



PLANNING COMMISSION AGENDA

**Monday, June 17, 2024
5:15 p.m.**

This meeting includes in-person and virtual participation.

Council Chambers

333 Broadalbin Street SW

Or join the meeting here:

<https://council.albanyoregon.gov/groups/plc/zoom>

Phone In: 1-253-215-8782 (long distance charges may apply); Meeting ID: 837-8633-4863;
Passcode: 464432

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Approval of Minutes
 - June 3, 2024 [Pages 3-4]
4. Business from the public:

Persons wanting to provide comments may:

- 1- *Email written comments to cdaa@albanyoregon.gov, including your name, before **noon on the day of the meeting.***
- 2- *To comment virtually during the meeting, register by emailing cdaa@albanyoregon.gov before **noon on the day of the meeting**, with your name. The chair will call upon those who have registered to speak.*
- 3- *Appear in person at the meeting and register to speak.*

5. Public Hearing: Planning File SD-01-24, Applicant Appeal of a Type I-L Staff Decision concerning a nine-lot residential subdivision. [Pages 5-27]
Summary: The request for appeal is based on the maximum permitted density for a townhouse project and the land use process used to review the application. – Project Planner Liz Olmstead
6. Business from the commission
7. Staff updates
8. Next Meeting Date: July 15, 2024
9. Adjournment

albanyoregon.gov



This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cdaa@albanyoregon.gov or call 541-917-7550.

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.



CITY OF ALBANY
Planning Commission

MINUTES

Monday, June 3, 2024
Council Chambers – 5:15 p.m.
Approved: DRAFT

Call to Order

5:15 p.m.

Vice Chair Stacey Bartholomew called the meeting to order at 5:15 p.m.

Pledge of Allegiance

Roll Call

Commissioners Present: Karen Cardosa, Stacey Bartholomew, Ted Bunch Jr, Bill Ryals, Skylar Bailey, Circe Verba, Kenny Larson, Ron Green

Commissioners Absent: JoAnn Miller (excused)

Approval of the Minutes

5:16 p.m.

Motion: Commissioner Ryals moved to approve the minutes from the May 13, 2023, meeting as presented. Commissioner Bailey seconded the motion. All voted in favor 8-0.

Business from the Public

5:16 p.m.

None.

Public Hearing—Type IV-Q Quasi-Judicial and Type IV-L Legislative Process

Summary: Planning files AN-02-23 and ZC-05-23. Proposed annexations with concurrent zone map amendments. The applicant is the City of Albany.

Vice Chair Bartholomew called the Public Hearing to order at 5:18 p.m.

Commission Disclosures

There were no conflict of interests, or ex parte contacts reported.

There was one site visit reported by Ron Green.

No commissioners abstained from participating in this hearing and there were no challenges offered to the participation of any Commissioners.

David Martineau read the hearing procedures.

Staff Report

Current Planning Manager, David Martineau, presented the staff report*, and went over the criteria for annexation (ADC 2.110). Both parcels met the criteria for annexation.

Public Testimony

5:26 p.m.

None.

Staff Response

5:26 p.m.

None.

Vice chair Bartholomew closed the Public Hearing at 5:27 p.m.

Commission Deliberations

5:27 p.m.

None.

Motion: Commissioner Bailey moved to recommend that the city council approve the land use applications for annexation with concurrent rezones under planning files AN-02-23 and ZC-05-23, as described in the May 24, 2024, staff report. This motion is based on the findings and conclusions in the staff report and the findings in support of the applications made by the planning commission during deliberations on this matter. Commissioner Larson seconded the motion, which passed 8-0.

The city council will hold a public hearing on this case on June 26, 2024, at 6:00 p.m.

Public Hearing—Applicant Appeal of Type I-L Staff Decision

Summary: Planning files SD-03-23 and VR-03-24, concerning a 113-lot Residential Subdivision and Minor Variance to the Block Length Standard.

David Martineau reported that the applicant withdrew their appeal of SD-03-23 and VR-03-24 decision. Staff will issue a notice of appeal withdrawn to property owners who received notice of the appeal.

Business from the Commission

5:30 p.m.

None.

Staff Updates

None.

Next Meeting Date

June 17, 2024

Adjournment

Hearing no further business, Vice Chair Bartholomew adjourned the meeting at 5:31 p.m.

Respectfully submitted,

Reviewed by,

Susan Muniz
Recorder

David Martineau
Planner

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cdaa@albanyoregon.gov.*



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Building & Planning 541-917-7550

Appeal Staff Report Addendum

Tentative Subdivision Plat

SD-01-24

June 10, 2024

Summary

On May 10, 2024, the Albany Community Development Department approved with conditions, a land division application for a 9-lot subdivision of 0.95 acres of land located at 2949 Gibson Hill Road NW. Seven lots are proposed for townhouses. This was a staff-level decision of a Type I-L limited land use application that can be appealed to the Planning Commission per ADC 1.410. The Tentative Plat review criteria in the Albany Development Code (ADC) Section 11.180 must be satisfied to grant approval of the application. Staff's analysis, findings, and conclusions for SD-01-24 are in the May 10, 2024, Staff Report in Attachment D.

Audrey Eldridge of 1705 NW Ravenwood Drive appealed the Planning Director's decision of Planning File SD-01-24 on May 20, 2024. This staff report addendum addresses the concerns raised in the notice of appeal, included as Attachment A.

Application Information

Type of Application:	Land Division (Tentative Subdivision Plat) for a nine-lot subdivision.
Review Body:	Staff Review (Type I-L)
Property Owner/Applicant:	Scott Lepman, Glorietta Bay LLC; 100 Ferry Street NW, Albany, OR 97321
Applicant's Agent:	Laura LaRoque, Udell Engineering and Land Surveying, LLC; 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2949 Gibson Hill Road NW
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400
Zoning:	RS-10 (Residential Single Dwelling Unit District)
Overlay District:	None
Total Land Area:	0.95 acres
Prior Land Use Approvals:	None

albanyoregon.gov/cd



Appeal Scope of Review

The ADC Section 1.440 specifies the scope of review for appeals. The reviewing body shall determine the scope of review to be one of the following: restricted to the record made on the decision being appealed, limited to such issues as the review body determines necessary for proper resolution of the matter, or a de Novo hearing on the merits.

Appeal Analysis (Staff Report Addendum)

Ms. Eldridge appealed the approval of the decision on May 20th, prior to the expiration of the appeal deadline at 5:00 pm on May 20th. The appellant submitted an appeal based on the following issues.

Townhouse Project Density

The appellant states that the maximum density for the townhome development was exceeded for the approved subdivision.

Staff Analysis:

ADC 3.191(1)(a) states that the maximum permitted density for a townhouse project shall be based on the total area of the development site (including all townhouse lots and other tracts). A townhouse project is defined as one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided or is proposed to be divided to reflect the townhouse property lines and any commonly owned property. Because the subdivision did not contain any commonly owned property, only the townhouse lots (Lots 1 – 7) were used to calculate the maximum density of the townhouse project. Lots 8 and 9 were not included in the density calculation.

ADC 3.191(a) also states that for the purposes of calculating density, the gross area required for each townhouse unit in the RS-10 zone shall be 2,500 square feet per townhouse unit. Gross area is calculated to include the area of the site before any dedication or deductions of land are made for rights-of-way or open space. The gross area of the subject townhouse project is 16,164.9 square feet (see Attachment B). The gross area of the townhouse project divided by the maximum density of 2,500 square feet allows 6 townhouse units ($16,164.9 / 2,500 = 6.4$ units).

The subdivision also qualified for ADC 3.220 Bonus Provisions for Reduction in Lot Size Requirements. ADC 3.220(1) allows a residential development a 10 percent reduction in average minimum lot size where at least 50 percent of the lot area is located within 200 feet of a designated collector or arterial street, and the lot will not have direct access to an arterial. Gibson Hill Road NW is considered a minor arterial street and 100 percent of the townhouse lots are within 200 feet of Gibson Hill Road NW. In addition, access to all townhomes will be provided from Sunny Lane NW (Attachment B). The applicant has satisfied the requirements for a reduction in lot size; therefore, a 10 percent reduction to the 2,500 square feet allows each lot in the townhouse project to average 2,250 square feet. Based on the townhouse development project gross area of 16,164.9 square feet divided by 2,250 square feet ($16,164.9 / 2,250 = 7.18$ units), the maximum density allows 7 townhouse units.

Townhouses v Middle Housing and the Land Division Process for Townhouses

The appellant states that nowhere in the staff analysis was there mention of Middle Housing development or parent lot/child lot(s) and they do not believe the proposed development has gone through the appropriate processes.

Staff Analysis:

The subject land division will create nine residential lots including seven townhouse lots, a lot with an existing duplex, and a lot with an existing accessory building. All these lots could be “parent” lots for future middle housing child lots. Yet, while townhouses are considered a type of middle housing, townhouses were an allowed use in the code prior to the adoption of the development code for middle housing and middle housing land

divisions. Townhouses are by definition, “zero lot line” houses, where each unit is built on its own lot or parcel. The staff report evaluated and discussed the townhouse lot sizes and the other lot sizes, but did not mention middle housing, because townhouses are not always middle housing.

The subject development included the creation of townhouse lots and two other larger properties and was processed through the land division land use process in accordance with the review criteria outlined in Section 11.180 of the ADC, which included analysis of the development against the zoning district development standards, the transportation system, public facilities, and utilities. There are more review criteria to evaluate with a standard land division than the middle housing land division criteria.

The Middle Housing Land Division (MHL D) process is an expedited land division process to allow middle housing (such as triplexes and fourplexes that have more than one dwelling on a lot) to be subdivided to create home ownership opportunities. Per state law, the MHL D is not a land use decision, and must comply with state law standards in ADC Section 11.610, which state that exactly one dwelling unit will be located on each resulting lot except for lots used as common area. While townhouses are a form of middle housing, the development proposed in SD-01-24 included two additional lots. The MHL D process would have been an option for creating the townhouse lots alone (without the other two lots); however, the MHL D process is not required to create townhouse lots. The MHL D process would be required to divide a fourplex into 4 townhouses.

Review Body Decision (ADC 1.460)

Review Body Decision. Upon review, the reviewing body may affirm, remand, reverse, or modify in whole or in part a determination or requirement of the decision that is under review. When the reviewing body modifies or reverses a decision of the previous review body, the reviewing body shall set forth its findings and state its reasons for taking the action. When the reviewing body elects to remand the matter back to the previous review body for such further consideration as the reviewing body deems necessary, it may include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify such error.

Attachments

- A. Appeal Findings submitted by Ms. Eldridge
- B. Location Map
- C. Tentative Plat Maps
- D. SD-01-24 May 10, 2024, Staff Report

Tentative Subdivision Plat

SD-01-24

Finding of Fact

The Tentative Subdivision plat staff report discusses dividing the 0.95 acre parcel into nine lots. There is a small portion of this parcel is proposed to include seven townhouse lots with an average lot size of less than 2000 square feet each. This parcel is further subdivided with two other lots – one is 10,021 square feet and holds a duplex, and the other is 14,832 square feet with a barn/storage type building. Neither of those are identified as part of the “townhouse” development properties. The entire parcel is zoned as RS-10.

Nowhere in the staff analysis did I find the mention of Middle Housing development or Parent Lot/Child Lot(s). It appears the more appropriate method of approving this or any similar Middle Housing Development for a lot that has not been subdivided is to first subdivide the parcel. This was done with an adjacent Middle Housing proposal Riverwood Crossing. I do not believe the 2989 Gibson Hill proposed development has gone through the appropriate processes.

As proposed, Lot 8 and 9 would be approximately 60% of the original parcel, and the remaining area should be identified for townhouse development [13,958 sq ft as calculated according to sheet c1.1 Attachment B Tentative Plat by Udell Engineering and Land Surveying, LLC.]

ADC Residential District Development Standards were found on Table 3.190-1 and in section 3.191 (1) specify the minimum size lot for a townhouse is 1500 sq ft (goal met) and the maximum density for a townhouse project in RS-10 is 2,500 sq ft per *townhouse unit (emphasis added)* (goal not met.) Neither a duplex nor a barn/storage is a townhouse unit,

The March 8, 2024 Notice of Filing and the May 10, 2024 Tentative Approval were both for a subdivision and minor variance. The area for townhouse subdivision must meet to code of an average lot size of 2500 sq ft per townhouse unit. The storage barn/she and the duplex are not townhouse units. I believe there should first have been a first proposal to subdivide this area into three parcels - the Duplex, The Barn/Storage and the area reserved for Townhouses.

After and if the first subdivision is approved and a townhouse development is still proposed, then a Middle Housing Development notice is appropriate to those who live within one hundred feet, or if the City is concerned about hearing from the residents in the area, that distance could be expanded.

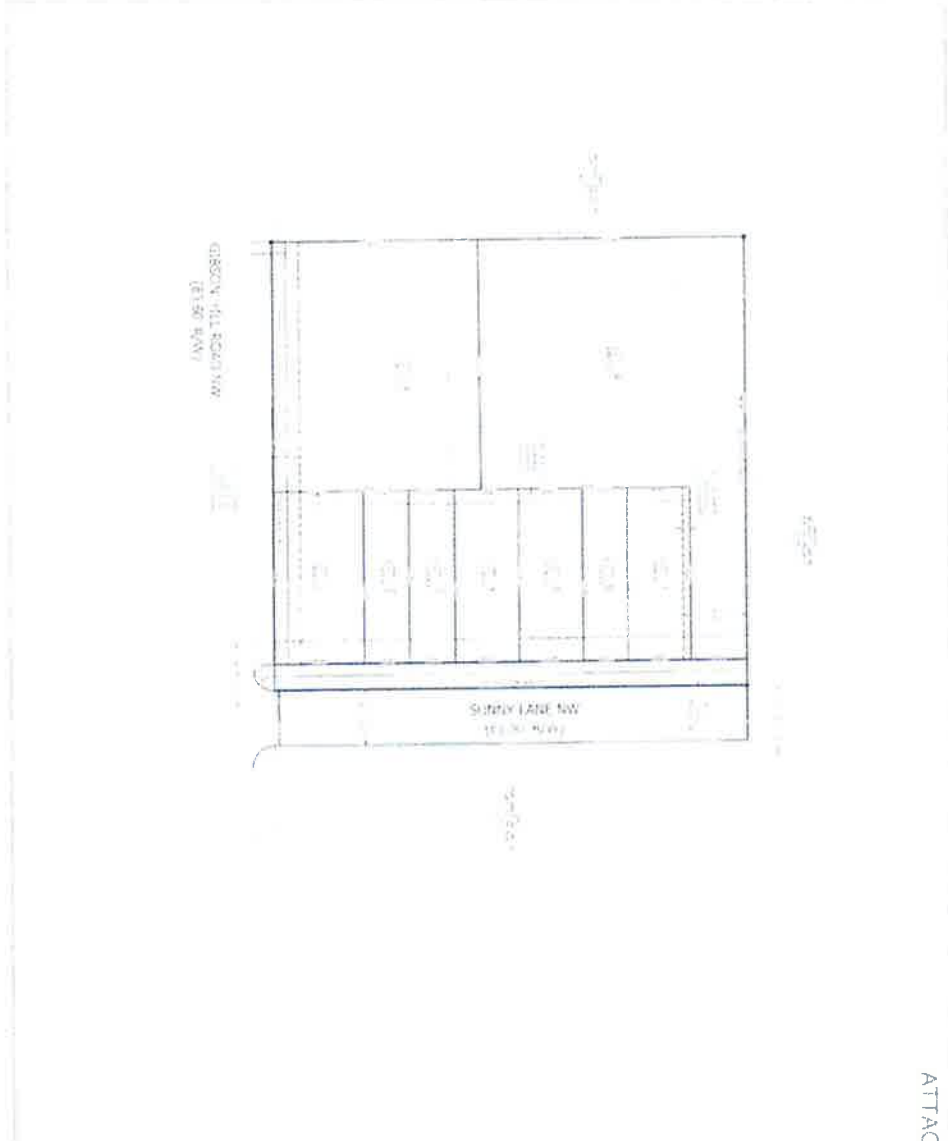
The City Development Code has clear and understandable language. If the City chooses to enforce the clear code and the Development Code Standards identified on ADC Table 3-190-1 (*ADC Middle Housing Standards, Townhouse, August 2023*), the number of townhouses that would fit on the area currently identified as lots 1-7 would be 5. This would then allow the townhouses to have enough lot area to meet the design standards. Please note – there is an asterisk w/r/t the average lot size on this table – and that also includes the minimum lot size for townhouses as 1,500 square feet and the development must meet the average (in this case 2,500 square feet.) Lots 8 and 9 are not

considered open space for the townhouse lots. And development connotes something being built - not carved out.

If the City does not choose to comply with the Development Code Standards identified on this table, they should revise the ADC information to reflect their understanding and practice and then go out for public comment. In the meanwhile, it appears this tentative subdivision plat is flawed and must be revised.

As a final note –the City’s decision and notice were not presented as a Middle Housing proposal (which is clearly is.) I would expect the City should be more transparent especially as it is known there are so many concerned citizens.

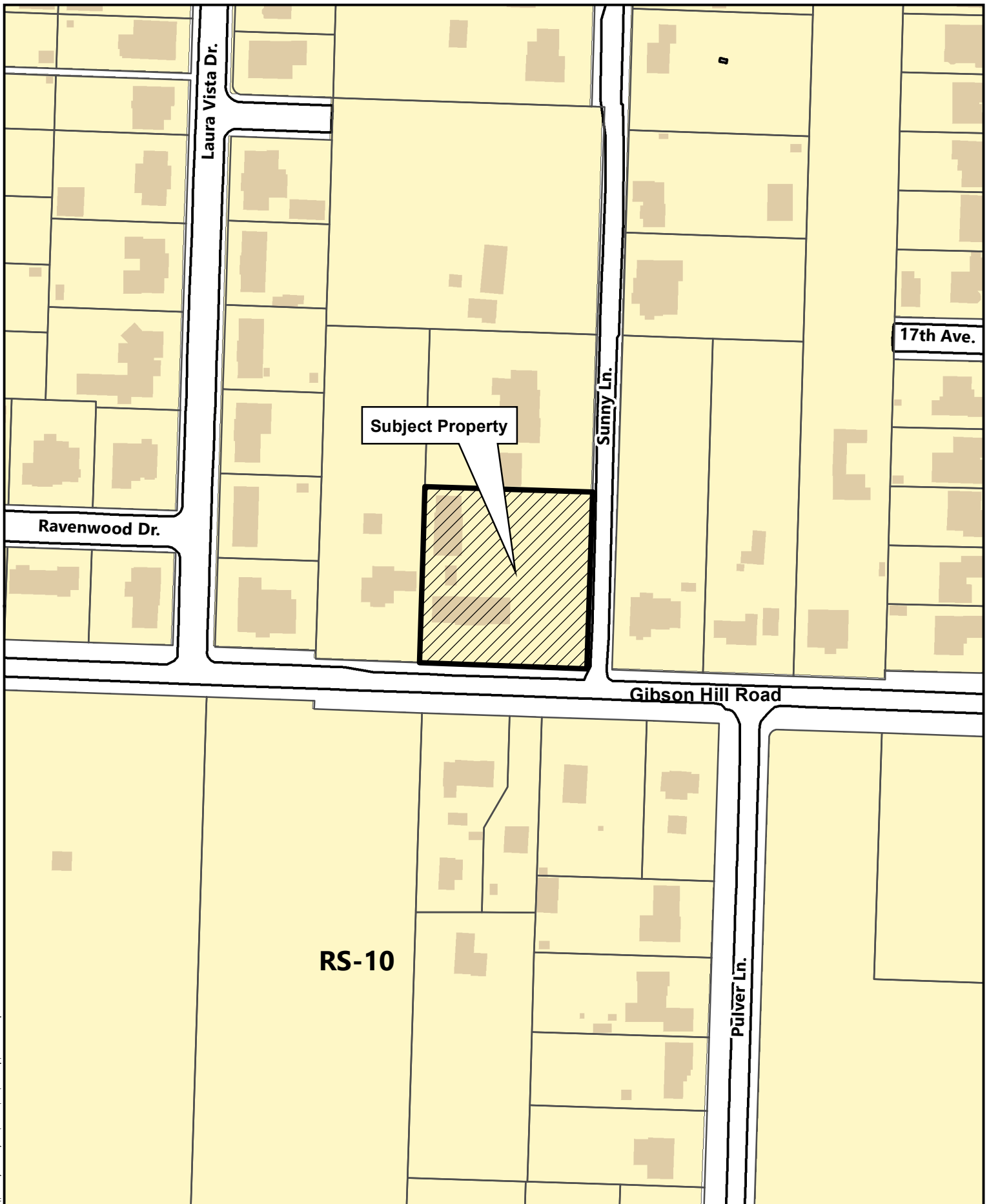
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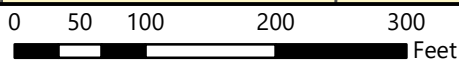
ATTACHMENT B



<p>DESIGN TEAM</p> <p>CONS. ENGINEER</p> <p>LAND SURVEYOR</p>	<p>DESIGN TEAM</p> <p>CONS. ENGINEER</p> <p>LAND SURVEYOR</p>	<p>DESIGN TEAM</p> <p>CONS. ENGINEER</p> <p>LAND SURVEYOR</p>	<p>DESIGN TEAM</p> <p>CONS. ENGINEER</p> <p>LAND SURVEYOR</p>
<p>TENTATIVE PLAT</p> <p>TENTATIVE SUBDIVISION</p> <p>ALBANY, OREGON</p>		<p>USSELL ENGINEERING AND LAND SURVEYING, LLC</p> <p>ALBANY, OREGON</p>	<p>SCIENTIFIC</p> <p>ALBANY, OREGON</p>



\\cc.cityofalbany.net\homes\lzo\Desktop\Location Map.mxd



2949 Gibson Hill Road

ATTACHMENT C.1



1 INCH
30'



CLIENT:
GLORETTA BAY, LLC
12500 W. ALBANY
ALBANY, OREGON 97321
(541) 928-9390

PROJECT AREA SUMMARY

GROSS LAND AREA: 0.95± ACRES
RIGHT-OF-WAY DEDICATION: 0.06 ± ACRES
NET LAND AREA: 0.89 ± ACRES

DESIGN TEAM

CIVIL ENGINEER

IDEELL ENGINEERING AND LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OREGON 97355
(541) 451-5125

SURVEYOR

IDEELL ENGINEERING AND LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OREGON 97355
(541) 451-5125

LAND USE PLANNER

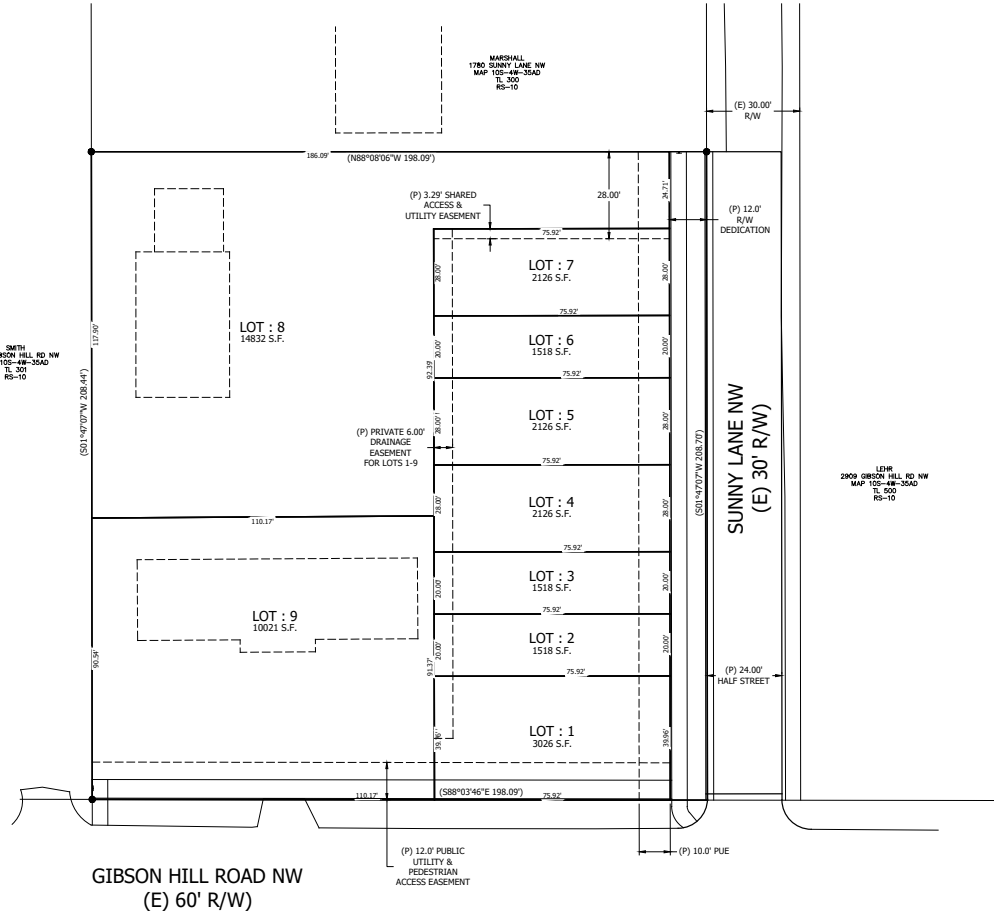
IDEELL ENGINEERING AND LAND SURVEYING, LLC
63 E. ASH STREET
LEBANON, OREGON 97355
(541) 451-5125

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1868 FAX

TENTATIVE PLAT
TENTATIVE SUBDIVISION
SUNNY LANE TOWNHOMES
MAP 105-4W-354D
TAX LOT 400
ALBANY, OREGON

DATE: APRIL 9, 2024
PROJECT: 23-25 LEPANA SUNNY LANE
DRAWN BY: [REDACTED]
ISS. BY: [REDACTED]
CHECKED BY: [REDACTED]
NO.

THIS PLAN SET IS FOR
PLANNING PURPOSES ONLY.
NOT TO BE USED FOR
CONSTRUCTION.

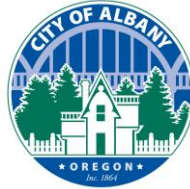


GIBSON HILL ROAD NW
(E) 60' R/W

SUNNY LANE NW
(E) 30' R/W

PLAN REVISIONS	DATE
VARIANCE REMOVED AND LAYOUT UPDATED	APRIL 9, 2024

Sheet **C.1.1**
SCALE: SEE BARSCALE



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Building & Planning 541-917-7550

Staff Report

Tentative Subdivision Plat

SD-01-24

May 10, 2024

Summary

The proposal is to subdivide 0.95 acres of land into nine lots. The site is located at 2949 Gibson Hill Road NW. A location map is included as Attachment A and the proposed Tentative Plat is shown on Attachment B.

The following review criteria are applicable for this project: Tentative Plat Review under Albany Development Code (ADC) 11.180. These criteria are addressed in this report and must be satisfied to grant approval of this application.

Application Information

Type of Application:	Land Division (Tentative Subdivision Plat) for a nine-lot subdivision.
Review Body:	Staff Review (Type I-L)
Property Owner/Applicant:	Scott Lepman, Glorietta Bay LLC; 100 Ferry Street NW, Albany, OR 97321
Applicant's Agent:	Laura LaRoque, Udell Engineering and Land Surveying, LLC; 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2949 Gibson Hill Road NW
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400
Zoning:	RS-10 (Residential Single Dwelling Unit District)
Overlay District:	None
Total Land Area:	0.95 acres
Prior Land Use Approvals:	None

Appeals

Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type I-L staff decision to the Planning Commission by filing a Notice of Appeal and associated filing fee within ten days from the date the City mails the Notice of Decision.

Notice Information

A Notice of Filing was mailed on March 8, 2024, to owners of property located within 300 feet of the subject property in accordance with ADC 1.220. At the conclusion of the public notice period on March 22, 2023, eight comments were received:

Lee Adams, lee.aadams@atimaterials.com	Audrey Eldridge 1705 NW Ravenwood Drive, Abany, OR 97321
Stephanie Ball, stephanie.p.ball@hotmail.com	Thomas Prislac 2840 23rd Avenue NW, Albany, OR 97321
Christina Maurer, clobdell9@hotmail.com	Bonnie Ryan 1441 Scenic Drive NW, Albany, OR 97321
Valerie Ferguson, valmal715@hotmail.com	Cathy & Pat Schlecht, schlechtcp@gmail.com

PUBLIC COMMENTS:

Public comments centered around traffic, parking, zoning, and lot size (Attachment E).

STAFF RESPONSE:

Traffic: Capacity improvements have been made to the street system in North Albany in response to increased development. North Albany Road is now fully improved to urban standards. Public sidewalk exists along the majority of Gibson Hill Road and sections of other arterial and collector streets. Traffic signals have been installed at Crocker Road/Gibson Hill Road as well as on North Albany Road at US 20, Hickory Street, and West Thornton Lake Drive. A roundabout was installed at Gibson Hill Road/North Albany Road. The operation of all arterial/collector intersections in North Albany complies with the City's adopted performance standards.

Parking: In 2022, the Oregon legislature adopted Climate Friendly Equitable Communities (CFEC) rules to help meet the State's greenhouse gas reduction rules. As a result of the new rules, the City no longer requires on-site parking.

All other comments are addressed in the review criteria findings.

Staff Analysis

The Albany Development Code (ADC) includes the following review criteria for land divisions, site plan review for tree felling, and minor variances, which must be met for these applications to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Tentative Plat Review Criteria (ADC 11.180)

Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:

Criterion (1)

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.

Findings of Fact

- 1.1 Zoning. The applicant has applied for a Tentative Subdivision Plat Review to create a nine-lot residential subdivision. The subject property is located at 2949 Gibson Hill Road NW on Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400 and is a total of 0.95 acres in size. The property is currently zoned RS-10 (Residential Single Dwelling Unit District).
- 1.2 Residential Single-Dwelling Unit (RS-10) is intended primarily for a lower density residential environment. The applicant proposes construction of townhomes on proposed lots one through seven and retaining an existing accessory building on proposed lot eight, and an existing duplex on proposed lot nine.
- 1.3 Lot Sizes. ADC Table 3.190-1 contains the minimum property size or land requirements by unit. The table states that a townhouse requires a minimum property size of 1,500 square feet, and a minimum property size of 10,000 square feet for a single dwelling unit, duplex, triplex, fourplex, or cottage cluster. The proposed tentative plat shows nine lots, seven lots to be developed with townhouse units, one lot with an existing duplex unit, and one lot with an existing accessory building. The applicant proposes lots ranging in size from 1,518 square feet to 14,832 square feet. Because Lots 1 through 7 do not contain enough lot area to be developed with a use other than a townhouse, the final plat map must include a statement that Lots 1 through 7 will only be developed with townhomes or combined with an adjacent lot to a size of at least 10,000 square feet to allow for additional use types.
- 1.4 Development Standards for Townhomes – Maximum Density. In the RS-10 zoning district, the maximum density is 2,500 square feet per townhouse unit. ADC 3.220(1)(a) allows a 10 percent reduction in the average minimum lot size required in the zoning district if at least 50 percent of the lot area is located within 200 feet of a designated collector or arterial street. NW Gibson Hill Road is considered a minor arterial street and at least 50 percent of the lots are within 200 feet, therefore a 10 percent reduction would be 2,250 square feet. Based on the lot area of 0.95 acres and number of townhouse lots and tracts proposed, the average townhouse lot is approximately 2,310 gross square feet, which is less than the maximum density of 2,250 square feet per townhouse unit.
- 1.5 Development Standards for Townhomes – Number of Attached Dwelling Units. In the RS-10 zoning district, a townhouse project must contain at least two attached units and a maximum of four attached units per group. The applicant proposes a minimum of three attached units and a maximum of four attached units per group.
- 1.6 Lot Width. The RS-10 zoning district has a minimum lot width of 20 feet for townhouses and 65 feet for all other uses. Lots 1-7 specified for townhouse development are 20 feet or greater in width, Lot 8 is developed with an accessory structure and is 117.9 feet wide, and Lot 9 is developed with a duplex is 110.17 feet wide.
- 1.7 Development Standards. No development is proposed with this application. At the time of building permit processing, setback, lot coverage, and height standards will be applied to ensure construction meets the applicable development standards of the underlying zoning district. There is an existing duplex on proposed Lot 8 and an existing accessory building on proposed Lot 9. Because no primary structure exists on proposed Lot 9, the accessory structure must either be demolished, or a building permit issued for a change of occupancy to a U-Occupancy, or a recorded deed restriction stating that the structure will only be utilized as accessory to one of the dwelling units on Lot 8.

- 1.8 Lot and Block Standards. The lot and block standards under ADC 11.090 are addressed later in this report. The findings show the lot and block standards are met with conditions. Those findings and conclusions are included here by reference.

Conclusions

- 1.1 Based on the factors above, the proposal meets the applicable development standards of the underlying zoning district with two conditions.
- 1.2 This criterion is met.

Condition

- Condition 1 The final plat map shall include a statement that Lots 1 through 7 will only be developed with townhomes or combined with an adjacent lot resulting in a lot area of at least 10,000 square feet to allow for additional use types.
- Condition 2 Prior to recording the final plat, the existing accessory structure on Lot 9 must either have an issued demolition permit, an issued building permit to change the structure from an accessory structure under the Oregon Residential Specialty Code to a U-Occupancy under the Oregon Structural Specialty Code, or record a deed restriction that the structure shall only be utilized as an accessory structure to one of the existing dwelling units on the project site.

Criterion (2)

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact

- 2.1 The subject property is located on Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400 and is owned in its entirety by Scott Lepman, Glorietta Bay, LLC.
- 2.2 The subdivision does not create any remainder property.

Conclusions

- 2.1 All property included in this subdivision is under the same ownership, and there is no remainder of land to consider with this application.
- 2.2 This criterion is met.

Criterion (3)

Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Findings of Fact

- 3.1 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by the city council to require only that adjoining land either have access or be provided access to public streets. The property has frontage on NW Gibson Hill Road and NW Sunny Lane. All proposed lots will have frontage on and/or access to an existing public right-of-way.
- 3.2 Property to the north: North of the subject property is a single-dwelling unit with frontage on and access to NW Sunny Lane. The proposed land division does not affect future development of this lot.

- 3.3 Property to the east: East of the subject property is an existing single-dwelling unit with frontage on and access to NW Sunny Lane. The proposed land division does not affect the future development of these lots.
- 3.4 Property to the south: South of the subject property there are four single-dwelling units with frontage on and access to NW Gibson Hill Road. The proposed land division does not affect future development of this lot.
- 3.5 Property to the west: West of the subject property is an existing single-dwelling unit with frontage on and access to NW Gibson Hill Road. The proposed land division does not affect the future development of these lots.

Conclusions

- 3.1 All adjoining properties have access to public streets through the existing transportation system, and the proposed subdivision plan will not remove that access.
- 3.2 This criterion is met.

Criterion (4)

The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

- 4.1 The proposed development will construct a nine-lot residential subdivision with townhome lots, one lot with an existing duplex, and one lot with an existing accessory structure.
- 4.2 The development is located on the northwest corner of NW Gibson Hill Road and NW Sunny Lane.
- 4.3 ADC 12.060 requires that all streets interior and abutting new development be improved to city standards.
- 4.4 NW Gibson Hill Road is classified as a minor arterial and lacks sidewalk improvements along the frontage of the site. The existing right-of-way is 60 feet wide. A storm water drainage ditch extends along the site's frontage and prevents the installation of public sidewalk within the existing right of way. The applicant has proposed dedication of a 12-foot utility and pedestrian access easement along the site's frontage to allow for installation of public sidewalk behind the storm water drainage ditch.
- 4.5 NW Sunny Lane is classified as a local street and is not constructed to city standards. The road has a gravel surface and lacks curb, gutter, and sidewalk. The existing right-of-way is 30 feet wide. The applicant has proposed right-of-way dedication of 12 feet together with construction of partial width street improvements consisting of: curb, gutter, and sidewalk along the west side, 24 feet of pavement measured from the new face of curb, and a drainage swale along the east side. The 24-foot improvement width would allow for a vehicle travel lane in each direction. It would also allow the road to eventually comply with the city's standard full local street design when the east portion of the road is improved with future development. ADC 12.200 allows for the construction of partial width street improvements.
- 4.6 Based on ITE trip generation rates for single dwelling attached housing, at full buildout the applicant estimated the development would generate 65 vehicle trips per day, with 5 of those trips occurring during the peak PM traffic hour.
- 4.7 Albany's Transportation System Plan does not identify any congestion or safety issues occurring on the street system within or adjoining this site.

Conclusions

- 4.1 The development will create nine lots. Seven lots are intended for townhome development, one lot is improved with an existing duplex, and the remaining lot is developed with an existing accessory structure.

- 4.2 Based on ITE trip generation rates when fully developed the site is estimated to generate 65 new vehicle trips per day, with 5 of those occurring during the peak PM traffic hour.
- 4.3 Improvement of public streets that adjoin new development is a requirement of ADC 12.060. The development plan for the site proposes construction of a partial width street improvement along the site's frontage on NW Sunny Lane, and dedication of a utility and pedestrian access easement together with sidewalk construction along the site's frontage on NW Gibson Hill Road. The proposed street designs conform to the design standards contained in ADC 12.120 and 12.122.
- 4.4 The partial width improvement of NW Sunny Lane will provide for a vehicle travel lane in each direction, but until the east side of the road is eventually improved there will be insufficient room for on-street parking along the west side of the road. Based on the proposed driveway locations, the only gap in driveways long enough to allow for a potential parking space is between townhome lots 4 and 5. Installation of a "No Parking" sign at that location is needed to prevent vehicles from parking there until the eventual improvement of the east side of the road.

Conditions

- Condition 3** Prior to recording the final plat map, the applicant shall construct or financially assure the construction of partial width street improvements along the site's frontage on NW Sunny Lane. Improvements shall be consistent with the approved site plan and consist of:
- A curb, gutter, and sidewalk along the west side of the street. The curb alignment shall reflect an ultimate curb to curb width of 30 feet centered within a 54-foot right of way.
 - The construction of the driveway approaches as shown on the approved site plan.
 - The construction of pavement to meet city standards with a width of 24 feet as measured from the west face of curb.
- Condition 4** Prior to recording the final plan map, the applicant shall construct or financially assure the construction of a public sidewalk along the site's frontage on NW Gibson Hill Road.
- Condition 5** Prior to or with recording the final plat map, the applicant shall dedicate:
- 12 feet of public street right of way along the site's frontage on NW Sunny Lane.
 - A 12-foot public utility and pedestrian easement along the site's frontage on NW Gibson Hill Road.
- Condition 6** A "No Parking" sign shall be installed in the landscape strip on NW Sunny Lane between lots 4 and 5, and 20 feet of yellow curb shall be installed on the west side of NW Sunny Lane from the edge of the curb return at NW Gibson Hill Road north.

Criterion (5)

The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sanitary Sewer:

- 5.1 City utility maps show a 10-inch public sanitary sewer main in NW Sunny Lane and an 8-inch in NW Gibson Hill Road. The subject property is connected to the public sanitary sewer system.
- 5.2 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.

- 5.3 ORS 92.090 states that no subdivision plat shall be approved unless sanitary sewer service from an approved sewage disposal system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 5.4 The applicant's preliminary utility plan shows new sanitary sewer laterals off the sanitary sewer main in NW Sunny Lane to serve each lot of the subdivision. Before any work is done on or around a public sanitary sewer main the applicant must obtain a Site Improvement Permit from the City's Engineering Division.

Water:

- 5.5 City utility maps show an 8-inch public water main in NW Sunny Lane and a 24-inch public water main in NW Gibson Hill Road. The subject property is connected to the public water system.
- 5.6 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public water main.
- 5.7 ORS 92.090 states that no subdivision plat shall be approved unless water service from an approved water supply system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 5.8 The applicant's preliminary utility plan shows new water services installed off the water main in NW Sunny Lane to serve each lot of the subdivision. The applicant must obtain a Water Meter Permit from the City's Engineering Division for installation of water services.

Stormwater Drainage:

- 5.9 City utility maps show no piped public storm drainage facilities in NW Sunny Lane or NW Gibson Hill Road. NW Sunny Lane is not improved to City Standards with curb and gutter along the subject property. NW Gibson Hill is not improved to City Standards with curb and gutter along the subject property and is constructed with roadside ditches for drainage.
- 5.10 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 and must be shown on the final plat. 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's Engineering Division.
- 5.11 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.
- 5.12 ADC 12.550 states that any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 5.13 ADC 12.580 states that all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 5.14 The applicant shall extend storm drainage facilities from Dover Lane to serve the subject property.
- 5.15 The applicant has submitted a preliminary drainage plan that shows the extension of the public storm drainage system in Dover Lane to the subject property and a private detention system. Final design details for these storm drainage facilities will be reviewed in conjunction with the subdivision. Before

any work is done on or around a public storm drainage main the applicant must obtain a Site Improvement Permit from the City's Engineering Division.

- 5.16 AMC 12.45.030 – 12.45.040 requires that a post-construction stormwater quality permit 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 8,100 square feet or more of impervious surface is created and/or replaced, cumulatively. (Ord. 5841 § 3, 2014).
- 5.17 Because this subject project is under 1-acre, post-construction stormwater quality is not required for this project.

Fire Safety:

- 5.18 The Albany Fire Department has reviewed the proposed subdivision for conformance with the 2022 Oregon Fire Code (OFC), and their comments are included as Attachment C. Fire safety requirements include street naming conventions, the provision of adequate water supply and capacity, and emergency accesses to and within the subdivision, including turnarounds, parking restrictions, and easements. The applicant must show compliance with fire safety standards prior to final plat approval of the development.

Conclusions

- 5.1 Public sanitary sewer and water are available to serve the proposed development. The applicant must install water and sewer services to serve each of the proposed lots.
- 5.2 The applicant must extend public storm drainage facilities to the site from Dover Lane to serve the future development.
- 5.3 The applicant must provide stormwater detention facilities for the proposed development.
- 5.4 The applicant has submitted preliminary utility plans for the proposed development. While these plans appear to be generally acceptable, final design and construction details will be reviewed as part of the required permits.

Conditions

- Condition 7** Before the City approves the final subdivision plat, the applicant must construct public storm drainage improvements in NW Sunny Lane from NW Dover Avenue to collect runoff from the proposed development. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 8** Before the City approves the final subdivision plat, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 9** Before the City approves the final subdivision plat, the applicant must construct sanitary sewer laterals to serve each lot of the subdivision. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 10** Before the City approves the final subdivision plat, the applicant must obtain a water meter permit for installation of water services to serve each lot of the subdivision.
- Condition 11** Prior to the approval of the Final Plat, the applicant must show compliance with the requirements from the Albany Fire Department (Attachment D).

NOTE: *All required permits must be obtained through the Public Works Department before beginning work on any of the aforementioned improvements. Final design and construction details will be reviewed as part of the required permits. Reference is hereby made to the comments provided by the Public Works Department, Engineering Division.*

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 Overlay District: Figure 4-1 shows that the subject property is located outside the Airport Approach District.
- 6.2 Article 6 Floodplain Overlay District: According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0195H, dated December 8, 2016, the subject property is in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).
- 6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within the Riparian Corridor Overlay District.
- 6.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within the Significant Wetlands Overlay District.
- 6.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Article 7 Historic Overlay District: According to Chapter 11, Plate 9 of the Comprehensive Plan, the subject property is not located within the Historic Overlay District. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is not located in any special purpose districts.
- 6.2 This criterion is met.

Lot and Block Arrangements Review Criteria (ADC 11.090)

In any land division for single-family residential or middle housing development, lots and blocks shall conform to the following standards in this Article and other applicable provisions of this Code:

Criterion (1)

Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code with the exception of lots designated Open Space.

Findings of Fact

- 1.1 The applicant submitted findings stating: “The proposed parcels meet the minimum requirements for the underlying zone. The size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permit for the lots withing the proposed subdivision.”

- 1.2 The subject property is not located in an area with steep slopes. The proposed subdivision has been designed to accommodate the existing topography ensuring building permits may be issued for each lot.

Conclusion

- 1.1 This criterion is met.

Criterion (2)

Lot dimensions must comply with the minimum standards of this Code. When lots are more than double the minimum area designated by the zoning district, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat.

Findings of Fact

- 2.1 The proposed lots are less than double the minimum area designated for the RS-10 zone.

Conclusion

- 1.2 This criterion is met.

Criterion (3)

Double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterials is necessary for several adjoining lots, those lots must be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials. An access control strip shall be placed along all lots abutting arterial streets requiring access onto the lesser class street where possible.

Findings of Fact

- 3.1 No double frontage lots are proposed.

Conclusion

- 3.1 This criterion is met.

Criterion (4)

Side yards of a lot shall run at right angles to the street the property faces, except that on a curved street the side property line shall be radial to the curve.

Findings of Fact

- 4.1 As shown on the Tentative Plat, lot lines run at right angles to the streets, or radial to the curved portions of the streets.

Conclusion

- 4.1 This criterion is met.

Criterion (5)

The average block length shall not exceed 600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets (Figure 11.090-1). The City may grant an exception to the average block length standard based on one or more of the conditions in subsections (a) through (c) below.

- (a) *Physical conditions preclude an average block length of 600 feet or less. Such conditions may include steep slopes or the existence of physical features, including, but not limited to: wetlands, riparian corridors, mature tree groves, or a resource under protection by State or Federal law.*
- (b) *Existing transportation or utility facilities, buildings, or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude an average block length of 600 feet or less, considering the potential for redevelopment.*
- (c) *An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the average block length shall be as close to 600 feet as practicable.*

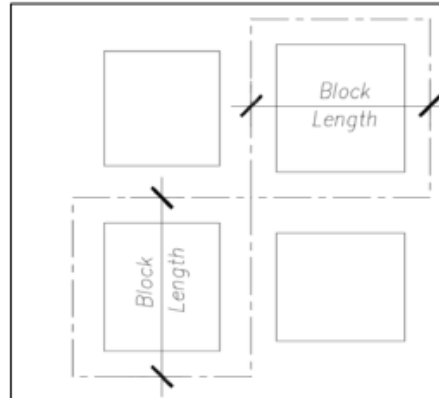


FIGURE 11.090-1. Block Length

Findings of Fact

5.1 The Tentative Plat does not create any blocks.

Conclusion

5.1 This criterion is met.

Criterion (6)

Off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible.

Findings of Fact

6.1 All lots have direct access to a public street and no off-street pedestrian pathways are proposed or required.

Conclusion

6.1 This criterion is not applicable.

Criterion (7)

With the exception of townhouse development, the minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.

Findings of Fact

7.1 The application does not involve the creation of a cul-de-sac.

Conclusion

7.1 This criterion is not applicable.

Criterion (8)

Flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The minimum width for a flag is 22 feet, except when access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet.

Findings of Fact

8.1 The applicant proposes one flag lot with a 24-foot-wide flag stem, meeting the standard.

Conclusion

8.1 This criterion is met.

Criterion (9)

At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty-foot radius of the curb line.

Findings of Fact

9.1 No new intersections are proposed with this development.

Conclusion

9.1 This criterion is met.

Overall Conclusion

As proposed and conditioned, the application under planning file SD-01-24 for a Tentative Plat Review to develop a nine-lot subdivision satisfies all applicable review criteria as outlined in this report.

Overall Conditions

- Condition 1** The final plat map shall include a statement that Lots 1 through 7 will only be developed with townhomes or combined with an adjacent lot resulting in a lot area of at least 10,000 square feet to allow for additional use types.
- Condition 2** Prior to recording the final plat, the existing accessory structure on Lot 9 will must either have an issued demolition permit, an issued building permit to change the structure from an accessory structure under the Oregon Residential Specialty Code to a U-Occupancy under the Oregon Structural Specialty Code, or record a deed restriction that the structure shall only be utilized as an accessory structure to one of the existing dwelling units on the project site.

- Condition 3** Prior to recording the final plat map, the applicant shall construct or financially assure the construction of partial width street improvements along the site's frontage on NW Sunny Lane. Improvements shall be consistent with the approved site plan and consist of:
- A curb, gutter, and sidewalk along the west side of the street. The curb alignment shall reflect an ultimate curb to curb width of 30 feet centered within a 54-foot right of way.
 - The construction of the driveway approaches as shown on the approved site plan.
 - The construction of pavement to meet city standards with a width of 24 feet as measured from the west face of curb.
- Condition 4** Prior to recording the final plan map, the applicant shall construct or financially assure the construction of a public sidewalk along the site's frontage on NW Gibson Hill Road.
- Condition 5** Prior to or with recording the final plat map, the applicant shall dedicate:
- Twelve feet of public street right of way along the site's frontage on NW Sunny Lane.
 - A 12-foot public utility and pedestrian easement along the site's frontage on NW Gibson Hill Road.
- Condition 6** A "No Parking" sign shall be installed in the landscape strip on NW Sunny Lane between lots 4 and 5, and 20 feet of yellow curb shall be installed on the west side of NW Sunny Lane from the edge of the curb return at NW Gibson Hill Road north.
- Condition 7** Before the City approves the final subdivision plat, the applicant must construct public storm drainage improvements in NW Sunny Lane from NW Dover Avenue to collect runoff from the proposed development. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 8** Before the City approves the final subdivision plat, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
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NOTE: *All required permits must be obtained through the Public Works Department before beginning work on any of the aforementioned improvements. Final design and construction details will be reviewed as part of the required permits. Reference is hereby made to the comments provided by the Public Works Department, Engineering Division.*

Attachments

- A Location Map
- B Tentative Plat Maps
- C Applicant Narrative
- D Albany Fire Department Comments
- E Written Comments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
GIS	Geographic Information Systems
ITE	Institute of Transportation Engineers
ODFW	Oregon Department of Forestry
ODOT	Oregon Department of Transportation
RS-6.5	Residential Single Dwelling Unit District
SI	Site Improvement Permit
TSP	Transportation System Plan