



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Middle Housing Land Division

File: SD-02-24

May 8, 2024

### Summary

The proposal is a Middle Housing Land Division to divide 22 parent lots into 80 child lots for future townhouse construction. The Oregon legislature adopted Senate Bill 458 (SB458) in June of 2021 to allow land divisions for middle housing built in accordance with middle housing Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). This follows approval of Riverwood Crossing, a 22-lot subdivision, recorded in the Benton County Deed Records on March 5, 2024 (Attachment A). The site is located on Laura Vista Drive south of Gibson Hill Road (Attachment B) just east of the Scenic View subdivision.

The following review criteria are applicable for this project: Middle Housing Land Division Review Criteria in Albany Development Code (ADC) 11.610. These criteria are addressed in this report and must be satisfied to grant approval of this application. The applicant has proposed to divide the property under SB458 rules adopted by the Oregon Legislature in 2021 and codified in Oregon Revised Statute 92.031. Each resulting lot will contain one dwelling unit of the townhouse development.

### Application Information

Type of Application:	Middle Housing Land Division to divide 22 parent lots into 80 child lots for future townhouse construction.
Review Body:	Staff Review (Review Type N/A)
Property Owner/Applicant:	Serge Serdsev; Pacific National Development; PO Box 3550; Salem, OR 97302
Representative:	Brian Grenz, Multi/Tech Engineering; 1155 SE 13th Street; Salem, OR 97302
Land Use Consultant:	Brandie Dalton, Multi/Tech Engineering; 1155 SE 13th Street; Salem, OR 97302
Address/Location:	3118 Gibson Hill Road NW; Albany, OR 97321
Map/Tax Lot:	Benton County Assessor: 10S-04W-35DB Tax Lot 200
Zoning:	RS-10 (Residential Single-Dwelling Unit District)
Comprehensive Plan:	Residential - Low Density
Overlay Districts:	None
Total Land Area:	7.44 acres

Prior Land Use Approvals: SD-07-21, a 22-lot subdivision.

## Appeals

The City's decision may be appealed to the referee if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 14 days from the date the City mails the notice of decision [ADC 11.620(9)]. This approval expires in three years unless the final plat has been submitted to the City's Planning Division for review and approval.

## Notice Information

A Notice of Filing was mailed on April 2, 2024, to owners of property located within 100 feet of the subject property in accordance with ORS 197.365(2) and ADC 11.620(2). At the conclusion of the public notice period on April 16, 2024, 33 emailed comments had been received:

1. Meghan Becker, 2990 NW Gibson Hill Rd.	18. Mildred McCafferty, no address provided
2. Jerry Boal, 1280 NW Jordon Dr.	19. Dani McCafferty, no address provided
3. Suzanne Burnett, no address provided	20. Melinda McKenzie-Rudko, 1500 NW Thorn Dr.
4. Christina Cooper, no address provided	21. Philip McPherson, 1314 NW Jordan Dr.
5. Dona Daubenspeck, 1436 NW Ellis Ave.	22. Barbara Mencer, no address provided
6. Audrey Dekam, 2530 NW Ashley Dr.	23. Thomas Prislac, 2840 NW 23 <sup>rd</sup> Ave.
7. Brad Dennis, 1212 NW Spencer Mountain Dr.	24. Jason T. Riley, 1436 NW Ellis Ave.
8. Lily Edwards, 3357 NW Sparks Ave.	25. Jonathan Santana, no address provided
9. Audrey Eldridge, 1705 NW Ravenwood Dr.	26. Bill & Jeanette Schafer, 1313 NW Thorn Dr.
10. James and Cynthia Enlow, 1460 NW Ashley Dr.	27. Cathy & Pat Schlecht, no address provided
11. Larry Falk, 2990 NW Sunny Lane	28. Brian Summers, no address provided
12. Heather Hayes, 1177 NW Jordan Dr.	29. Unsigned letter, no address provided
13. Douglas M. Henry, 2445 NW Violet Ave.	30. Bob VanderLinden, 1715 NW Ravenwood Dr.
14. Bill Ingram, 1305 NW Jordan Dr.	31. Dan Whitney, no address provided
15. Peggy Joyce, no address provided	32. Nancy Yancy, 2245 NW Cluster Oak Ave.
16. Carrie Kohlleppe, 1697 NW Laura Vista Dr.	33. Jim & Nancy Zanotti, 1239 NW Jordan Dr.
17. Joan Martens, 1265 NW Thorn Dr.	

### PUBLIC COMMENTS

Public comments centered around traffic volume concerns, reduced public noticing, short comment period, strain on overburdened infrastructure, school capacity, the change from going to 80 lots from 22 lots, fear of crime and declining property values attributable to low-income residents, and quality of life issues (see Attachment H).

### STAFF RESPONSE

Thank you for your comments. Middle Housing Land Divisions are not considered a land use by state law and the City is required to apply specific review criteria which was developed following the passage of House Bill 2001 and Senate Bill 458 by the Oregon Legislature as codified in ORS 197, ORS 92, and OAR 660 – Division 46. For this reason, the City review is limited to responding only to those public comments that address the review criteria set forth in Oregon Revised Statutes, which have been included in ADC 11.610(1) for

reference. For your information, a handout regarding the state mandated Middle Housing regulations has been provided which includes information on the state mandated processes and frequently asked questions with answers.

## Staff Analysis

The Albany Development Code (ADC) includes the following review criteria for land divisions and cluster development which must be met for these applications to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

## Middle Housing Land Division Review Criteria (ADC 11.610)

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 (a)

***The middle housing development complies with the Oregon residential specialty code and the applicable ADC middle housing regulations, including but not limited to, the provisions in the base zone and in Sections 8.110-8.175. To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and ADC middle housing regulations.***

### Findings of Fact

- a.1 Pursuant to OAR 918-480-0005, compliance with the Oregon Residential Specialty Code will be determined at the time of building permit application. At the time of this middle housing land division, no application for building permits were received. The Community Development Director and Building Official issued an interpretation on November 30, 2023, clarifying the process to meet the intent of ORS 92.031(4)(e) for vacant properties where no development is proposed at time of a middle housing land division application (Attachment C).
- a.2 The applicant notes that the proposal meets the requirements for a middle housing land division since the parent parcels were created through subdivision approval (SD-07-21), and meets the requirements of ADC 11.600, along with ADC 3.190. The recording of the final plat for SD-07-21 demonstrates compliance with required codes and regulations (Attachment F).
- a.3 The subject property is zoned RS-10, and all the existing parent parcels (22 lots) are a minimum of 10,000 square feet in size, with 91-foot-wide lot widths and 109-foot lot depths.
- a.4 The applicant is proposing to divide the parent parcels into middle housing townhome lots as shown on the plat. There will be 80 (Lots 23-102) child lots within the middle housing townhome subdivision, as shown on the Middle Housing Land Division site plan (Attachment D).
- a.5 The child lots range in size from 2,199 square feet to 7,443 square feet.
- a.5 To demonstrate that all proposed structures comply with the ADC Middle Housing regulations and the Oregon Residential Specialty Code, all requirements will be met and reviewed at the time of building permit submittal.

### Conclusions

- a.1 Based on the factors above, the proposal meets the applicable development standards of the underlying zoning district and the applicable lot and block dimensional standards of Article 11.
- a.2 This criterion is met.

## Criterion (b)

***Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.***

### Findings of Fact

- b.1 All utility service connections are being provided for each townhome lot. The parent parcels were set up to accommodate all required services for single family lots and middle housing lots. This is shown on the SI-22-14 construction plans and has been constructed as such.
- b.2 City utility maps show an eight-inch public sanitary sewer main serving the subject subdivision Riverwood Crossing Subdivision. Sanitary sewer service laterals are installed for each proposed townhouse child lot.
- b.3 The proposed middle housing land division will not negatively impact the public sanitary sewer system.
- b.4 City utility maps show an eight-inch public water main serving the subject subdivision Riverwood Crossing Subdivision. Water services are installed for each proposed townhouse child lot.
- b.5 The proposed middle housing land division will not negatively impact the public water system.
- b.6 City utility maps show a 12-inch public storm drainage system serving the subject subdivision Riverwood Crossing Subdivision. The public storm drainage was designed to handle townhome development on the parent parcels.
- b.7 The proposed middle housing land division will not negatively impact the public storm drainage system.

### Conclusions

- b.1 The proposed middle housing land division will not negatively impact public utilities (water, sewer, storm).
- b.2 This criterion is met.

## Criterion (c)

***Easements will be provided as necessary for each dwelling unit on the site for:***

- i. Locating, accessing, replacing, and servicing all utilities;*
- ii. Pedestrian access from each dwelling unit to a private or public road;*
- iii. Any common use areas or shared building elements;*
- iv. Any dedicated driveways or parking; and*
- v. Any dedicated common area.*

### Findings of Fact

- c.1 All easements have been identified on the SD-07-21 Subdivision Plat and the SI-22-14 construction plans. The middle housing land-division plat attached to this submittal identifies any easements that are required and proposed for the townhome child lots and the approved subdivision (Attachment D).

### Conclusion

- c.1 All easements have been identified. The middle housing land-division plat identifies any easements that are required and proposed for the townhome child lots and the approved subdivision.
- c.2 This criterion is met without conditions.

## Criterion (d)

*Exactly one dwelling unit will be located on each resulting lot (referred to as middle housing child lots), except for lots or tracts used as common areas, on which no dwelling units will be permitted.*

### Findings of Fact

- d.1 The proposal meets the requirements for a middle housing land division since the parent parcels were created through subdivision approval SD-07-21, and meets the requirements of ADC 11.610, along with ADC 3.190. All townhomes will be located on individual child lots that are created from the parent lots.

### Conclusion

- d.1 This criterion is met without conditions.

## Criterion (e)

*Buildings or structures on a resulting child lot will comply with applicable building codes provisions relating to new property lines.*

### Findings of Fact

- e.1 The applicant is proposing to divide the parent parcels into middle housing townhome lots as shown on the Plat.
- e.2 To demonstrate that all proposed structures comply with the ADC Middle Housing regulations and with applicable building codes, all requirements will be met and reviewed that the time of building permit submittal.

### Conclusion

- e.1 This criterion is met without conditions.

## Criterion (f)

*Notwithstanding the creation of new child lots, structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.*

### Findings of Fact

- f.1 To demonstrate that all proposed structures comply with the ADC Middle Housing regulations and the Oregon Residential Specialty Code, all requirements will be met and reviewed that the time of building permit submittal.

### Conclusion

- f.1 This criterion is met without conditions.

## Criterion (g)

*Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to ADC 12.140 and 12.200.*

## Findings of Fact

- g.1 The proposed child lots will abut a street; however, all abutting streets and internal streets are being constructed to meet City standards per the SI-22-14 construction plans, and current construction of the site.

## Conclusion

- g.1 This criterion is met without conditions.

## Overall Conclusion

As proposed and conditioned, the middle housing land division application under planning file SD-02-24 for an 80-lot townhouse subdivision satisfies all applicable review criteria as outlined in this report.

## Conditions of Approval

1. Further division of the resulting child lots is prohibited.
2. The following notation must appear on the final plat:
  - The approval was given under ORS Chapter 92.
  - The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the middle housing land division.
  - Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.
3. Any improvements associated with review criteria in ADC 11.610 must be provided.
4. The tentative approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

## Attachments

- A Recorded Riverwood Crossing Subdivision (File SD-07-21)
- B Location Map
- C Joint Interpretation
- D Tentative Middle Housing Land Division Plat
- E Utility Plan
- F Applicant Findings
- G Trip Generation Memo
- H Public Comments

## Acronyms

- ADC Albany Development Code
- AMC Albany Municipal Code
- ITE Institute of Transportation Engineers
- RS-10 Residential Medium Density Zoning District
- SD Subdivision File Designation
- SI Site Improvement Permit



# RIVERWOOD CROSSING

IN THE SE 1/4 SEC. 35, T. 10 S., R. 4 W., W.M.  
CITY OF ALBANY, BENTON COUNTY, OREGON

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

*Robert D. Hamman*  
ROBERT D. HAMMAN, PLS 64202LS

CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	8.00'	89°47'51"	12.54'	N44°54'42"W	11.29'
C2	8.00'	90°00'00"	12.57'	N44°59'13"E	11.31'
C3	5.00'	31°21'55"	2.74'	S74°19'49"E	2.70'
C4	43.75'	50°39'56"	38.69'	N83°58'50"W	37.44'
C5	43.75'	33°51'30"	25.85'	S53°45'27"W	25.48'
C6	43.75'	68°12'24"	52.08'	S2°43'30"W	49.06'
C7	5.00'	31°21'55"	2.74'	N15°41'45"W	2.70'
C8	35.00'	90°00'00"	54.98'	S44°59'13"W	49.50'
C9	8.00'	90°00'00"	12.57'	S44°59'13"W	11.31'
C10	8.00'	90°00'00"	12.57'	N44°59'13"E	11.31'
C11	8.00'	90°00'00"	12.57'	N45°00'47"W	11.31'
C12	8.00'	90°00'00"	12.57'	S44°59'13"W	11.31'
C13	8.00'	90°00'00"	12.57'	S45°00'47"E	11.31'

**LEGEND:**

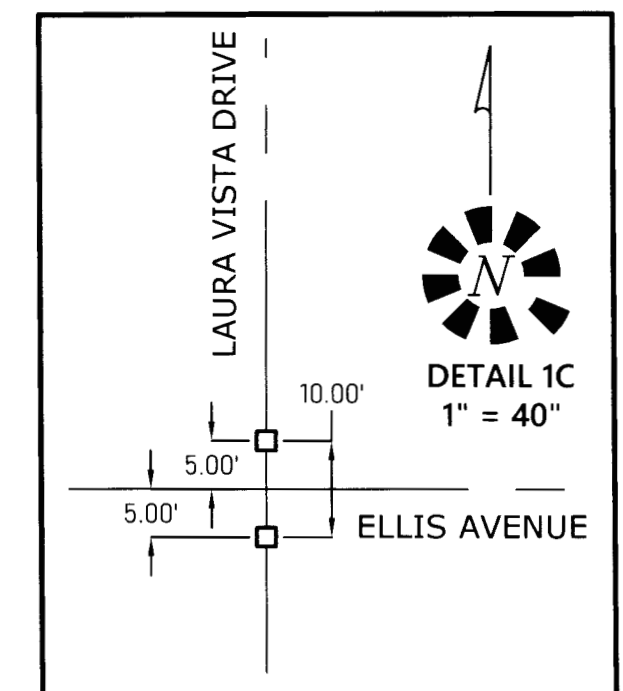
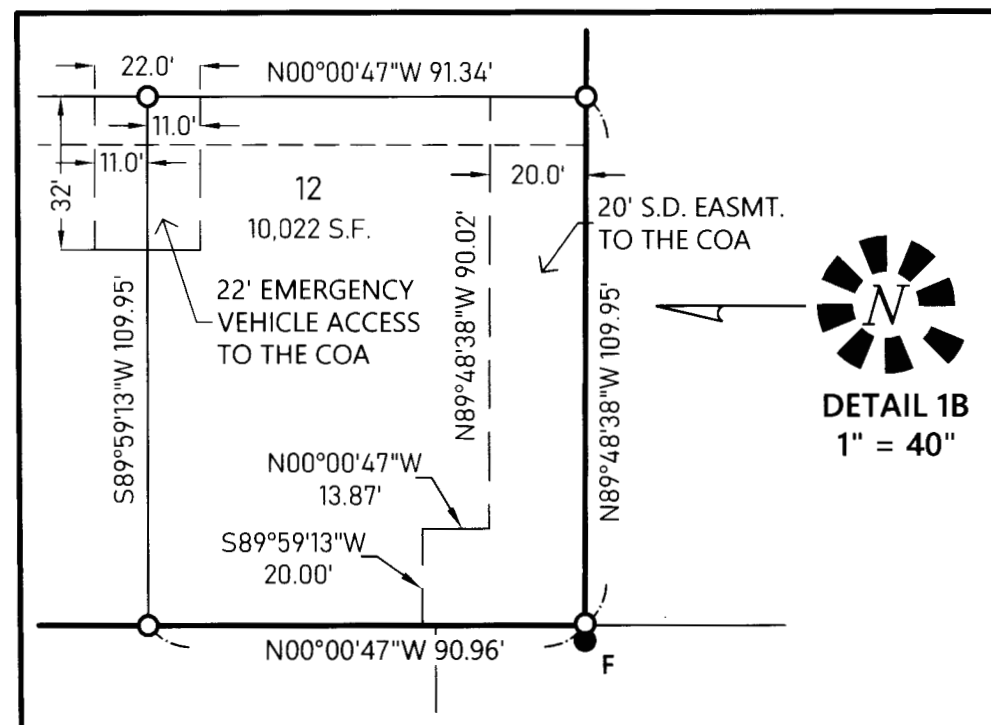
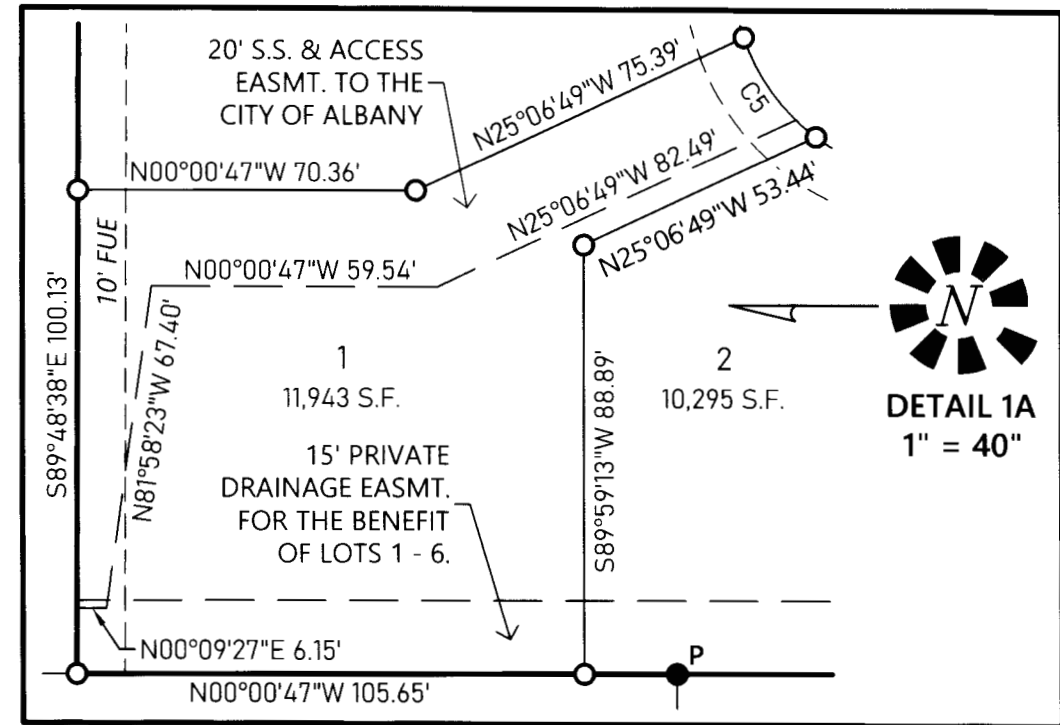
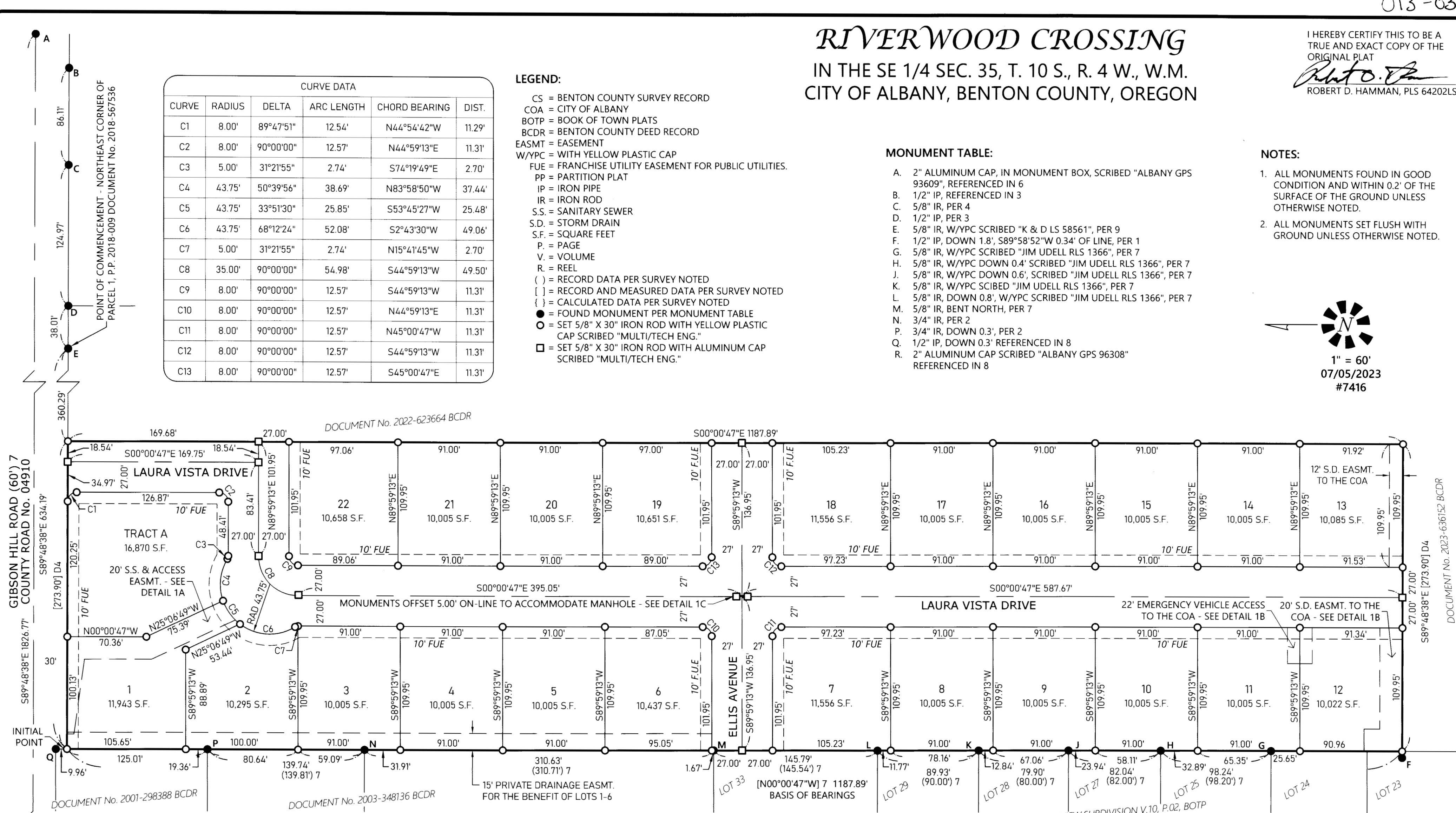
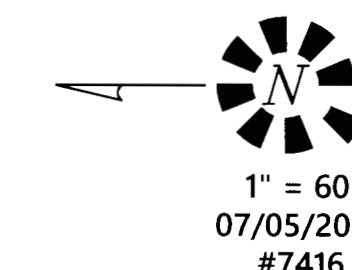
- CS = BENTON COUNTY SURVEY RECORD
- COA = CITY OF ALBANY
- BOTP = BOOK OF TOWN PLATS
- BCDR = BENTON COUNTY DEED RECORD
- EASMT = EASEMENT
- W/YPC = WITH YELLOW PLASTIC CAP
- FUE = FRANCHISE UTILITY EASEMENT FOR PUBLIC UTILITIES.
- PP = PARTITION PLAT
- IP = IRON PIPE
- IR = IRON ROD
- S.S. = SANITARY SEWER
- S.D. = STORM DRAIN
- S.F. = SQUARE FEET
- P. = PAGE
- V. = VOLUME
- R. = REEL
- ( ) = RECORD DATA PER SURVEY NOTED
- [ ] = RECORD AND MEASURED DATA PER SURVEY NOTED
- { } = CALCULATED DATA PER SURVEY NOTED
- = FOUND MONUMENT PER MONUMENT TABLE
- = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG."
- = SET 5/8" X 30" IRON ROD WITH ALUMINUM CAP SCRIBED "MULTI/TECH ENG."

**MONUMENT TABLE:**

- A. 2" ALUMINUM CAP, IN MONUMENT BOX, SCRIBED "ALBANY GPS 93609", REFERENCED IN 6
- B. 1/2" IP, REFERENCED IN 3
- C. 5/8" IR, PER 4
- D. 1/2" IP, PER 3
- E. 5/8" IR, W/YPC SCRIBED "K & D LS 58561", PER 9
- F. 1/2" IP, DOWN 1.8", S89°58'52"W 0.34' OF LINE, PER 1
- G. 5/8" IR, W/YPC SCRIBED "JIM UDELL RLS 1366", PER 7
- H. 5/8" IR, W/YPC DOWN 0.4' SCRIBED "JIM UDELL RLS 1366", PER 7
- J. 5/8" IR, W/YPC DOWN 0.6', SCRIBED "JIM UDELL RLS 1366", PER 7
- K. 5/8" IR, W/YPC SCRIBED "JIM UDELL RLS 1366", PER 7
- L. 5/8" IR, DOWN 0.8", W/YPC SCRIBED "JIM UDELL RLS 1366", PER 7
- M. 5/8" IR, BENT NORTH, PER 7
- N. 3/4" IR, PER 2
- P. 3/4" IR, DOWN 0.3', PER 2
- Q. 1/2" IP, DOWN 0.3' REFERENCED IN 8
- R. 2" ALUMINUM CAP SCRIBED "ALBANY GPS 96308" REFERENCED IN 8

**NOTES:**

- 1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.
- 2. ALL MONUMENTS SET FLUSH WITH GROUND UNLESS OTHERWISE NOTED.



**REFERENCE SURVEYS:**

- 1. CS 225
- 2. CS 3282
- 3. CS 6749
- 4. CS 6869
- 5. CS 9084
- 6. CS 9090
- 7. SCENICVIEW SUBDIVISION V. 10, P. 02, BOTP
- 8. CS 10626
- 9. PP 2018-009 DOCUMENT No. 2018-567536

**REFERENCE DOCUMENTS:**

- D1. 2001-298388 BCDR
- D2. 2003-348136 BCDR
- D3. 2022-623664 BCDR
- D4. 2023-636152 BCDR

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Robert D. Hamman*  
OREGON  
JULY 13, 2004  
ROBERT D. HAMMAN  
64202LS  
EXPIRES: 6-30-2025

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227

# RIVERWOOD CROSSING

IN THE SE 1/4 SEC. 35, T. 10 S., R. 4 W., W.M.  
CITY OF ALBANY, BENTON COUNTY, OREGON


### SURVEYOR'S CERTIFICATE

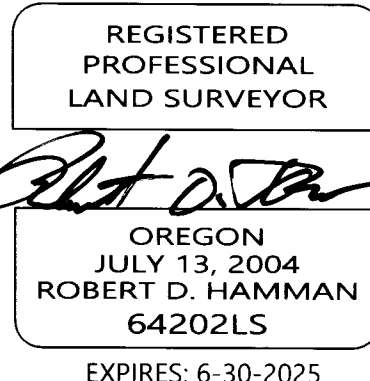
I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN HEREON AS DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD AT THE NORTHEAST CORNER OF PARCEL ONE PARTITION PLAT No. 2018-009, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 10 SOUTH, RANGE 4 WEST, OF THE WILLAMETTE MERIDIAN, CITY OF ALBANY, BENTON COUNTY OREGON; THENCE NORTH 89°48'38" WEST 634.19 FEET TO A 5/8" IRON ROD ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GIBSON HILL ROAD, BEING THE INITIAL POINT; THENCE SOUTH 00°00'47" EAST 1187.89 FEET TO A 5/8" IRON ROD ON THE EAST LINE OF SCENICVIEW SUBDIVISION AS RECORDED IN VOLUME 10, PAGE 02, BENTON COUNTY BOOK OF TOWN PLATS; THENCE SOUTH 89°48'38" EAST 273.90 FEET TO A 5/8" IRON ROD; THENCE NORTH 00°00'47" WEST 1187.89 FEET TO A 5/8" IRON ROD ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GIBSON HILL ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 89°48'38" WEST 273.90 FEET TO THE POINT OF BEGINNING, AND CONTAINING 7.47 ACRES.

  
ROBERT D. HAMMAN, PLS 64202LS


I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

  
ROBERT D. HAMMAN, PLS 64202LS




### APPROVALS:

  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF ALBANY  
2/28/2024  
DATE

  
PUBLIC WORKS DIRECTOR  
CITY OF ALBANY  
FOR Chris Bailey  
2/28/2024  
DATE

  
CHAIRPERSON  
BENTON COUNTY BOARD OF COMMISSIONERS  
3/4/2024  
DATE

  
BENTON COUNTY SURVEYOR  
3/11/2024  
DATE

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH: June 30, 2024

  
DIRECTOR,  
BENTON COUNTY DEPARTMENT OF ASSESSMENT  
3-1-24  
DATE

  
BENTON COUNTY TAX COLLECTOR  
03-01-2024  
DATE

AFFIDAVIT OF CONSENT BY THE BENEFICIARIES FOR TRUST DEED RECORDED IN BENTON COUNTY RECORDS INSTRUMENT NO. 2023-636153, RECORDED IN BENTON COUNTY RECORDS DOCUMENT NO. 2023-639993.

### NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE INTO LOTS, RIGHT-OF-WAYS, AND EASEMENTS AS SHOWN PER CITY OF ALBANY PLANNING CASE No. SD-07-21. THE BASIS OF BEARINGS WAS HELD FROM MONUMENTS "G" TO "Q" OF SCENICVIEW SUBDIVISION, BOOK 10, PAGE 02, BENTON COUNTY BOOK OF TOWN PLATS AND ITS EXTENSION

I HELD MONUMENTS "G", "H", "J", "K", "L", "M", "N", "P", AND "Q" TO ESTABLISH THE WESTERLY LINE.

I HELD MONUMENTS "A" AND "R" TO ESTABLISH THE CENTERLINE OF GIBSON HILL ROAD AND OFFSET THE LINE 30' TO CREATE THE NORTH LINE. THIS MATCHES THE "B", "C", "D", AND "E" LINE ON THE SOUTH RIGHT-OF-WAY TO ESTABLISH THE NORTHERLY LINE.

I USED A RECORD DEED DISTANCE OF 273.90 FEET TO OFFSET THE WESTERLY BOUNDARY LINE TO THE EAST, ESTABLISHING THE EASTERLY LINE.


I FOUND AND HELD MONUMENT "F" FOR THE LOCATION OF THE SOUTHERLY LINE OF THE SUBJECT PROPERTY, AS THIS WAS AN ORIGINAL MONUMENT, ESTABLISHING THIS LINE IN COUNTY SURVEY 225. I SET THE CORNER AT THE INTERSECTION OF THE EAST LINE OF SCENICVIEW SUBDIVISION FROM MONUMENTS "G"- "Q" FOUND ON THE WEST LINE OF THE SUBJECT PROPERTY.

### FRANCHISE UTILITY EASEMENT STATEMENT:

PERPETUAL EASEMENTS ARE RESERVED FOR THE FRANCHISE UTILITY PURPOSES AS INDICATED IN THE DECLARATION AND SHOWN ON THE MAP. FOR PURPOSES OF THIS STATEMENT, FRANCHISE UTILITIES ARE DEFINED AS POWER, GAS, TELEPHONE, CABLE TELEVISION, AND ANY OTHER UTILITIES THAT HAVE FRANCHISE AGREEMENTS WITH THE CITY OR COUNTY. THE FRANCHISE UTILITY EASEMENTS SHALL BE FOR THE INSTALLATION, AND FOR MAINTENANCE AND REPLACEMENT OVER AND UNDER THE GROUND. THIS RESERVATION SHALL INCLUDE THE RIGHT TO INGRESS AND EGRESS FROM ANY AND ALL FRANCHISE UTILITY EASEMENTS IN ANY MANNER NECESSARY FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, OR REMOVAL OF THE FRANCHISE UTILITY PROVIDED THAT, UNDER THE TERMS OF THE FRANCHISE AGREEMENT, THE UTILITY SERVICE USING THIS EASEMENT SHALL RESTORE THE PROPERTY AS NEAR AS PRACTICAL TO ITS CONDITION PRIOR TO SAID INSTALLATION OR MAINTENANCE.


### DECLARATION:

KNOW ALL PERSONS BY THESE PRESENT THAT PACIFIC NATIONAL DEVELOPMENT, INCORPORATED IS THE OWNER OF RECORD OF THE LANDS REPRESENTED ON THIS SUBDIVISION MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AND STREETS AS SHOWN HEREON. WE HEREBY DEDICATE TO THE PUBLIC WITHOUT RESERVATION OR RESTRICTION THE STREETS AND GRANT THE EASEMENTS AS SHOWN. WE HEREBY ALSO DEDICATE TRACT A TO THE CITY OF ALBANY.

BY:  
  
SERGE SERDSEV, PRESIDENT

STATE OF OREGON } S.S.  
COUNTY OF Marion

ON THIS 1<sup>st</sup> DAY OF February, 2024, THAT SERGE SERDSEV, PRESIDENT OF PACIFIC NATIONAL DEVELOPMENT, INC. DID PERSONALLY APPEAR BEFORE ME, A NOTARY PUBLIC FOR OREGON, AND THE ABOVE-NAMED PERSON WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.


  
NOTARY SIGNATURE  
BRIAN M. GRENZ  
NOTARY PUBLIC - OREGON

COMMISSION NO. 1016844

MY COMMISSION EXPIRES: September 14, 2025

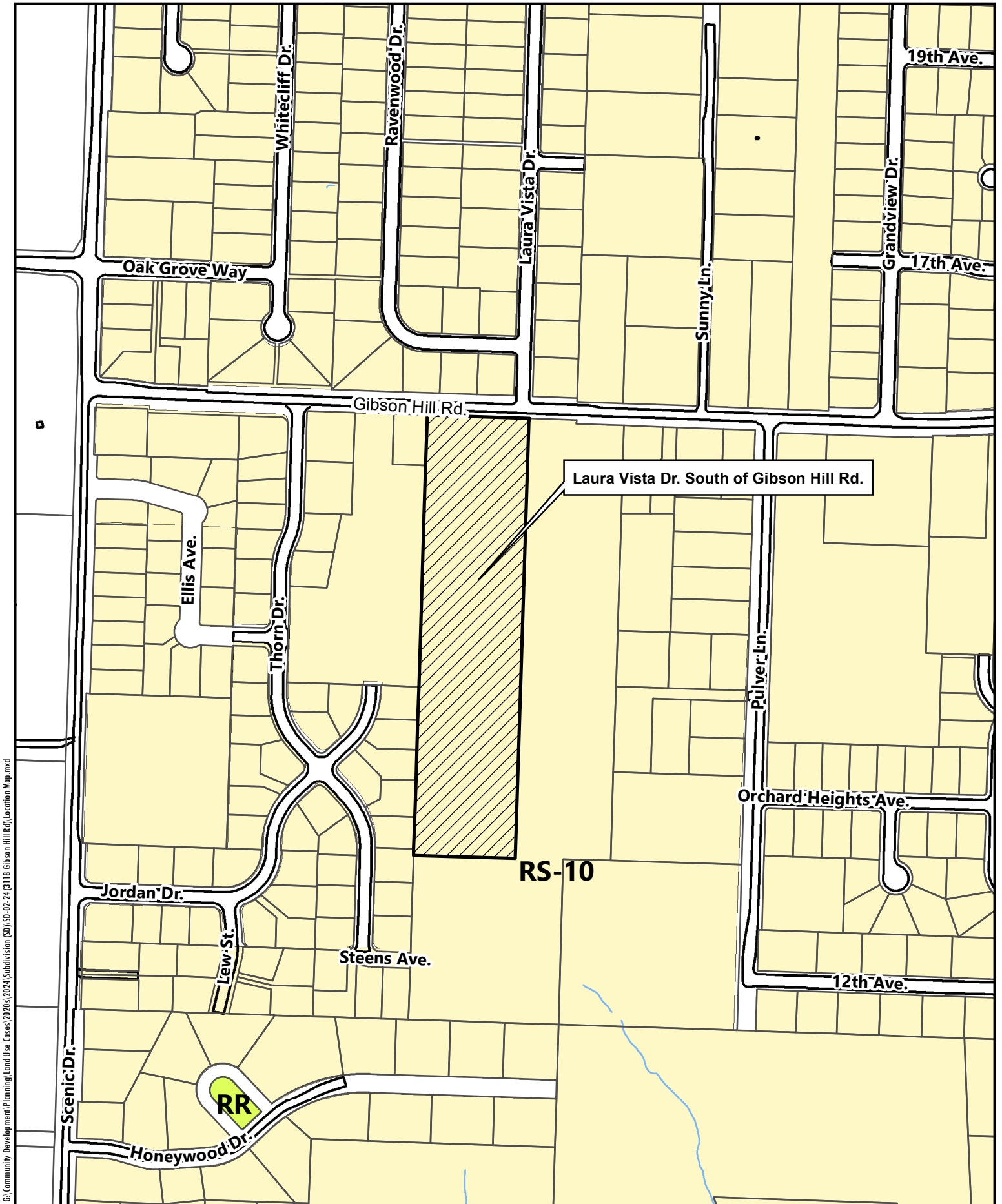
STATE OF OREGON } S.S.  
COUNTY OF BENTON

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE BENTON COUNTY DEED RECORDS AS DOCUMENT No. 2024-642748, ON THIS 5<sup>th</sup> DAY OF March, 2024 AT 9:10 O'CLOCK AM.

JAMES MORALES, BENTON COUNTY CLERK  
BY:   
BENTON COUNTY CLERK

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E. SALEM, OREGON 97302  
503-363-9227





G:\Community Development\Planning\Land Use Cases\2024\Subdivision (SD)\SD-02-24(3118\_Gibson Hill Rd)\Location Map.mxd



Date: 3/28/2024 Map Source: City of Albany

# Riverwood Crossing Subdivision

## Location Map



## COMMUNITY DEVELOPMENT

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

### Joint Interpretation: Middle Housing Land Division Applications and the Oregon Residential Specialty Code Review Requirements

Question: Are Building Permits always required at time of application in Middle Housing Land Divisions?

#### Discussion:

While code writers attempt to provide clear and concise language, at times the interpretation of a word or provision is warranted. The Albany Development Code (ADC) captures this in 1.040 (2). Unlike other provisions of the ADC middle housing land divisions are not a land use action. Therefore, interpretations do not follow the process described within for quasi-judicial or legislative interpretation. ADC 1.040(3) provides direction to liberally apply the terms within the ADC to give maximum effect of the ADC's purpose in 1.020. For the purpose of this discussion 1.020 (2) and (6) are of particular note. ADC 1.020 (2) codifies the purpose of the ADC is to ensure compliance with the the applicable federal, state, and local laws. Whereas 1.020 (6) emphasizes that the purpose is to also establish procedures and standards for complying with those requirements. The Albany Municipal Code 18.10.30 (AMC) and the Oregon Building Code R104.1 have similar provisions authorizing the Building Official to render interpretations of those requirements under their authority.

Oregon Revised Statutes 92.031 includes language for middle housing subdivisions linking a jurisdiction's approval requirement to compliance with the Oregon Residential Specialty Code (ORSC) in 92.031 (2)(a). The inclusion of this language is critical when the parent parcel contains an existing structure to verify compliance with fire separation, utility separations, and egress requirements. Equally this language is beneficial when new structures are proposed concurrently with the middle housing land division.

With the adoption of the ADC provisions in 11.610 (1)(a), the ADC included the statutory language requirement that the application shall demonstrate compliance with the Oregon Residential Specialty Code. To benefit the reader, the section also included a prescriptive path for demonstrating compliance with the ORSC. The section reads:

"To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code..."

Since adoption of ADC 11.610 (1)(a), it has become apparent that the inclusion of "proposed structures" can be misinterpreted as a requirement that the applicant must propose structures at time of the middle housing land division review. As this code section is based on statutory requirements, ORS 92.031 (4)(e) includes a permissive provision providing for a jurisdiction to allow "the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing." This permissive provision would provide a jurisdiction with the ability to conduct concurrent review but does not require concurrent review nor that building permits must be issued prior to deeming the middle housing land division application complete.

While the intent of the ADC prescribed method to demonstrate compliance is critical for divisions of land that are separating an existing structure, the same is not critical for new construction or vacant land. For these types of middle housing divisions, the scope of compliance with the ORSC that would need to be addressed during the land division process is extremely limited and generally can be addressed through conditions of approval with the decision.

For the purpose of this discussion, it is also important to consider an approved tentative middle housing land division is considered an entitlement that has an expiration of three years unless vested. Whereas the building application is limited to 180 days and an issued permit is limited to 180 days when no work is occurring.

**Interpretation:**

The prescriptive method to demonstrate compliance with the Oregon Residential Specialty Code found in ADC 11.610 (1)(a) is intended to ensure compliance with ORS 92.031 and to provide a process to demonstrate compliance. That language on how to demonstrate compliance was not intended to become a criterium or to impose additional requirements to what is required in ORS 92.031.

Based on review of the aforementioned discussion, it is our interpretation authorized under ADC 1.040 and ORSC R104.1, that approved building permits or building permit application(s) are only required at time of the land division application when the parent parcel contains existing structures as specified herein:

1. The parent parcel contains one or more structures that a proposed property line intersects or bisects the building.
2. The parent parcel contains one or more structures that the roof overhang or exterior walls will be located within 3 feet of the proposed property lines.

Where the parent parcel does not contain existing structures, as discussed above, and at the applicant's request, concurrent review of the middle housing land division and the building permits for proposed structures is permissible as specified in ORS 92.031 (4)(e).

Issued Date: 11/30/2023

  
Matthew Ruetters  
Community Development Director

  
Johnathan Balkema  
Building Official

  
Sean Kidd  
City Attorney



TENTATIVE PLAT

RIVERWOOD CROSSING PHASE II

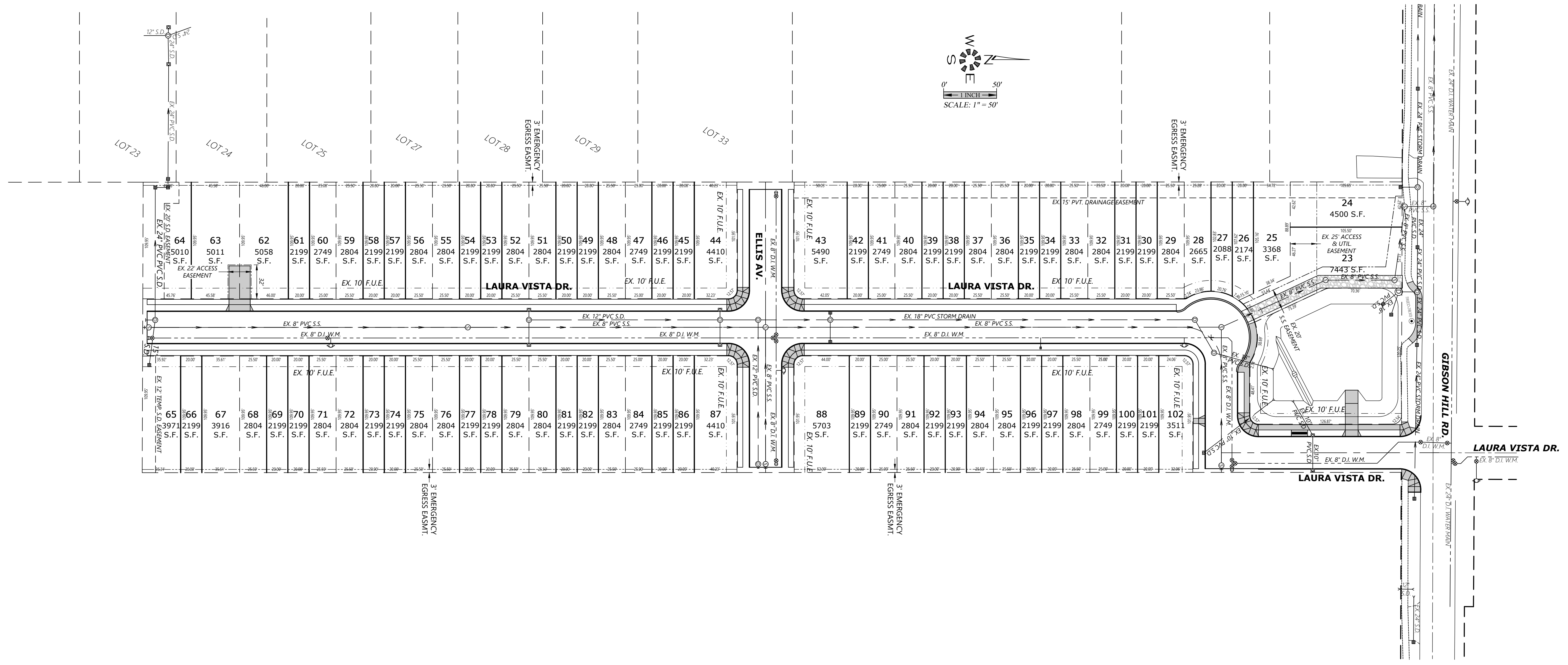
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: D.G.G.  
Checked: B.M.G.  
Date: MARCH 2024  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_



JOB # 7416

103



2/7/2024 11:08 AM D:\16\RiverwoodCrossing\Draw\2024\16RPH.dwg 103 TENT\_34/2024 11:08 AM D:\16\



UTILITY PLAN

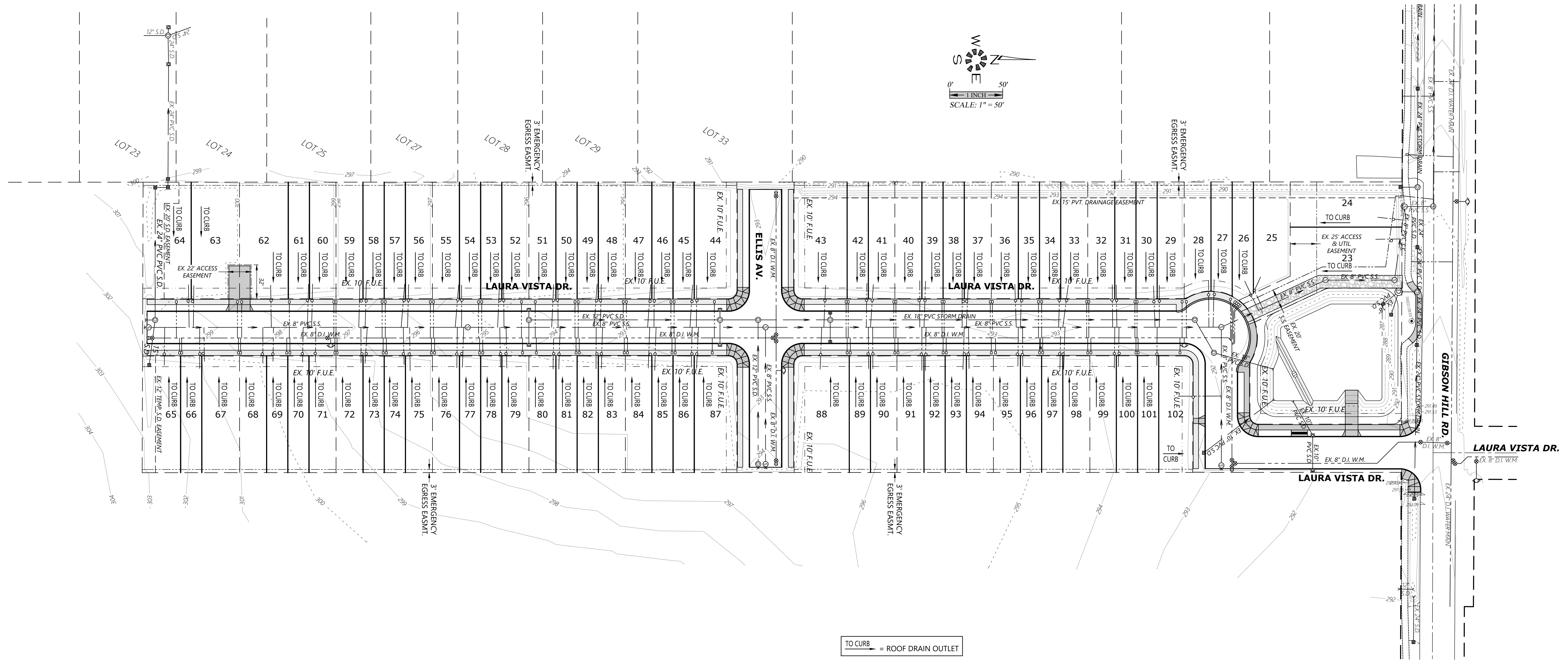
RIVERWOOD CROSSING PHASE II

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.  
Drawn: D.G.G.  
Checked: B.M.G.  
Date: MARCH 2024  
Scale: AS SHOWN  
As-Built: \_\_\_\_\_



JOB # 7416



TO CURB = ROOF DRAIN OUTLET

2/7/2024 11:15:12 PM D:\Projects\RiverwoodCrossing\DWG\2024\104.dwg 104 UT 104.dwg

**Riverwood Crossing Middle Housing Land Division Plat**

March 1, 2024

***Criterion (a): The middle housing development complies with the Oregon residential specialty code and the applicable ADC middle housing regulations, including but not limited to, the provisions in the base zone and in Sections 8.110-8.175. To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and ADC middle housing regulations.***

Applicant Response: The proposed meets the requirements for a middle housing land division since the parent parcels were created through subdivision approval (SD-01-21), and meets the requirements of ADC 11.600, along with ADC 3.190. The recording of the Plat for SD-01-21, will demonstrate compliance with required codes and regulations.

The subject property is zoned R3-10, and all the existing parent parcels (22 Lots) are a minimum of 10,000 square feet in size, with 91-foot-wide lot widths and 109-foot lot depths.

The applicant is proposing to divide the parent parcels into middle housing townhome lots as shown on the Plat. There will be 80 (Lots 23-102) child lots within the middle housing townhome subdivision, as shown on the Middle Housing Land Division site plan.

To demonstrate that all proposed structures comply with the ADC Middle Housing regulations and the Oregon Residential Specialty Code, all requirements will be met and reviewed that the time of building permit submittal.

***Criterion (b): Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.***

Applicant Response: All utility service connections are being provided for each townhome lot. The parent parcels were set up to accommodate all required services for single family lots and middle housing lots. This is shown on the SI-22-14 construction plans and is currently being constructed as such.

***Criterion (c): Easements will be provided as necessary for each dwelling unit on the site for:***

- i. Locating, accessing, replacing, and servicing all utilities;***
- ii. Pedestrian access from each dwelling unit to a private or public road;***
- iii. Any common use areas or shared building elements;***
- iv. Any dedicated driveways or parking; and***
- v. Any dedicated common area.***

Applicant Response: All easements have been identified on the SD-01-21 Subdivision Plat and the SI-22-14 construction plans. The middle housing land-division plat attached to this submittal identifies any easements that are required and proposed for the townhome child lots and the approved subdivision.



***Criterion (d): Exactly one dwelling unit will be located on each resulting lot (referred to as middle housing child lots), except for lots or tracts used as common areas, on which no dwelling units will be permitted.***

Applicant Response: The proposed meets the requirements for a middle housing land division since the parent parcels were created through subdivision approval (SD-01-21), and meets the requirements of ADC 11.600, along with ADC 3.190. All townhomes will be located on individual child lots that are created from the parent lots.

***Criterion (e): Buildings or structures on a resulting child lot will comply with applicable building codes provisions relating to new property lines.***

Applicant Response: The applicant is proposing to divide the parent parcels into middle housing townhome lots as shown on the Plat.

To demonstrate that all proposed structures comply with the ADC Middle Housing regulations and with applicable building codes, all requirements will be met and reviewed that the time of building permit submittal.

***Criterion (f): Notwithstanding the creation of new child lots, structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.***

Applicant Response: To demonstrate that all proposed structures comply with the ADC Middle Housing regulations and the Oregon Residential Specialty Code, all requirements will be met and reviewed that the time of building permit submittal.

***Criterion (g): Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to ADC 12.140 and 12.200.***

Applicant Response: The child lots will abut a street; however all abutting streets and internal streets are being constructed to meet City standards per the SI-22-14 construction plans, and current construction of the site.

# MEMO



Date: March 11<sup>th</sup>, 2024

To: Brian Grenz  
Project Manager

From: Mark D. Grenz, P.E., IC., E.N., G.E.

**RE: Riverwood Crossing  
Middle Housing Project  
Trip Generation Estimate**

The Riverwood Crossing Middle Housing Project is the redevelopment of the Riverwood Crossing subdivision.

The original project included a total of 22 lots, each with approximately 10,000 square feet in area.

The proposed project will parcel the existing 22 lots into a total of 80 Single Family attached dwellings. The units are to be townhomes, in groups of 4 – attached units or less on each of the developed single-family lots.

The single family attached townhomes will create an estimated 0.57 PM Peak vehicle trips. This is from the current ITE Trip Generation Manual, 10<sup>th</sup> Edition.

**This equates to a total estimate of 45.6 PM Peak Hour trips.**

if you have any questions, please let me know.



## 3118 NW Gibson Hill Rd. Feedback

meghan becker <megbecker6@gmail.com>

Tue 4/9/2024 9:46 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Good morning,

My name is Meghan Becker and I live near the property at 2990 NW Gibson Hill Rd. I am opposed to the build out of many more additional townhouses. The North Albany area cannot sustain more population with Safety and current road traffic concerns on Gibson Hill Road. I have had to call the police multiple times for individuals parking at the end of our easement and blocking our view to turn. This will affect many homeowners in the area for visibility and traffic safety. As myself a Safety Manager and my husband being a long time Albany Contractor, we are all for developing and expansion but these out of town developers come in and do too much to the area and we cannot withstand the population increase especially with the bridge. I find judging by the Facebook post in North Albany neighborhoods you will have more concerns come your way and I hope you take these into consideration upon a potential denial/approval process. Thank you so much for your time and please let me know if you have any additional questions.

Sincerely,  
Meghan Becker

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## North Albany subdivision

Jerry Boal <mbaeixipa@gmail.com>

Mon 4/15/2024 9:31 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

Cc: Eileen Boal <jejn1@comcast.net>; Mike and Theresa Rangner <rangstudio@hotmail.com>; Nancy Zanotti <jnzanotti@comcast.net>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

To: David Martineau, City of Albany Planning and Zoning

Good morning. I live in the area immediately to the west of the new development across from Laura Vista in North Albany. Like most if not all residents in the area, I was quite surprised to learn last week of the "switch" from 22 single-family houses to 80 townhouses.

I have concerns that echo those I've heard from others. One is the increased traffic loads in the area (Gibson Hill Rd, specifically) and the (so far) insufficient turn lanes to access or exit the development.

I understand that the City of Albany planners claim there is little they can do to alter things, as the development complies with newly adopted and mandated housing goals to increase dwelling units while hoping to lower purchase costs for lower-income citizens who've been priced out of single-family homes.

But **what I and others don't understand is the short comment period**, which ends tomorrow at 5p. Do you, personally, consider this foreshortened comment period ethical and fair? I would be surprised if you, or if you or any city official, would say "Yes" publicly.

Perhaps there's a way to extend the comment period for a few weeks more. While I've read and heard that the city is powerless to change things, I and many know that if enough commenters share well-reasoned objections, then the City of Albany might find ways to address the many concerns we nearby residents have, even as the state seems immovable pursuant to its mandates.

The courtesy of a reply will be appreciated.

/Jerry L. Boal  
1280 NW Jordan Dr  
Albany Or 97321  
541-974-3272

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Riverwood Crossing development on Gibson Hill Drive

moosgoos99@aol.com <moosgoos99@aol.com>

Wed 4/10/2024 6:22 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

## Riverwood Crossing development on Gibson Hill Drive

Wow, just wow. So the city lied. Now, just now, I find out about the change from 22 individual homes to 80 townhouses. Why did all of us not know this? Not one person I have spoken to knew about this. Ask every person down Laura Vista and around. One road in and out of 80 townhomes. How in the world am I going to get out of a possible 160 plus cars during rush hour when I live on Laura Vista? I supported the new subdivision because I know progress happens. I saw the map with the placement of houses and now I find out how greedy the city is and willing to lie to the people. Never have I ever been surprised about being conned by a developer. But I was foolish enough to think the city had our back.

Over 21 years ago I bought my home in North Albany avoiding other areas so I could be in single-family home neighborhoods. You went behind our backs. We all know who supports the developers..... We all know it is a money grab for both parties but this is low. You had a development but let's take it to the limit. Our dear sweet governor gave you the green light to lie to us. I cannot tell you how disappointed I am. I thought everything that was a seriously mixed neighborhood was going on across the highway in that new idealized fancy and cool idea of a mixed housing subdivision. I thought it was brilliant! Loved the concept. But no let's stuff up a single housing subdivision so we all have so-called affordable housing. We all know Benton County loves it. It's not in Corvallis so let's make it happen. They are cheering in the stands. No housing is affordable. None. I bet this like all the other go for an arm and a leg. Because they all promise that but that is the other great lie.

I'm sure you feel proud about your planning. I don't, I feel deceived and I know you don't care. I live in this neighborhood and I care. Can't wait till you put hundreds more on the rest of the land there. Tell you what, I will trade you houses right now. Sight unseen. You live next to it. Willing to lay odds you don't even live within 10 miles of me, heck, I will be bold enough to say not even 20.

Suzanne Burnett  
One unhappy camper.

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## North Albany

Christina Cooper <cooper.christina78@gmail.com>

Tue 4/16/2024 2:26 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

Respectfully how does the city expect people to travel over the bridge if you keep approving building to this capacity in North Albany?

At least 176 additional cars at the minimum..

How did all the inspections get completed and approved if the city somehow was unaware they went from 22 homes to 88 townhouses??

This is ridiculous.

Its sad to see the poor decision that are being made to change the culture of city.

Thank you

Sent from my iPhone

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



## Proposed change to the construction project on Gibson Hill and Laura Vista

Dona Daubenspeck <donad4276@gmail.com>

Mon 4/15/2024 6:00 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Sir/Madam,

I am writing to express my strong opposition to the proposed change to the housing development in our neighborhood. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community.

First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting wildlife at risk.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex.

Finally, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere.

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter.

Sincerely,

Dona Daubenspeck, BSN RN

1436 NW Ellis Ave, Albany, OR, 97321

541-517-8465

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Setting a dangerous precedent for bait & switch: N. Albany Townhomes

Audrey DEKAM <audie777@comcast.net>

Mon 4/15/2024 10:39 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

I am writing to express my concern for the property on Gibson Hill Road that was slated to become 22 single-family homes. About six months ago, I walked my dog by the developing property and noticed a slew of new mailboxes--so many that I got a closer look and counted over 80 of them. It was puzzling to me, because I knew that 22 single homes were coming, so why on earth would they need so many mailboxes? Was it for administrative purposes?

Well now I know: it was evidence of a bait and switch of the original plan. To hear that the developer has found a loophole in the rules to push through nearly **four** times the amount of dwellings on the same footprint of land, without any regard to traffic studies, infrastructure or social needs, is alarming. It seems like a money grab at more profit for the developer. It looks like greed.

To allow this to go forward sets a dangerous precedent in Oregon: it gives a greenlight to allow bait and switch by many other developers to do the same thing. This can not be the spirit of the law.

The original 22 single-dwelling homes were a welcome addition to the neighborhood. The new ballooned plan will stress an already busy road of Gibson Hill...and destroy all trust we have in future developments from here forward. There will be heavy pushback by residents who have now been deceived.

Please do NOT allow this precedent to be set.

Thank you,

Audrey DeKam  
2530 NW Ashley Drive  
Albany, OR

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## 80 Unit development

Brad Dennis <Brad.Dennis@comcast.net>

Tue 4/16/2024 10:25 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>; Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Hello David,

I am one of the North Albany residents who voted to become part of the City of Albany in the early 1990s. One of the conditions to the annexation was that the minimum lot size for future development was to be 10,000 SF. Proposal SD-02-24 does not meet the agreed upon lot size minimums and so, I ask you to deny the application to create 80 lots on 7.44 acres. The application has an average lot size of 4,050 SF or about 40% of the agreed upon lot size.

Sincerely,

Brad Dennis

1212 NW Spencer Mtn. Drive

Albany, OR 97321

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Gibson Hill Development

Lily Edwards <spitfire59us@yahoo.com>

Tue 4/16/2024 4:57 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

I am writing today to express my opposition to the current plan to change the housing development on Gibson Hill Road to an 80 unit townhouse development.

When the voters agreed to be annexed by Albany it was part of the agreement that development's would be limited to single family dwelling with a lot size of 10,000 feet. This is a violation of that agreement.

Please do not approve the change of this developers plans from single family units to townhouses.

Lily Edwards  
3357 NW Sparks  
Albany, Oregon

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

April 16, 2024

David Martineau  
Albany, OR  
Planning Division

Riverwood Crossing Middle Housing Comments  
3118 Gibson Hill Road development  
April 2, 2024, Change Application

I am writing in general opposition to the April 2, 2024, Riverwood Crossing change application from 22 single-family homes to 80 townhomes due to the traffic and safety concerns, among other issues. The notification process of this change was essentially non-existent. I live the same distance to this proposed development as to the one proposed on Gibson Hill and Sunny Lane. I was given a notice of the Sunny Lane development as I lived within 300 feet of that development. I was **never** given any notice of 3118 Gibson Hill Road development. Even at this late date, as I am pressed to send my comments to you, the links on your website for this project do not work, which is not very respectful to those who are the most impacted by your rushed change to approve this development.

As my neighbors Bob and Sharon VanderLinden indicated to you, it appears the city approved the quadrupling of the home density from 22 to 80 units some time ago. When did that occur? And if that did happen without public notice but with the developers given the OK to install the underground utilities for 80 units? And now, as an afterthought, is the city is trying to get the requisite public comments after the decision was already made? Please be respectful of the citizens of Albany and start the process right – go back to the beginning! Rescind any decisions you have made or promised the developers and start gathering comments from the people who will be most impacted by this project.

I concur with every point the VanderLinden's made, and would like the City to also answer these questions – if compact housing is approved for this area, will the buses that the City took out of service within the last 9 months be reinstated? How can the City justify such density without services?

I will restate the comments submitted by the VanderLinden's as I believe they have identified the other issues that the City must address:

- When did the city approve the change from 22 to 80 units? Did the developer move forward with installing the underground utilities for the increase in number of homes without formal city approval and public comment periods?
- Regarding the state mandate, does this completely do away with public comments? How does the city then address possible local issues?
- What are the clear and objective criteria for plan reviews cited by Mr. Ruettgers? Does safety play a part?
- What is the appeal process cited by Mr. Ruettgers?

- How could a traffic study not be warranted based on a new subdivision with up to 160 vehicles leaving and entering a 45 MPH roadway from a dead-end road?
- What adjustments in traffic control at this intersection has the city contemplated to address safety accessing Gibson Hill?
- Where did the notification of homeowners within 100' come from. People are affected well beyond the 100' radius.

#### Notification and Timing Issues:

- Notification to homeowners within 100' is woefully inadequate for the many local homeowners that will be affected considering the density will be 4 times the originally 22 homes and with such issues as safely accessing Gibson Hill, a 45 MPH roadway.
- Homeowners that use Laura Vista to the North of Gibson Hill will also be directly impacted.
- Safely accessing Gibson Hill on Laura Vista from the North is already an issue due to site distance from the left (looking East), power pole and utility box looking to the right (West) causing cars to pull out closer to oncoming traffic to get a clear, safe view. (You should check this out at busy times!) Not to mention having an additional 160 vehicles daily turning left and right from the new subdivision to the South.
- An April 2 application to change with an April 16 deadline is not reasonable for homeowners to investigate and formulate a response.
- "How can this be," as Mr. Irish stated, "without the approval of the 80 townhomes yet". Such a good question without an adequate explanation. The city's online data base says it received the 80-lot change request last month, on March 5. But by that time, the underground utilities for 80 narrow lots had already been installed. Even if the city has no authority to change the final decision, does this negate the public notification and comment period and formal approval requirements?
- The developer is supposedly the one that requested the change in number of units. Why doesn't this reset the comment period and approval. Seems the city has discounted the public comments for the major changes in the subdivision.
- The statements made in the Democrat Herald article (April 12, 2024) by Mr. Irish: *"The city determined requiring the developer to put in the infrastructure for the houses only to tear it up and reinstall the infrastructure for the townhomes might have given the developer a leg to sue, given the new middle housing rules, he said."* This leads us to believe that the changes were summarily made well before the March 5 date when it was recognized that the underground facilities were already installed and considerably before the change application dated April 4.
- The city's online data base says it received the 80-lot change request last month, on March 5. But by that time, the underground utilities for 80 narrow lots had already been installed.

It is time to hold a well-noticed and planned public meeting of the North Albany community to explain your positions and gather input from those who have to live with your decisions.



Thank you for the opportunity to comment,

Audrey Eldridge  
1705 NW Ravenwood Dr  
Albany, OR 97321

Thomas Prislac on behalf of Audrey Eldridge who lives at  
1705 NW Ravenwood Drive  
Albany OR. 97321  
503-764-7177  
thomas@thomasprislac.com

Good evening, Albany City Council and Mayor,

<The following adopts text from my first attempt at providing public comment on behalf of my mother-in-law who lives within the range of legal standing regarding potential future complaints regarding the development. It was a good faith effort to comply with the public comment period.>

I'm sending this testimony to register my concerns with the development of tax lot 400; Benton County Assessor's Map No.10S-04W-35AD "Riverwood Crossing at Gibson Hill Drive." Oregon's affordable housing Bill makes it quite plain in its language that infrastructural Improvement must keep pace with the development of these lots. As it appears the city of Albany has further limited bus access to this location, coupled with the steep grade of the road most must take to access commercial space, cycling and walkability will most obviously give way to car culture which is a step backwards. Additionally, I fear that the city will consider infrastructural improvement to be turning Gibson Hill Road into an egregiously dangerous "stroad" which will affect driver psychology in such a way as to pose a greater threat to the children who frequently cross the area to get to Gibson Hill Park. In short Albany has not invested in proper infrastructural improvements to support this additional density and I asked that pause be placed upon further development and construction on this and other lots until a study can be completed and Albany can commit to the proper improvements.

For another matter, we have already seen that density development without infrastructural development recently has caused an increase in vehicles that violate Oregon law regarding noise pollution. People living in the North Albany Community do so to enjoy the beautiful wetlands and farmlands around them and, though we are perfectly fine with many people enjoying such things, the community is not fine with hearing loud engines ripping and roaring miles away with health harming consistency.

I will attach the appropriate ORS code so that you can review it and ensure that the police begin pulling these vehicles off the road and preventing their use after having issued the appropriate amount of Class D traffic violations. If we can't improve walkability, then at the very least we must keep the road clear of these vehicles. I trust the city of Albany will inform the police that they must prioritize this before it becomes an untenable issue.

By getting ahead of the noise pollution development we will also be safeguarding consumers as I am sure that people selling these vehicles to our local citizens are not informing them that they're already in violation of EPA noise regulations due to

aftermarket modifications as well as the ORS code rendering them illegal to operate on public roadways.

The state of Oregon used to audit engine noise by way of the DEQ when vehicles would undergo their emissions test to receive their tags. However, the Oregon legislature defunded that program back in 1992, so now it is up to the police to handle it and for that I am sorry to have to be the one to remind the department of this additional responsibility.

We have seen no evidence that the new property tax base will cover all the extra work the police will have to do to monitor the additional traffic and to curtail the increase in engine noise. This is why I am also including this complaint along with my concerns regarding the lack of proper infrastructural development running concurrent with the development of this tax lot.

My final point is affordability. We have every indication to believe that the so-called affordable units will simply be snatched up by high-net-worth individuals or large corporate interests who will then charge those who wish to live in these units a variable rent expense which will increase year over year. This does not help low-income Oregonians. The spirit of the housing bill which eliminated single family zoning was to provide lower income Oregonians the opportunity to enjoy the stability of a fixed mortgage expense while building equity in their home to achieve greater wealth over time. This will not happen with these units. I am already seeing an increase of rentals all around the existing homes in my community which again harms Oregonians as they are not able to build wealth equity in a real estate asset through a fixed mortgage expense. This also harms the local economy because frequently, this rental income is transferred out of our city and even our state. Until we can get assurances that people who need these homes will be able to purchase them, developments of this nature do not help the housing affordability problem, nor do they bolster the local economy.

<following is a second attempt at communicating with the planning department modified to fit the context of this council meeting>

It appears that the 80-unit development has moved forward even though comments are still open. This has eroded Community Goodwill significantly.

I requested that the planning department send me the environmental impact study, the infrastructure study which would include traffic analysis, as well as plans for mass transit by the city of Albany. I also have asked if a financial analysis been made being able to provide estimated tax revenue versus the expense of policing and providing additional fire coverage in the area? This would include enforcing ORS 815.025 which protects our community from the health harming effects of engine noise pollution. As it is right now the police in Albany are already having trouble enforcing this ORS as many in our community have noted very loud engine noises that rip through the countryside and disrupt the pastoral character of our North Albany Community which drives our property value and, more importantly to the city and county, our property taxes.

I noticed that this development seems to be crammed into a glorified cul-de-sac with singular access. City planners have long considered this to be out of line with connectivity best practices. This presents a unique danger given the density at play here and the need for residents in this development to have access to Emergency Services. Should a denser development go forward what assurances do we have that connectivity will be improved with a second means of access to prevent Emergency Services from being inadvertently blocked?

What assurances do we have that Gibson Hill Road will not be expanded into a dangerous "Stroad" as we do know that these hybrid arterials engender a road psychology that is antithetical to walkability and pedestrian safety?

Thank you for your time in this matter.

### Vehicle Equipment Generally

## ORS 815.025

### Causing unreasonable noise with vehicle

- penalty

TEXT

ANNOTATIONS

- (1) A person commits the offense of causing unreasonable noise with a vehicle if the person operates upon any highway any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of the vehicle.
- (2) The offense described in this section, causing unreasonable noise with a vehicle, is a Class D traffic violation. [1983 c.338 §438; 1987 c.158 §171; 1995 c.383 §22]

## Comment on the new Riverwood Crossing Subdivision submission

cynthia enlow <hienlow@msn.com>

Sun 4/7/2024 6:50 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Mr. Martineau,

We believe that the original permit for 22 new homes for the Pacific National Dev. should be kept and honored. Such a substantial jump in the number homes to townhomes (from 22 to 80) is a significant impact on traffic, water and sewage---not to mention the quality of life for current homeowners. We moved to this area because of its living space and quiet residential environment. We understand the need for additional housing but reasonable choices need to supersede any ability to crowd in as many living spaces as possible. Please consider this in any further decisions.  
Thank you.

Mr. and Mrs. James Enlow  
1460 Ashley Dr. NW  
Albany 97321  
[hienlow@msn.com](mailto:hienlow@msn.com)

Sent from [Outlook](#)

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

**Gibson Hill/Laura Vista**

Larry Falk <lfalk365@gmail.com>

Sat 4/6/2024 3:55 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

Cc: Osalyn <osalynh@gmail.com>

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

We strongly object to the change in the original development plan from 22 single family homes to the 20 multiple family townhomes the developer now wants. We of North Albany have rejected previous proposals for building apartments and townhomes in North Albany and once again we are unknowingly being attacked by developers who want to change the game plan after they have their foot in the door. Thankfully we have organizations like NANA (North Albany Neighborhood Association) that are notified and bring these issues to the forefront.

It is not right that the developers are allowed to manipulate the rules.

THIS APPLICATION MUST BE DENIED.

Larry Falk  
2990 NW Sunny Ln  
Albany OR 97321

Sent from my iPhone:  
Auto correct enabled, fingers disabled!  
Expect errors.  
Larry

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



## North Albany Middle Housing Project Application Comments

Heather Hayes <heather@tradewindstransportation.com>

Tue 4/16/2024 4:39 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

Cc: Heather Hayes <heather@tradewindstransportation.com>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

April 16, 2024

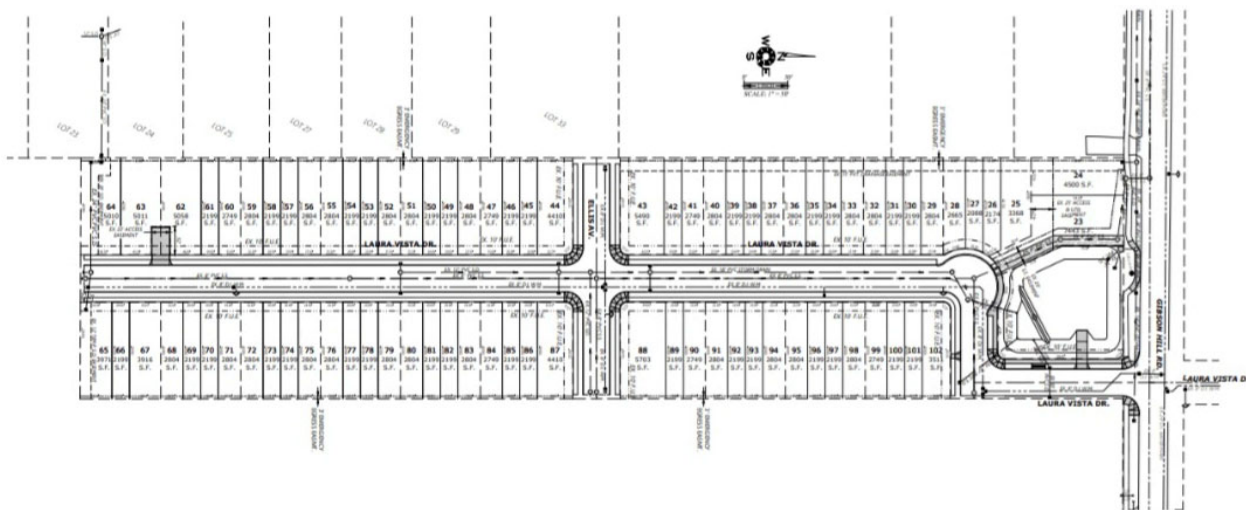
Building and Planning Division-

Please see comments below in regards the proposed Middle Housing project on Laura Vista Road and Gibson Hill Road. The project has now been “changed” from 22 single family homes to accommodate 80 townhouses as of last month. It seems this was planned from the outset, given that utilities, mailboxes, and water meters were all installed before the official announcement of the change in March. How does one get the green light for utilities before a plat for 80 townhouses is approved and before a public announcement of “change” and commenting period?

This project raises several concerns that appear to conflict with the requirements for a “Middle Housing Land Division”. These conflicts include the following:

- Properly designed roads to allow for more than just one-way in/out as currently designed. How does that accommodate up 160 cars and how will traffic load interrupt pedestrian access given the limited space?
- The easement must allow pedestrian access to a street but may also allow vehicle access if other requirements for driveways and parking are met. This easement will need to provide for access by residents, emergency service providers, deliveries, and visitors to the site. How is this to be accommodated regarding the shared space provisions?
- The requirement of “adequate” open space. What is adequate space for the number of residents in 80 single family homes?
- Sufficient street frontage to accommodate the spacing requirements for services to each lot, MHP on the State of Oregon Q&A are clear that townhouses are significantly challenged to be able to meet the spacing requirements.
- Vacant lots for future development qualify for a Middle Housing Land Division? There are found provisions against this.
- Middle Housing Act speaks to off-street parking requirements. In addition to shared space provision how off street parking requirements to be accommodated?
- Potential exposure to traffic hazards by adding up to 160 cars to commuting traffic.
- Traffic backing into arterial streets with the addition of 160 cars, 2 lane roads and no supporting infrastructure. HWY 20 and Scenic already strained by the current population as noted by the traffic improvements a few miles down the road on HWY20 by the DOT
- The lack of a significant turn lane (and or zero turn lanes) at Gibson Hill and Scenic the closest bi-way from the neighborhood entry. This is both coming and going.

- The issue of homes accommodating 2+ cars per household plus street parking, which could hinder the safe entry/exit and turnaround of emergency vehicles, garbage, and recycling services due to the one-way in/out design.
- “Sufficient Infrastructure” means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
  - Access via public or private streets meeting adopted emergency vehicle access standards to a city’s public street system;
- Where is the NEW traffic study illustrating the effects of adding over 160 cars to the local areas of Gibson Hill, Scenic, and Highway 20 that include the new construction traffic added the last 2 years ? Of the study submitted showing the impact of 80 townhouses, how many are they projecting to add to the commuting hours?
- The strain on the public school bussing system, which is already struggling with continuous route cancellations due to the current population.
- It’s not an absolute right to develop middle housing. There are still underlying standards, such as fire and emergency access, which have to be met before middle housing development is permitted.
- There's an OAR provision related to parking that applies to triplexes, quadplexes, and townhouses: "A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access and circulation standards that apply to single-family detached dwellings in the same zone."



Sincerely,

Heather Hayes

1177 NW Jordan Dr

Albany, OR 97321

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Subdivision Application at Intersection of Gibson Hill and Laura Vista Drive

DOUGLAS Henry <dandghenry@comcast.net>

Mon 4/8/2024 11:26 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>; nanaoregon2007@gmail.com <nanaoregon2007@gmail.com>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

David Martineau:

I object for the following reasons to the proposed expansion from 22 single family home sites to the 80 townhouse development by the Pacific National Development at the intersection of Gibson Hill Road and Laura Vista Drive:

\* **Increased Traffic** - The amount of traffic on the main arterials of North Albany Road and Gibson Hill Road is already heavy. The addition of 160 more vehicles (2 cars per townhouse unit) would significantly add to this congestion.

\* **Pollution and Noise** - The livability in North Albany is little-by-little being whittled away (compromised) by the addition of one-after-another housing development. The increased density of population in this area has significantly increased air pollution and noise. Further population additions will just worsen this situation.

\* **Peace of Mind and Privacy** - With increased population density come a reduction in factors which are often overlooked such as peace of mind that only stillness and tranquility can bring. Along with this is the need for privacy. Privacy in green yard space around homes provides a sense of security that is difficult to achieve elsewhere.

I hope the factor of tax revenue does not become an issue.....Perhaps more tax revenue can be derived from 80 townhouses vs 22 single family home sites.

I implore the planning commission to deny the expansion of this development and in so doing ensure the residents of North Albany the healthy and safe environment we enjoy and deserve.

Douglas M. Henry, M. in Ed.  
2445 NW Violet Avenue  
Albany, OR 97321  
Tel: 541-981-2934

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Gibson Hill and Laura Vista Middle Housing Land Division

Bill Ingram <bill\_ingram@att.net>

Tue 4/16/2024 2:07 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

Cc: Twila Ingram <txingram@hotmail.com>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

City of Albany Planning and Zoning Division  
David Martineau

Mr Martineau,

I am sure you are getting a lot of negative input from the existing home owners about the construction project at Gibson Hill Road and Laura Vista. Sadly this will be another.

My wife and I bought our home at 1305 NW Jordan Drive in 2015. It was nice having an open farm field behind us but we knew at some point there might be new home construction in that empty field as all of the housing around us was built on farm property. So when we found out that there would be 22 houses built in that field we didn't like it but we knew that it was the price of progress for the growing city of Albany.

Because our back yard faces on to the construction site we have watched the work there with interest. Back in September of 2023 we had noticed that the already buried and covered utility trenches were dug up and more pipes installed. Suddenly there were more blue utility pipes popping out of the ground. I have photos taken on Sept 23rd that show those new pipes. What could this mean? While we were in the field behind our house checking this out our neighbor two doors down engaged us in a conversation. He has lived in Albany all his life and has worked in construction. He had the same impression that more houses than the 22 were going in. This was September of 2023!

It is obvious that the decision to build those "Middle Housing" homes was made without any discussion with the people directly effected by the impact of 80 new families with potentially 160 vehicles and children that will fill the local classrooms. Traffic is already an issue on Gibson Hill Road.

- Where will those 160 cars park? The street is narrow and cars will undoubtedly park on the curb.
- Where will all the children load and unload from school buses?
- Are there any open spaces for the family's children to play?
- As far as I can tell there is no way for automobiles to turn around without entering someone's driveway bringing danger to children in those driveways.
- There will be only one way to enter or exit the community. How will the Albany Fire Department and Albany Police have quick access?

Is this what Albany wants to become? With the change in regulations for "Middle Housing Land Division" will every piece of farm land that is sold end up with the same sort of housing. As an example there is another piece of farm land that runs parallel to the one we are discussing that is almost twice the size of this property. Will developers from Salem or other cities build 160 or more homes on it? Where will the line be drawn? Once this is allowed to happen, precedent will allow it to go on. Developers with enough money to do this kind of project will be lining their pockets from dense housing that they wouldn't want near them.

My wife and I really feel that we have had the wool pulled over our eyes! We reluctantly approved the building of 22 houses and suddenly it is now 80 houses. The infrastructure for these houses including 80 mailboxes were put in place long before it was announced. This proves to us that the 80 homes were a done deal with the city before we were notified and that it would go forward with or without our approval.

Bill and Twila Ingram  
1305 NW Jordan Drive  
Albany, OR 97321

Bill 619-318-7196  
Twila 619-459-4371

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Pacific National Development application to divide 22 parent lots into 80 "child lots" - Gibson Hill Road location

Peggy Joyce <pjoyce16@comcast.net>

Sat 4/6/2024 2:59 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

Cc: Robert C. Heald <rch@peak.org>; Tina Springer & Peter Kenagy <kenagy@proaxis.com>; THOMAS CAPEL <reefman64@comcast.net>

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

Hello David - I am the secretary for the North Albany Neighbor Association (NANA). Your name was noted as the "contact" person within the Albany Planning Division.

In Friday's mail delivery (4.5.2024) my husband, Robert Heald (NANA President) and I received a "notice of filing" re an application for Middle Housing Land Division to divide 22 parent lots into 80 "child lots" at the Gibson Hill Rd/Laura Vista Dr location.

This morning a notice was sent via email to our NANA list re this density change request. I don't know what the response will be but it's possible some members may want to have a community meeting in order to learn more about this proposal change.

I know the good Governor is keen on increasing housing units like as of

<https://linkprotect.cudasvc.com/url?>

[a=https%3a%2f%2fyesterday.so&c=E,1,0evuahbNr9JRw0rdf6ruNdQJRb9TUITzrRglmcXcLrjQTggt\\_XAeeArT0GCI\\_1qyXwHeVOZ5mF4q2F-UdPuPpoZTQDxZwlnSrSeHKw6DkLMEIzwge\\_OD0Og,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fyesterday.so&c=E,1,0evuahbNr9JRw0rdf6ruNdQJRb9TUITzrRglmcXcLrjQTggt_XAeeArT0GCI_1qyXwHeVOZ5mF4q2F-UdPuPpoZTQDxZwlnSrSeHKw6DkLMEIzwge_OD0Og,&typo=1) I'm curious as to the cause that initiated this request for increasing the density of this development. Let me guess that it's \$\$\$ as I can imagine going from 22 lots to 80 lots does increase the developer's profit margin.

My other cause for concern is that in my humble opinion Albany's planning division has allowed some wickedly ugly single family building lots in the North Albany neighborhoods. It's as if the planning division only sees the world in rectangles and straight lines and calls that good. The tighter and denser the better. The problem is that humans are not rectangles nor straight lines and often operate within circles, squares, ovals, meandering paths and gardens or natural open spaces laced with trees, grasses and areas of rest (I realize these spaces have now become the battleground of unhoused individuals). We are creatures who respond to creative and aesthetic environments. There have been some good developments along Crocker Rd but I'm having a very hard time envisioning 80 townhouse lots shoehorned into 7+ acres without any thought to open space, traffic movement in and out of the rigid format of the development and the impact of this additional traffic on Gibson Hill Rd, plus the one way in and one way out configuration of the development which just screams congestion and chaos in the case of a fire or other multifamily catastrophe.

These are just some of my thoughts as I look at the tentative plat revision. I would be interested in hearing what you think.

Peggy Joyce  
NANA Secretary

pjoyce16@comcast.net

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



## North Albany Housing Development Input

Carrie Kohlleppe <keelynkellensmom@yahoo.com>

Tue 4/16/2024 4:55 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

To Whom it May Concern,

This is in response to the proposed housing development change at Laura Vista Drive and Gibson Hill Road. We own the first house on the east side of Laura Vista. When we bought the house it was a nice semi-rural area already beginning to show signs of strain on the infrastructure. We looked at zoning. We looked at all the other things one looks at when buying a home. The existing area, combined with the zoning and associated regulations made us feel confident that we would not end up with an overcrowded, overbuilt crammed in neighborhood.

Within the past few weeks we have received two notices from the city, telling of NINETY new homes to be built on combined acreage of under 8.5 acres, and all within about a block of our home. How is this possible?? I am at a loss for words. Multiple times I have started this email over the past 10 days or so since we learned of it. I cannot come up with words to adequately convey our frustration and anger over the situation!

When work on the Riverwood Crossing site stopped abruptly, I had a bad feeling that something was up. Then after weeks of not much going on, mailboxes went in. A lot more than 22 mailboxes. A few days later we received the Notice of Filing. Not only is this project outside BOTH the Spirit and Zoning of the area, but it seems clear to those of us who live in the area that this was a deliberate bait and switch. How can the developer get approval for 22 homes, and then put in 80 mailboxes and 80ish water meters and then the City "have no choice but to approve"?!??

Zoning for that parcel requires a minimum 10,000 SF lot. The legislature, in its infinite wisdom just throws that all out in the name of "fixing the housing crisis" and now our neighborhood is going to feel like something that is directly at odds with the zoning and regulations assured us it would not.

This is not "affordable housing" this is an underhanded developer using the law in a manner it was not intended to maximize profit.

Please, please, please do not approve this dishonest bait and switch maneuver. It absolutely will not provide affordable housing. It will, however, make us homeowners who were promised, via zoning rules, a quiet rural-ish place to make our homes and raise our families or spend our retirement years lose quality of life, property value, and most emphatically lose faith in our City to do the right thing by its citizens.

Sincerely,

Jeff and Carrie Kohlleppe and Family  
1697 Laura Vista DR NW

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Riverwood Crossing Subdivision Middle Housing Request Objection

Terryl Whitlatch <terrylwhitlatchart@gmail.com>

Mon 4/15/2024 9:14 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear David,

I have received and thoroughly read the Notice of Filing, Middle Housing Land Division, for the subdivision Riverwood Crossing.

As a homeowner whose property directly abuts the subdivision, I was dismayed to learn that what was initially presented as a planned neighborhood of 22 houses has been transformed into a community of 80 residences.

I am very concerned about the possible traffic and congestion, but what I object to the most is the 'bait and switch' tactics used by the developer—22 houses is one thing, which is ok, but 80 households is quite another.

To this end, I wish to register my protest and objection, and my desire that the developer pursues the original plan of 22 residences and not 80 townhomes.

Best regards,

Joan Martens

1265 NW Thorn Drive

Albany, OR 97321

[terrylwhitlatchart@gmail.com](mailto:terrylwhitlatchart@gmail.com)

(541) 704-0327

(510) 846-2636

<http://membership.creativetalentnetwork.com/terryl-whitlatch>

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Gibson Hill NW Development 80 Townhomes

Dani McCafferty <joedani@comcast.net>

Tue 4/16/2024 10:21 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Mr. Martineau,

I became aware of the change in plans for this development only last week. The planning commission has approved turning the planned 22 single family home sites into 80 townhomes with little (residents withing 100 ft?) to no notification to the residents of North Albany.

I have some concerns.

Traffic:

In 2003, the North Albany Refinement Plan was debated. At the time, a great number of residents of North Albany registered their disapproval of the plan to permit increased housing density, like apartments, on the north side of the railroad tracks due to the increased congestion it would cause. On the City of Albany website at that time, there was a study that indicated grid lock would likely occur beginning in 2020. In the end, allowing increased housing density was removed from the plan.

In the 21 years since the NARP, the city has done little to mitigate the increased traffic for the housing developments that built out. There are still only 3 roads leading out of North Albany. The traffic light at NW Gibson Hill and NW Crocker helps the traffic flow off Crocker. However, if one is using NW Scenic Drive, to access Highway 20 for the morning commute in either direction, the traffic is much worse than it was in 2003. Traffic snakes up Scenic Drive as drivers wait for the traffic light to change down at North Albany Road. Turning left onto 20 at that time, is practically futile. Leaving residents to choose Scenic and wait through the backup, or backtrack down Gibson Hill to North Albany Road.

Adding 80 households on Gibson Hill, will quickly make this situation much, much worse.

What does the city plan to do to handle the increased congestion on Gibson and Scenic? The intersection of those roads can back up on the north bound side as cars sit at the stop sign while the other two directions move without stopping.

Schools:

While the building of the new school at Oak Grove and the enlargement of North Albany Middle School was welcomed, 80 more households will put pressure back on class sizes at both Oak Grove and NAMS.

Has the city discussed this with GAPS? What is the expectation to increase school funding to provide teachers and classroom space for the increase in students at those schools and NAES?

Middle Size Housing:

I heard from a neighbor who spoke directly to a person on the planning commission, who's name I will not call out in this email, that Governor Kotek is to blame for this. The neighbor said she was told single family homes are banned if they are on city water. Which of course, makes no sense since the demand on services for 22 single family homes is much less than the strain of 80 townhomes.

I wrote to the Housing Services Division Manager, in Salem. I asked, "**is there a ban on the building of new single family homes on city services?**"

His answer:

The legislation you seem to be referring to is [House Bill 2001](#) from the 2019 legislative session. This bill requires that all cities 10,000 in population or greater allow property owners the ability to build a duplex anywhere they previously were only able to build a single family detached dwelling. In cities above 25,000 population, the city must also change their zoning regulations to allow property owners to also build triplexes, quadplexes, cottage clusters, or townhouses.

HB 2001 **does not prohibit the development of single family detached dwellings in any way.** It simply provides additional options in the places where those options did not exist prior to the bill's passage.

One might say, and it would be entirely accurate, that HB 2001 prohibits the regulatory environment of "single family-**only** zoning".

So either the neighbor misunderstood, or she was misled. Further, has the city changed zoning regulations to allow for the building of middle size housing? If so, when was this done? Just so I have an understanding.

I don't understand why the residents of North Albany writ large were not properly notified. We are all affected by increased density and building in general out here, not just those who are a paltry 100 ft away. As a resident of North Albany for 31 years, I've seen various elements of city government, some for their own personal reasons as related in their direct email discussions to me, eager to increase density out here over the years. The NARP was the sharpest effort and it was roundly rejected. I can only conclude that lack of notification was a poor decision at best, or a bad faith effort to avoid another rejection like the NARP, at worst.

I now understand that the public is limited to submitting comments on the plan by email by 5:00 pm today. The meeting, which I have a screenshot of, that was scheduled for tonight, has been canceled. May I ask why? Why are the residents of North Albany being limited to engage in debate of this plan in such a restrictive manner and timeline?

I hope you will respond to my questions, if not my comments.

Sincerely,  
Danielle McCafferty  
541-926-7818

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## New Development

Mildred McCafferty <mmccafferty1935@outlook.com>

Mon 4/15/2024 2:13 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

It has been reported that the city has planned for a rogue development to be built on property on Gibson Hill Road in North Albany. This property was initially approved for 22 single family homes which is appropriate for the community. We in North Albany are now confronted with the actual size and scope of this development which is 80 or more townhomes! It is evident that we have been deceived by the city. The community cannot support the traffic and influx of so many people.

Please take action to either revert to the original plan for 22 homes, or tell us how you are going to solve the many issues related to infrastructure.

Sent from my iPhone

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Changed Project on Gibson Hill near NW Thorn Dr

Mindi Rudko <mamrudko@gmail.com>

Tue 4/16/2024 4:24 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Sir,

Excuse me, but please, this so-called last minute change in the 20-house project off Gibson Hill Road near NW Thorn Dr where I own the corner property these last three years is completely unacceptable, as the overall plan of one two-way street providing enough space for - are you serious? - up to 160+ vehicles is ridiculous given the amount of traffic that will result and cause nothing but headaches for all parties living with this ill-conceived mess; and, in no way does any of this provide means for safe and affordable or even mid-income housing. This project cannot go forward as is and needs to be addresses immediately. This brief and rather silent announcement of the change and the time limit to respond in comment makes the whole thing seem like a scheme, which I am sure is not the case. I am sure you will solve each concern, as they benefit this area as a whole, especially the fire station and delivery drivers, and there are laws in place to protect such needs of the entire community, as you are aware. This current new plan seems to ignore many serious concerns.

Thank you for your time in reading this. I thank you for taking your position with seriousness and dignity. Have a good evening, Sir.

Melinda McKenzie-Rudko  
1500 NW Thorn Dr

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Middle housing development in North Albany

Philip McPherson <2philm@gmail.com>

Tue 4/16/2024 1:34 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Hello David,

Last year you sent me a notice of a hearing on the Gibson Hill proposed subdivision because we are neighbors and I attended the online discussion. At that time it was a proposed subdivision of less than 25 lots.

When I learned this last week that the subdivision has 80 proposed units, I felt that the middle housing law that was passed by the legislature is being pushed through without considering the consequences that it has on north Albany traffic. I have walked the street since the development has been finished and there is inadequate parking for that many proposed residential units. In talking with the fire marshal last year, I heard her say that two emergency accesses were required when the development exceeds a number of units and 80 is a long way over that number.

The emergency vehicle turn-around at the end of the street looks inadequate, but I am currently in Africa and cannot go out there with a tape measure and compare what is there to the Oregon Fire Code Appendix D.

When I was researching the property for its use as a church last year, I was told that 5 of the larger trees on the property must remain and then you did not require that for the developer. I am perplexed at how you let the developer do what they wanted and feel like they are exploiting the city with the new law into housing that doesn't blend well with the neighborhood or in any way follow previous city requirements that were on the books.

I am really disappointed that the city allowed this subdivision to progress without a public comment period from the neighbors that will be impacted before the permits were issued. I know the city must comply with state law, but I believe the city still has power to require green spaces in the development and see that the neighborhood doesn't become a nightmare for things like turning off Gibson Hill and garbage pickup.

Phil McPherson  
1314 NW Jordan Drive  
Albany, Oregon



State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Riverwood Crossing Development

Barbara Mencer <Barbara@barbaramencer.com>

Wed 4/10/2024 11:00 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>; CD AA <CD-AA@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Mr. Martineau and members of the Community Development Commission,

I live off of Laura Vista, directly across from the new Riverwood Crossing Development project. I'm very concerned at what seems to be a bait and switch from 22 single family homes to 80 (or more) townhouses. I realize that this is probably a done deal at this point since the water meters are already installed but I'm appalled at the lack of transparency and at the disdain for any input and concern from the community. I urge you to at the very least consider the infrastructure and figure out what needs to be done to support this project in a way that will benefit North Albany.

Thank you,  
Barbara Mencer  
858-344-2833

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

**Re: Riverwood Crossing**

Prislac Family <teamprislac@gmail.com>

Wed 4/10/2024 7:10 AM

To:Olmstead, Liz <Liz.Olmstead@albanyoregon.gov>;Martineau, David <David.Martineau@albanyoregon.gov>

Cc:Thomas Prislac <thomas@thomasprislac.com>;Sonya Prislac <sonyaprislac@gmail.com>

Liz, thank you kindly for directing me to the appropriate person.

David, please note my email within this chain submitted when you were receiving feedback from the community. It appears that the development has moved forward even though comments are still open. This has eroded Community Goodwill significantly.

Perhaps you could send me the environmental impact study, the infrastructure study which would include traffic analysis, as well as plans for mass transit by the city of Albany? Also, has a financial analysis been made being able to provide estimated tax revenue versus the expense of policing and providing additional fire coverage in the area? This would include enforcing ORS 815.025 which protects our community from the health harming effects of engine noise pollution. As it is right now the police in Albany are already having trouble enforcing this ORS as many in our community have noted very loud engine noises that rip through the countryside and disrupt the pastoral character of our North Albany Community which drives our property value and, more importantly to the city and county, our property taxes.

I noticed that this development seems to be crammed into a glorified cul-de-sac with singular access. City planners have long considered this to be out of line with connectivity best practices. This presents a unique danger given the density at play here and the need for residents in this development to have access to Emergency Services. Should a denser development go forward what assurances do we have that connectivity will be improved with a second means of access to prevent Emergency Services from being inadvertently blocked?

What assurances do we have that Gibson Hill Road will not be expanded into a dangerous "Stroad" as we do know that these arterials engender a road psychology that is antithetical to walkability and pedestrian safety?

On the subject of walkability I would like to open a dialogue with the planning department on how I might best go forward to develop and operate a food co-op grocery enterprise in the area which would be in keeping with the general aesthetic of North Albany while improving walkability for the community and allowing local farmers, artisans and craftspersons a venue to sell their products?

If residential developments of this nature are to continue to go forward then I would like to be proactive about solutions available. I am perfectly willing to do the leg work to draft up a business model and subsequently funding the project with investment interests to back this type of commercial development as I feel it would be in character with our lovely Green Space oriented community.

Thank you for your time in this matter.

-Thomas Prislac  
503-764-7177

On Tue, Apr 9, 2024, 5:02 PM Olmstead, Liz <[Liz.Olmstead@albanyoregon.gov](mailto:Liz.Olmstead@albanyoregon.gov)> wrote:

Good afternoon, Thomas,

I received your message regarding the Riverwood Crossing development on Gibson Hill Drive. David Martineau, Current Planning Manager, is handling this case. I forwarded your voicemail, and he should return your call tomorrow. If you would like to contact him, he can be reached at 541-917-7555 or [David.martineau@albanyoregon.gov](mailto:David.martineau@albanyoregon.gov)

Thank you,

Liz

---

**From:** Prislac Family <[teamprislac@gmail.com](mailto:teamprislac@gmail.com)>

**Sent:** Friday, March 22, 2024 11:23 AM

**To:** Olmstead, Liz <[Liz.Olmstead@albanyoregon.gov](mailto:Liz.Olmstead@albanyoregon.gov)>

**Subject:** Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Good Morning,

I'm sending this email to register my concerns with the development of this tax lot. Oregon's affordable housing Bill makes it quite plain in its language that infrastructural Improvement must keep a pace with the development of these lots. As it appears the city of Albany has further limited bus access to this location, coupled with the the steep grade of the road most have to take to access commercial space, cycling and walkability will most obviously give way to car culture which is a step backwards. Additionally I fear that the city will consider infrastructural improvement to be turning Gibson Hill Road into some sort of egregiously dangerous Stroad which will affect driver psychology in such a way as to pose a greater threat to the children who frequently cross the area to get to Gibson Hill Park. In short Albany has not invested in proper infrastructural improvements to support this additional density and I asked that an injunction be placed upon further Development and Construction on this and other lots until a study can be completed and Albany can commit to the proper improvements otherwise these developers will indeed be in violation of the Oregon house bill which again stipulates that infrastructure must be developed concurrently with density. Once we're at that point lawsuits will have to be filed and I would be most appreciative if we could avoid that.

For another matter, we have already seen that density development without infrastructural development recently has caused an increase in vehicles that violate Oregon law regarding noise pollution. People living in the North Albany Community do so to enjoy the beautiful wetlands and farmlands around them and, though we are perfectly fine with many people enjoying such things, the community is not fine with hearing loud engines ripping and roaring miles away with health harming consistency.

I will attach the appropriate ORS code as a JPEG so that you can review it and ensure that the police begin pulling these vehicles off the road and preventing their use after having issued the appropriate amount of Class D traffic violations. If we can't improve walkability then at the very least we must keep the road clear of these vehicles. I trust the city of Albany will inform the police that they must prioritize this before it becomes completely out of hand.

By getting ahead of the noise pollution development we will also be safeguarding consumers as I am sure that people selling these vehicles to our local citizens are not informing them that they're already in violation of EPA noise regulations due to aftermarket modifications as well as the ORS code rendering them illegal to operate on public roadways.

The state of Oregon used to audit engine noise by way of the DEQ when vehicles would undergo their emissions test to receive their tags. However, the Oregon legislature defunded that program back in 1992, so now it is up to the police to have to handle it and for that I am sorry to have to be the one to remind the department of this additional responsibility.

So what you're looking at is a tax base that will probably not cover all the extra work the police will have to do to monitor the additional traffic and to curtail the increase in engine noise. This is why I am also including this complaint along with my concerns regarding the lack of proper infrastructural development running concurrent with the development of this tax lot.

My final point regards affordability. We have every indication to believe that the so-called affordable units will simply be snatched up by high net worth individuals or large corporate interests who will then render upon those who wish to live in these units a variable rent expense which will increase year over year. This does not help low-income Oregonians. The Spirit of the bill was to provide lower income Oregonians the opportunity to enjoy the stability of a fixed mortgage expense while building equity in their home to achieve greater wealth over time. This will not happen with these units. I am already seeing an increase of rentals all around the existing homes in my community which again harms Oregonians as they are not able to build wealth equity in a real estate asset through a fixed mortgage expense. Until we can get assurances that people who need these homes will actually be able to purchase them, developments of this nature do not help the housing affordability problem.

Thank you for your time and hearing my concerns.

-Thomas Prislac

2840 23rd ave NW. Albany OR. 97321

503-764-7177

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Laura Vista NW proposed construction change

Jason Riley <jasonthomasriley@gmail.com>

Mon 4/15/2024 6:26 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Sir/Madam,

I am writing to express my strong opposition to the proposed change to the housing development in our neighborhood. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community.

First and foremost, the proposed development is simply too large for our area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services. Additionally, the construction of this project would result in significant environmental damage, destroying natural habitats and putting wildlife at risk.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. This development would bring in a large number of low-income residents, which could lead to increased crime rates and other negative social effects. It would also drastically alter the aesthetic of our area, replacing the existing greenery and open spaces with a monolithic, high-density housing complex.

Finally, I am deeply concerned about the impact this development would have on property values in the surrounding area. The influx of low-income residents could result in a decline in property values, making it difficult for current residents to sell their homes and move elsewhere.

In conclusion, I strongly urge you to reconsider this proposed housing development. While I recognize the need for affordable housing, I believe that this project is simply not the right fit for our neighborhood. Thank you for your attention to this matter.

Sincerely,

Jason T. Riley, BSN RN

1436 NW Ellis Ave, Albany, OR, 97321

541-619-6569

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## New Construction Project: Gibson Hill & Laura Vista

Jonathan Santana <js387g@gmail.com>

Mon 4/15/2024 11:41 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Hello David,

I would like to add my comments regarding the new construction project at Gibson Hill & Laura Vista.

It is my opinion that the construction of 80 town houses would negatively impact North Albany for various reasons.

First we do not have the proper infrastructure to accommodate the increase in traffic. The concern for traffic issues that would arise from the increase in population on an already strained roadway.

Second, Albany schools already have a growing concern with cancelled bus routes for students adding more students will only add additional strain on the bussing system.

Reasons could go on and on but I will end it here and repeat I oppose this change.

Jonathan Santana

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



## Riverwood Crossings Development

Bill Schafer <billsohana@gmail.com>

Tue 4/16/2024 11:09 AM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

To the city council of Albany Oregon re: Riverwood Crossing Subdivision

In July of 2021 the residents of the Thorn Neighborhood adjacent to the proposed development were notified and were invited to comment on the originally proposed development. In that meeting, several issues were raised. The question of drainage into our neighborhood from the then adjacent field was of major concern and we were assured that would be addressed. In retrospect that was only the beginning of the misdirection fed to us at that time. It is now apparent that the solution discussed for drainage was never implemented and now the entire project no longer resembles what we all agreed to. Had it not been for the recent newspaper article, we would have never been informed of the much larger issue in front of us now.

Having walked the street constructed for this development, I believe it to be totally inadequate for this new proposal. The street is not wide enough to handle on-street parking for the density of this proposed size. We all know that many residents park on the street rather than in a garage, and from the drawings that I have seen, off-street parking seems to get only a handwave. Utility services and maintenance would be inhibited by the restricted access and inadequate roadbed. If cars park on both sides of the street, could a fire truck or ambulance even access the structures? How would that many residents evacuate in an emergency? With so many trying to evacuate, how would emergency vehicles enter and be effective?

Our local fire station, though nearby, surely doesn't have the resources to handle an emergency of the magnitude that this would present. Gibson Hill Road is already extremely busy during morning and evening commutes and making left turns into this neighborhood would create a traffic jamb for sure. Add a fire or police emergency during those hours and a disaster is entirely within the realm of possibility.

Should this development be approved, I foresee a class action suit against the city and the developer for the misdirection and misrepresentation of their intent. It is now obvious that the developer's intent all along was to install high density housing while getting approval for only single-family dwellings. I feel deceived and foresee a very negative impact on the livability and value of our local neighborhood if this were to proceed.

All in all, this deceptive tactic used by the developer is underhanded and hence, I believe that their license to operate should be reviewed. It appears that profit motive has prevailed over common sense development. Greed has overcome truth and logic. To allow this project to proceed would be a slap in the face to current nearby property owners and the greater local community. The city, county and state should not allow shady business practices such as this to continue. If the current laws allow this type of action, then the law is flawed and allowing this action to proceed would be a recipe for further abuse.

Regards,

Bill and Jeanette Schafer

1313 NW Thorn Drive

Albany, Oregon 97321

*Bill Schafer*

Attachment H.42

(541)760-5467

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Pacific National Development on Gibson Hill

Cathy and Pat Schlecht <schlechtcp@gmail.com>

Sat 4/6/2024 2:51 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

The proposal for 80 townhouses is hard to believe! Parking, ingress/ egress, traffic volume on Gibson Hill will be untenable. As you well know Lepman owns the large farm parcel adjacent, certainly with plans for future development. The City knows full well that State rules about middle housing and parking will enter into this and as is typical the developers know how to design and comply, so the City approves the continued development and growth in North Albany, claiming their hands are tied. It is abundantly clear that the City can do little if anything to improve ingress and egress off Highway 20 to North Albany. Thank you Pat Schlecht

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## Gibson Hill/Laura Vista development

Brian Summers <b.r.summers@gmail.com>

Tue 4/16/2024 12:52 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Hi David.

I am writing today to express my concern regarding the proposed expansion from 22 houses to 80 townhouses. My main concerns are mostly regarding the traffic impact to an already busy area. The Scenic Rd/Hwy 20 intersection will be significantly impacted, as well as the Gibson Hill/Laura Vista intersection. There is currently no turn lane or refuge lane on Gibson Hill, significantly impacting the flow of traffic, not to mention vehicular and pedestrian safety. Furthermore, there is no planned green space in this development, which is quite a shame, seeing as the developer eradicated a small wooded area full of wildlife to make way for their project. I am also worried about the impact to the local school system, which is already strained under their current circumstances.

It is truly disappointing that the developer deceived the City as well as local residents. I fully believe in developing more affordable housing, but I do question whether these new homes will honestly be affordable to the folks who need them.

Thank you for your time.

Brian Summers

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## North Albany Gibson Hill Construction Project

Cindy <chickyng@aim.com>

Tue 4/16/2024 1:47 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Mr. Martineau,

I'm a homeowner who lives close to the new 80 townhouse development proposed on Gibson Hill Rd in North Albany. I am opposed to the development and respectfully request that this development be reconsidered. I'm aware that the state is pushing for more development of middle housing but I think there are considerations that should be made before approving the projects. As far as this develops is concerned, has the impact to traffic on Gibson Hill been studied? What about the impact on infrastructure? Have you made a site visit to this project and seen the street that has been built there? It in no way looks like it would accommodate the increased traffic and access for fire services, trash collection, etc. Also, why were residents within 300 feet of this project originally notified of the proposed project but it seems like in secret this project was changed and only residents within 100 feet were notified? Why all the secrecy? I think you know why. Please reconsider what the size of this project would have on the neighborhood.

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.


## Riverwood Crossing Comments - 3118 NW Gibson Hill Road

Bob Vanderlinden &lt;vanderlindenbob@comcast.net&gt;

Sun 4/14/2024 9:48 AM

To: Martineau, David &lt;David.Martineau@albanyoregon.gov&gt;

Cc: bob@boatescape.com &lt;bob@boatescape.com&gt;

 1 attachments (19 KB)

Riverwood Crossing Middle Housing Comments.docx;

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

David Martineau:

Thank You for the opportunity to comment.

Assuming the statewide mandate requirements for Middle Housing, this comment is generally in opposition to the April 2, 2024 Riverwood Crossing change application from 22 single-family homes to 80 townhomes due to the traffic and safety concerns. Our concerns are not so much the 4-fold increase in density as it is with apparent lack of due consideration of traffic and safety and the public comment process. We are also concerned with the limited notification process timing used by the Community Development Planning Division.

We can understand the need for more affordable housing. We can also understand how the "mandate" passed down by the state effects of the process. However, the minimal timing of the notification, the minimal contact (only homeowners 100' from the subdivision?) and addressing the significant increase in traffic and safety directly at the new junction of Laura Vista and Gibson Hill (a 55 mph roadway) are real concerns and should be addressed.

It seems that the city approved the quadrupling of the home density from 22 to 80 units some time ago. Probably well before the March 5 date when it was noticed that the underground utilities for 80 units had already been installed. And without the required public comments. And now, as an afterthought, the city is trying to get the requisite public comments after the decision was already made. This makes us feel like our comments are not really considered or are not worth consideration in the city's process. This issue alone causes significant concerns and leads to accusations of acting without proper input.

We would like to know:

- When did the city approve the change from 22 to 80 units? Did the developer move forward with installing the underground utilities for the increase in number of homes without formal city approval and public comment periods?
- Regarding the state mandate, does this completely do away with public comments? How does the city then address possible local issues?
- What are the clear and objective criteria for plan reviews cited by Mr. Ruettgers? Does safety play a part?
- What is the appeal process cited by Mr. Ruettgers?

- How could a traffic study not be warranted based on a new subdivision with up to 160 vehicles leaving and entering a 45 MPH roadway from a dead-end road?
- What adjustments in traffic control at this intersection has the city contemplated to address safety accessing Gibson Hill?
- Where did the notification of homeowners within 100' come from. People are affected well beyond the 100' radius.

#### Notification and Timing Issues:

- Notification to homeowners within 100' is woefully inadequate for the many local homeowners that will be affected considering the density will be 4 times the originally 22 homes and with such issues as safely accessing Gibson Hill, a 45 MPH roadway.
- Homeowners that use Laura Vista to the North of Gibson Hill will also be directly impacted.
- Safely accessing Gibson Hill on Laura Vista from the North is already an issue due to site distance from the left (looking East), power pole and utility box looking to the right (West) causing cars to pull out closer to oncoming traffic to get a clear, safe view. (You should check this out at busy times!) Not to mention having an additional 160 vehicles daily turning left and right from the new subdivision to the South.
- An April 2 application to change with an April 16 deadline is not reasonable for homeowners to investigate and formulate a response.
- "How can this be", as Mr. Irish stated, "without the approval of the 80 townhomes yet". Such a good question without an adequate explanation. The city's online data base says it received the 80-lot change request last month, on March 5. But by that time, the underground utilities for 80 narrow lots had already been installed. Even if the city has no authority to change the final decision, does this negate the public notification and comment period and formal approval requirements?
- The developer is supposedly the one that requested the change in number of units. Why doesn't this reset the comment period and approval. Seems the city has discounted the public comments for the major changes in the subdivision.
- The statements made in the Democrat Herald article (April 12, 2024) by Mr. Irish: "*The city determined requiring the developer to put in the infrastructure for the houses only to tear it up and reinstall the infrastructure for the townhomes might have given the developer a leg to sue, given the new middle housing rules, he said.*" This leads us to believe that the changes were summarily made well before the March 5 date when it was recognized that the underground facilities were already installed and considerably before the change application dated April 4.
- The city's online data base says it received the 80-lot change request last month, on March 5. But by that time, the underground utilities for 80 narrow lots had already been installed.

I can't believe that the Middle Housing requirements can't take into account the effects that new high-density subdivisions have on traffic and safety, not to mention public comment requirements.

Thank you for the opportunity to comment,

Bob & Sharon VanderLinden

\*\*\*\*\*  
Bob & Sharon VanderLinden  
1715 NW Ravenwood Dr.  
Albany, OR 97321  
Cell: 541-974-1631  
\*\*\*\*\*

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.



## Bait & Switch 22 Home Project

Dan Whitney <whitneydw10@pacbell.net>

Sun 4/14/2024 10:27 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Mr. Martineau,

It has been brought to my attention that the development at Gibson Hill / Laura Vista is now to house 80 townhomes vs. the initially approved 22 home sites (November '23).

I have the usual concerns of easements, traffic studies, community impact, etc.. However, I am even more concerned that the public commenting period closes April 16th, 2024, when I just learned of the changes this evening. Additionally, the manner in which the project was presented, and then changed, is sneaky if not nefarious. I really hope it's not the latter. I did notice your April 15th meeting has been canceled and the Community Development meeting is still scheduled for the 16th (after the irrational 3:00 close of public comments).

Regardless, I believe it is your responsibility, as the Planning Commission liaison, to be overly communicative and not minimally. Did you not think this change was important enough to the residents of North Albany? No, you didn't.

I am hereby objecting, as a resident of Benton County and North Albany, to any decision regarding this matter at the April 16th meeting being made and that the matter be tabled until you accommodate a public forum where the MANY issues being raised by this change can be heard.

Please ensure my objection is read into the Minutes.

Dan Whitney  
Homeowner  
North Albany, OR

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

## North Albany Townhouses

Nancy Yancy <nyancy266@gmail.com>

Tue 4/16/2024 5:08 PM

To: Martineau, David <David.Martineau@albanyoregon.gov>

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

I apologize for the lateness of this. I misspelled your address the first time 😊

>

> Dear Sir,

> I am writing to object to the unlawful, or shall I say lawfully sneaky 80 unit townhomes being built off Gibson Hill Rd in North Albany.

> Please reconsider this building approval as among other things will now bring approximately 160 more vehicles onto an already congested Gibson Hill Rd and North Albany Rd. Not to mention the bridge 😞.

>

> Thank you for your time,

>

> Nancy Yancy

> 2245 NW Cluster Oak Ave

> Albany, Oregon 97331

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

**Gibson Hill/Laura Vista subdivision**

Jim and Nancy ZANOTTI &lt;jnzanotti@comcast.net&gt;

Mon 4/15/2024 2:54 PM

To: Martineau, David &lt;David.Martineau@albanyoregon.gov&gt;

[**WARNING!** This email came from outside our organization. Do **NOT** click unknown attachments or links in email.]

Dear Sir,

I, like many other North Albany residents, am concerned about the change from 23 houses to 80 townhouses at 3118 Gibson Hill Road. It just doesn't seem right that infrastructure and mailboxes can be installed BEFORE public comment. That is NOT what was originally approved. It's the old "easier to ask for forgiveness" theory of permission. I wrote a letter during the original public comment period about my concerns about 23 houses. The trees are gone which is sad to me. But traffic, safety, and water issues remain.

Has a new study been completed to address the increased traffic on Gibson Hill, North Albany Road, Scenic Drive to Highway 20 and to Oak Grove Drive and Oak Grove Elementary School? As you know, the corner of Scenic and Gibson Hill is quite busy, especially during the school year. More vehicles means more congestion. Will there be a turn lane into the new development? Also, the section of Scenic from the Farm Home water mitigation pond is quite narrow with no space to walk/bike safely. I'm sure you've seen the traffic at Scenic and Highway 20 in the mornings. Has the city worked with ODOT to remedy the traffic issues at that spot?

My second concern is safety. How safe will the street be for people? I know what Jordan Drive is like on garbage day or with construction vehicles and there are not a lot of houses. It appears from the map that there is only one way in and out. Think about fire or ambulance calls. It could be very dangerous for responders, too. We've noticed more traffic on Jordan after the Farm View Subdivision went in. We have to be more alert to traffic because of this.

Finally, I still have water concerns for the area. I know a lot of work went into the mitigation pond and street infrastructure. I was walking in the area during the January rains. At the end of the street, water was pouring off the fields. How will that effect all of the increased hardscape? Will there be issues with sinking foundations ten years from now? Have soil studies been done with an eye toward increased housing? I'm sure the original EIR has to be looked at again. Has it?

I realize that I might be wasting my time writing to you. There are so many conflicting statements, that I'm not sure what to believe. I do know that transparency about this rezoning is non-existent. The city and its planners need to be open and public about what is going on with this sudden change. The fact that the comment time is so short tells me that something is not right. I hope that there is a well-advertised public meeting to discuss what is really going on.

Respectfully,

Jim Zanotti  
239 NW Jordan Drive

Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.