be deferred to development of individual lots." A condition of approval for this application will require the construction of the sidewalk along the parcel's frontage to 36th Avenue.

Conclusions

- 4.1 The proposed driveway exceeds the maximum allowable width of 24 feet.
- 4.2 The proposed driveway must be paved at least 20 feet from the sidewalk.
- 4.3 The proposed driveway complies with the setback standards found in ADC 3.250.
- 4.4 The review criterion is met with the following conditions.

Conclusions

- Condition 1 Prior to the issuance of a building permit, the applicant shall submit a site plan to the Community Development Department that demonstrates the driveway width will not exceed 24 feet for that portion located in the public right-of-way.
- Condition 2 Prior to requesting final inspection, the applicant shall demonstrate that the driveway is paved 20 feet from the sidewalk.
- Condition 3 Prior to approval of a final inspection, the applicant shall obtain an encroachment permit from the Public Works Department, and construct public sidewalk along the site's frontage on 36th Avenue together with a driveway located in conformance with 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 and Conclusions

- 5.1 Residential accessory structures not meeting compatibility standards require Site Plan Review. The proposal does not meet compatibility standard ADC 3.080(9)(e) regarding building material compatibility and therefore requires site plan approval.
- 5.2 Properties within the vicinity of this proposal are predominantly one-story single-family residences with attached garages. Additionally, several of the houses have detached accessory structures. There is a property approximately 100 feet to the east with a two-story residence with both attached and detached accessory structures. Most of the houses in the vicinity have lap siding consisting of a variety of materials and colors and have shingled roofs. Additionally, South Albany High School is located across 36th Avenue directly south of the subject parcel.
- 5.3 The proposed accessory structure would utilize grey Hardie Plank lap siding with a black and grey shingled roof. Accessory structures on neighboring properties have metal siding and lap siding consisting of a variety of materials. The proposed accessory structure materials and colors are generally compatible with primary and accessory structures in the neighborhood.
- 5.4 The proposed structure is 21 feet tall at the peak of the roof. The main portion of the structure is 41 feet long by 24 feet wide with an L-shaped extension that measures 26 feet by 17 feet, for a total of 1,256 square feet. According to the applicant's Residential Accessory Structure Compatibility Worksheet (Attachment B), the height of the tallest building on the adjacent property is 21 feet tall and is located at 2010 34th Avenue SE. The applicant also indicated that the foundation of the largest building on the adjacent property is 2,396 square feet and is located at 2041 36th Avenue SE.
- 5.5 The proposed accessory structure is both shorter than the tallest adjacent building and has a smaller foundation footprint than the largest adjacent building. Therefore, the proposed accessory structure meets these compatibility standards.
- 5.6 Maximum lot coverage for parcels zoned RS-6.5 is 60 percent. Lot coverage for single-family, detached development shall only include the area of the lot covered by buildings and structures. The subject property is approximately 7,077 square feet. According to the applicant, the proposed primary residence will have a footprint of approximately 1,259 square feet. When factoring in the proposed 1,256 square-foot accessory structure, the combined structures total a footprint of 2,491 square feet, or about 35 percent, well within the lot coverage standard. Therefore, this standard is met.
- 5.7 The RS-6.5 zone has a minimum front setback of 15 feet and in an interior setback of 5 feet for one-story dwellings. Garages must be setback 20 feet from the front property line. Per ADC 3.230, Table 2, detached accessory structures with walls greater than 8 feet require a setback of 5 feet. The proposed accessory structure would have a front setback of approximately 46 feet and an interior setback of 6 feet from the west and north property lines. The applicant demonstrated that a future house could be placed on the parcel and meet all setback standards. Therefore, these standards are met.
- 5.8 ADC 3.080(a) states that when an accessory structure is located on a property without a residence the location of the accessory structure will not preclude the use of the property for housing. The applicant submitted a site plan that demonstrates a future residence can be placed on the property and therefore

the proposed location of the accessory structure does not preclude the use of the property for housing. This standard is met.

- 5.9 For accessory structures located on a property without a residence, ADC 3.080(c) prohibits the use of that structure for commercial purposes. The applicant stated in the land use application that the structure will be used to park his RV, extra vehicle, and for hobby projects. Therefore, the applicant does not propose to use the building for commercial purposes. This standard is satisfied.

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-6.5 zone regarding maximum height, lot coverage and setbacks.
- 5.3 Several nearby properties have detached accessory structures. As described in the findings of fact, the design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses.
- 5.4 The proposed accessory structure is the same height as the tallest building on adjacent property and has a smaller foundation footprint than the largest building on adjacent property. The proposed accessory structure meets these compatibility standards.
- 5.5 This criterion is satisfied without conditions.

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 and Conclusions

- 6.1 *Article 4 Airport Approach district:* According to Figure 4-1 of the Albany Development Code, 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 not located in the Hillside Development district.
- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* FEMA/FIRM Community Panel No. 41043C0527G, dated September 29, 2010, shows that the subject property is located in Zone X, an area determined to be 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 Wetland Inventory Map does not show wetlands on the property.
- 6.5 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* shows the subject property is not in one of Albany's historic districts. There are no known archaeological sites on the property.

Conclusions

- 6.1 The proposed structure is not located in a special purpose district.
- 6.2 This criterion is satisfied without conditions.

Criterion 7

The site is in compliance with prior land use approvals.

Findings of Fact and Conclusions

- 7.1 The subject parcel was created through a land use subdivision approval, file SD-02-14.
- 7.2 The Notice of Decision for SD-02-14 included a condition that “sidewalk placement along the development’s 36th Avenue frontage shall be setback” and that “the installation of sidewalk may be deferred to development of individual lots.” Condition 3 noted above will ensure compliance with this condition. The subject parcel is in compliance with all other approvals and associated conditions.
- 7.3 This criterion is met.

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 uses and accessory buildings are allowed uses in the RS-6.5 zone. The site and uses are not considered nonconforming.
- 8.2 This criterion is not applicable.

Overall Conclusion

This report evaluates the applicant’s Site Plan Review permit application to construct a 1,256 square-foot residential accessory building with a wall height of 16 feet and an overall height of 21 feet at the peak of the roof. The proposed development meets all applicable site plan review criteria with the following conditions.

Conditions of Approval:

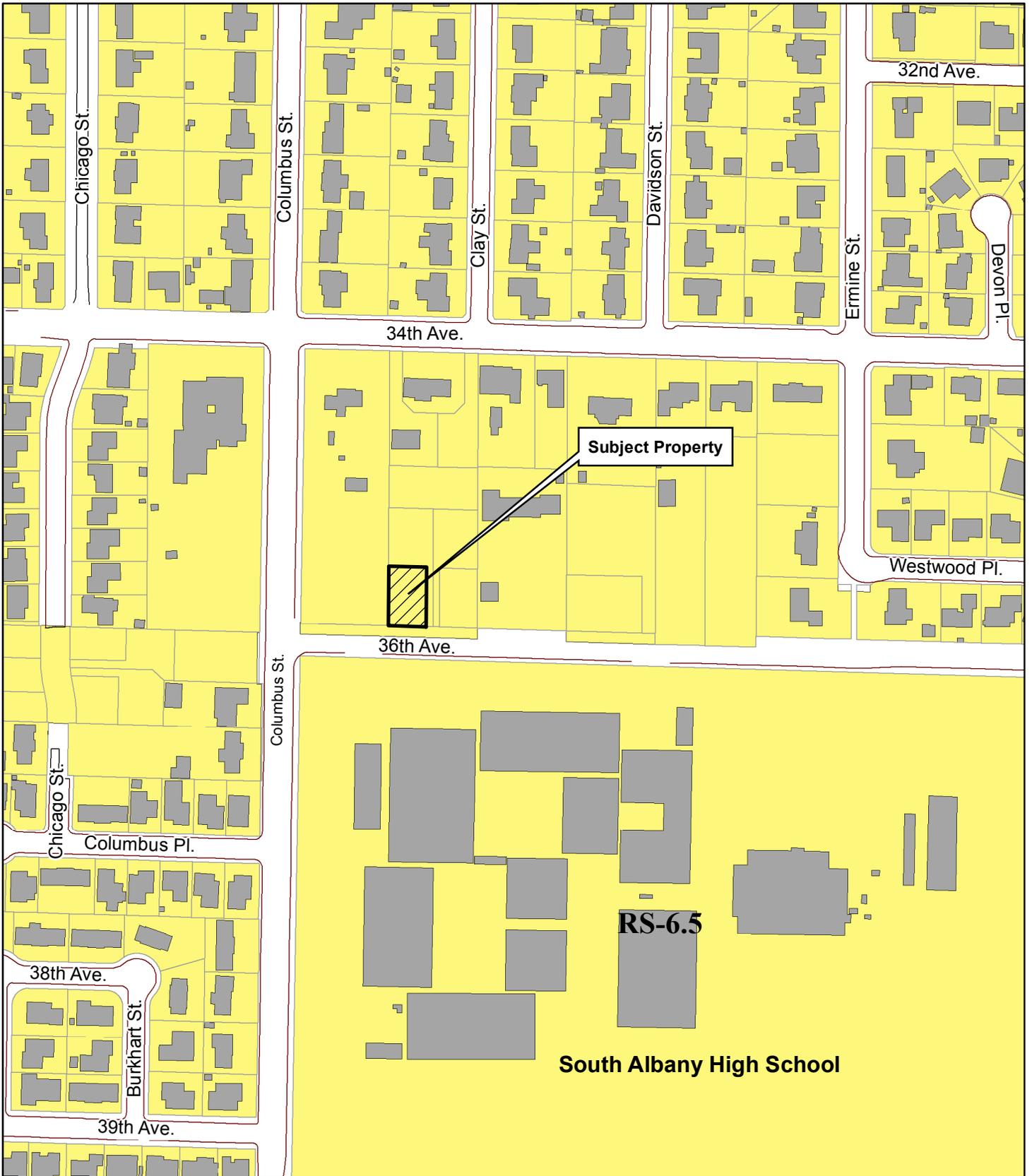
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- Condition 2 Prior to requesting final inspection, the applicant shall demonstrate that the driveway is paved 20 feet from the sidewalk.
- Condition 3 Prior to approval of a final inspection, the applicant shall obtain an encroachment permit from the Public Works Department, and construct public sidewalk along the site’s frontage on 36th Avenue together with a driveway located in conformance with the approved site plan.

Attachments

- A Location Map
- B Residential Accessory Building Compatibility Worksheet
- C Site Plan
- D Elevation Drawing

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
RS-6.5	Residential Single-Family Zoning District
SP	Site Plan Review (SP-33-18)
TSP	Albany's Transportation System Plan



Location Map: 2013 36th Avenue 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 verify the

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September 17, 2018

Planning Division

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COMMUNITY DEVELOPMENT DEPARTMENT

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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): Mike McKay
Property Address: 2013 36th Ave. SE Albany OR 97322
Assessor's Parcel Map No: _____ Tax Lot(s): _____
Zoning District: RS-6.5
Intended Use of the Structure: RV Parking - extra car parking

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.

Question #1: Will the roof and siding materials and colors on the proposed building be the same as 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: Hardie Plank Lap Roof: Architectural Comp.
 Colors: Siding: Grey Roof: Black - 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: Hardie Plank Lap Roof: Architectural Comp.
 Colors: Siding: Grey Roof: Black - Grey

Question #2: If the proposed accessory building were built, would the percentage of lot coverage be the same as 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 RS-6.5 zoning district is 60 percent.

b) Total land area of the property is 7707.7 sq. ft.

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

Primary residence: 1259 sq. ft.

Proposed building: 1232 sq. ft.

Other structures: 0 sq. ft., 0 sq. ft., 0 sq. ft.

Total foundation area of all structures on the property: 2491 sq. ft.

d) Percentage of building coverage on this lot after construction of the proposed accessory building would be 32% 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: 5' ft., or two-story: 8' ft.

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

Front: 20' ft. Sides and rear, single-story: 5 ft., or two-story: 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 21' feet.
- b) The wall height of the proposed accessory building is 16' feet.
- c) The height of the tallest building on adjacent property is 21' feet, and it is located at (address) 2010 34th

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 1232 sq. ft.
- b) The area of the foundation of the largest building on adjacent property is 2396 sq. ft. (include attached garages). The address of this building is 2041 36th Ave.; currently occupied by Mr./Ms. McKay, phone 541-990-3826.

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)

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.)

Mike McKay
Property Owner's Signature

9-10-18
Date

Mike McKay
Print Property Owner's Name

541-990-3826
Daytime Phone

mikeL.mckay@comcast.net
Fax No. or e-mail address

Mike McKay 2013 36ST Ave

Plot Plan

PRIVATE LANE

UNDERGROUND UTILITIES

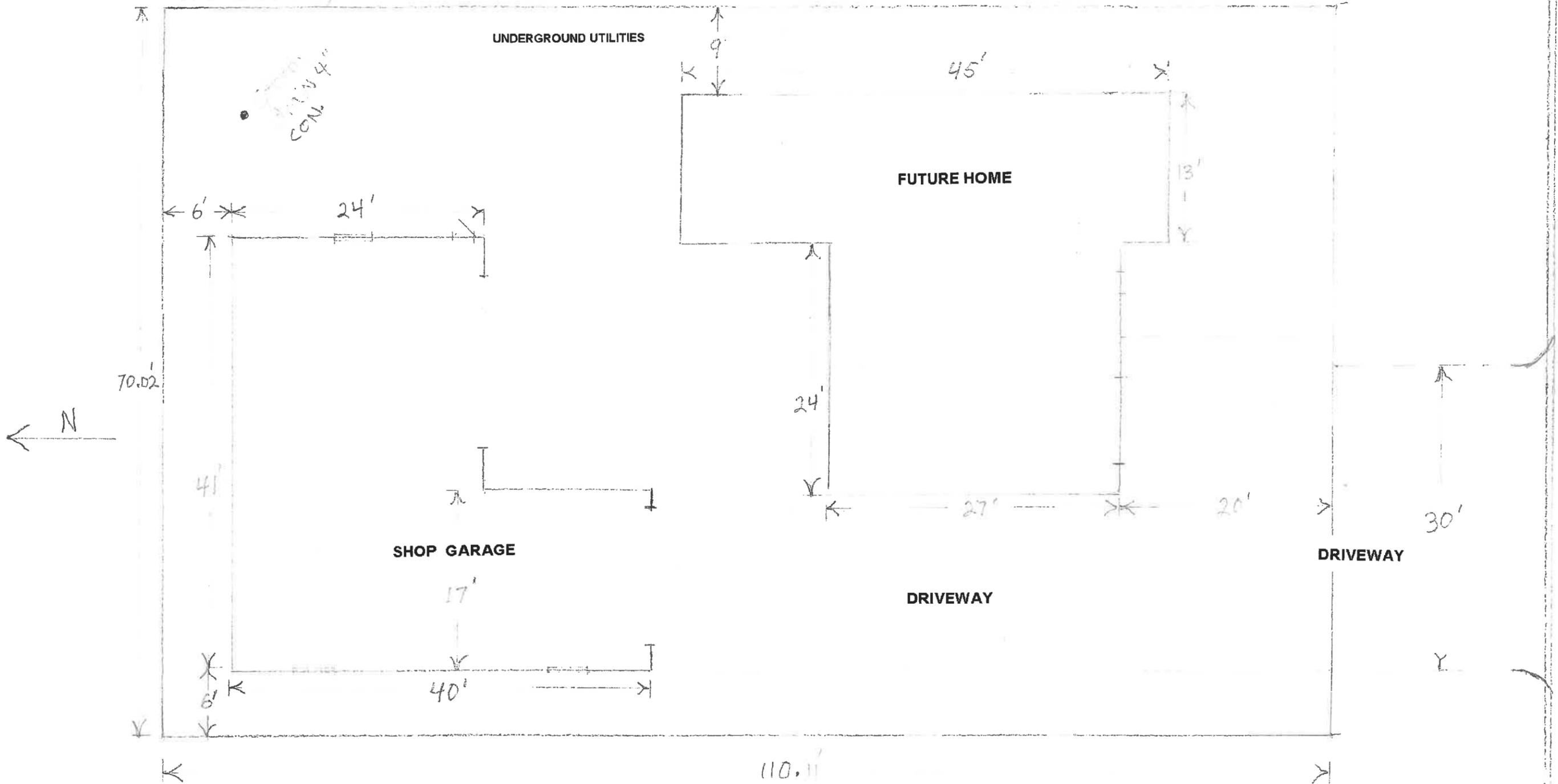
FUTURE HOME

SHOP GARAGE

DRIVEWAY

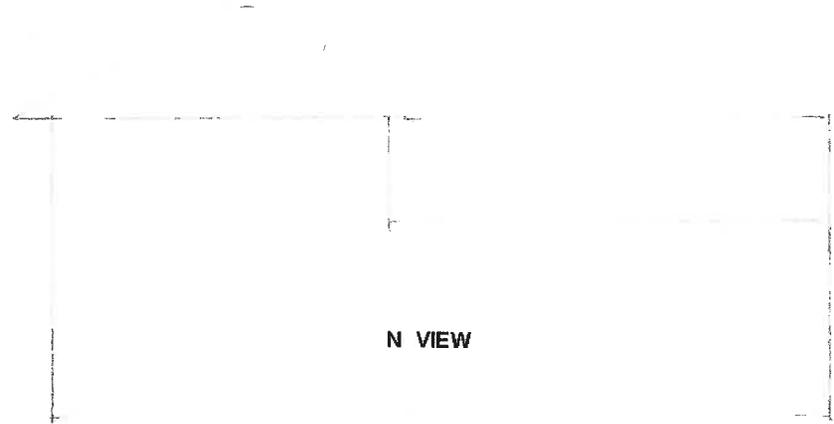
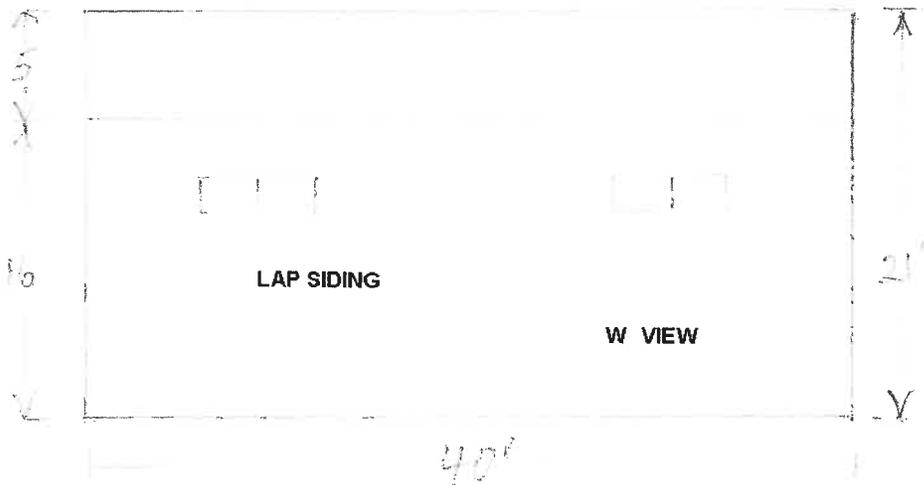
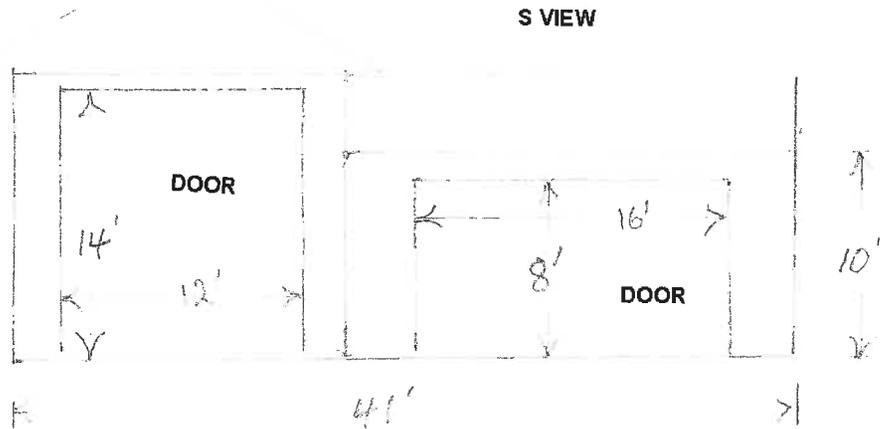
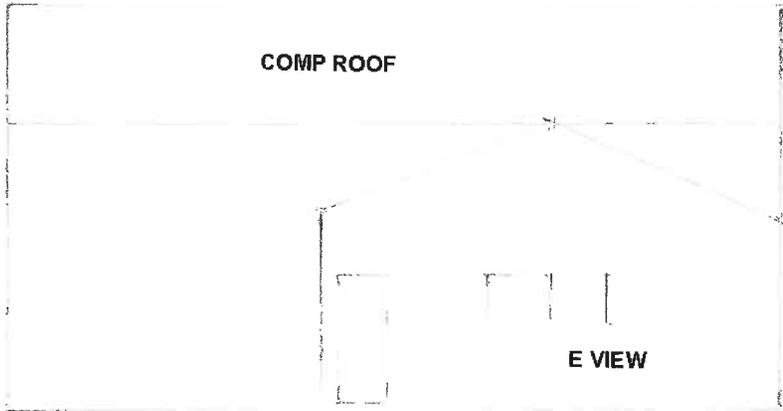
DRIVEWAY

36ST AVE



1" = 10' Scale

Mike McKay 2013 33 Ave 1" = 10' Scale



Scale 1" = 10'