



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Notice of Public Hearing

Appeal of Tentative Subdivision Plat and Minor Variance

SD-03-23

May 20, 2024

HEARING INFORMATION

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, June 3, 2024, at 5:15 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual: At 5:15 p.m., join the meeting using the link below:
<https://council.albanyoregon.gov/groups/plc/zoom>

Phone: 1-253-215-8782; meeting id: 837-8633-4863; passcode: 464432

APPLICATION INFORMATION

Files: SD-03-23

Proposal: Appeal of Tentative Partition Plat for a 113-lot subdivision and a minor variance to block length.

Review Body: Planning Commission

Property Owner: Justin Gross; 3483 Buena Vista Road S, Jefferson, OR 97352

Applicant: Woodhill Homes, c/o Ryan Johnston; 70 SW Century Drive Suite 100, Bend, OR 97702

Applicant's Representative: MultiTech Engineering, c/o Brandie Dalton, 1155 SE 13th Street, Salem, OR 97302

Address/Location: Unaddressed; west of 1252 Ellingson Road SE

Map/Tax Lot: Linn County Assessor's Map No. 11S-03W-29-00501

Comprehensive Plan Map: Urban Residential Reserve

Zoning: Residential Single Family (RS-5) / Residential Medium Density (RM)

Total Land Area: 21.94 acres

The Albany Planning Division has received a request for a public hearing for the application referenced above and has scheduled a public hearing before the Planning Commission. We are mailing notice of this public hearing to property owners within 300 feet of the subject site.

A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at the Albany Community Development Department, Planning Division. Copies can be provided by mail upon request at a reasonable cost or electronically at no charge. The staff report will be available by 5:00 p.m. on Friday, May 24, 2024, and on the City's website at:

<https://www.albanyoregon.gov/cd/projectreview>

[albanyoregon.gov/cd](https://www.albanyoregon.gov/cd)



Should you wish to discuss this case with a planner, please contact Alyssa Schrems, project planner, at alyssa.schrems@albanyoregon.gov or 541-791-0176. Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

YOUR COMMENTS (HOW TO TESTIFY):

We invite your comments, either in writing prior to the day of the public hearing or at the hearing. Your comments will be considered when the Planning Commission makes a decision on this application. All testimony and evidence must be directed toward the approval standards for this application listed in this notice. Failure to raise an issue by letter or in person before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Planning Commission an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

Persons wanting to provide testimony for either the Planning Commission public hearings may choose one of the following options:

1. Email written comments to alyssa.schrems@albanyoregon.gov **before noon the day of the applicable meeting** and include your name and subject of the public hearing, or mail comments to Albany Planning Division; PO Box 490, Albany, OR 97321; or
2. To testify virtually during the public hearing, register before **noon on the day of the applicable meeting** by emailing cdaa@albanyoregon.gov, with your name, address, phone number, and if you are speaking for, against, or neutral on the proposal. The chair/mayor will call upon those who registered.
3. Appear in person at the meeting and register to speak using the sign-up sheet.

Written comments will be included with respective meeting agenda packets if received by Alyssa Schrems at alyssa.schrems@albanyoregon.gov on or before the following date:

May 23, for the June 3, 2024, Planning Commission meeting date.

Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

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

PUBLIC HEARING PROCEDURE

The public hearing will occur on Monday, June 3, 2024, at 5:15 p.m. The respective hearing body will open the public hearing. The public hearing will begin with a declaration of any *ex parte* contacts (contacts that occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the planning staff. Then, the applicant will testify. Following this, written comments received from the public will then be entered into the record. This will be followed by calling upon those who registered to speak in support of the application. After those in favor of the application are finished, testimony from those who registered to speak in opposition will begin. This will be followed by testimony from people who neither favor nor oppose the application. Following this, a calling upon anyone else who wishes to testify either in support, in opposition, or neutral will be made. The applicant will then be able to respond to the public comments. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing. Once all comments are recorded as part of the meeting and the applicant responds, the hearing body will close the public hearing and deliberate on the application.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of Oregon Revised Statute (ORS) 227.178.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for the resumption of the hearing and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

APPEALS

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide written Notice of Decision to the applicant and any other parties entitled to notice.

The Planning Commission's decision may be appealed to the Albany City Council if a person with standing files a Notice of Intent to Appeal not later than 10 days after the Notice of Decision is mailed [ADC 1.220(7)].

APPROVAL CRITERIA FOR APPLICATIONS

The Albany Development Code (ADC) contains the following review criteria that must be met for approving the application as described. The proposed modifications to an approved conditional use application and minor variance are subject to criteria as described below:

Tentative Plat Review Criteria (ADC 11.180)

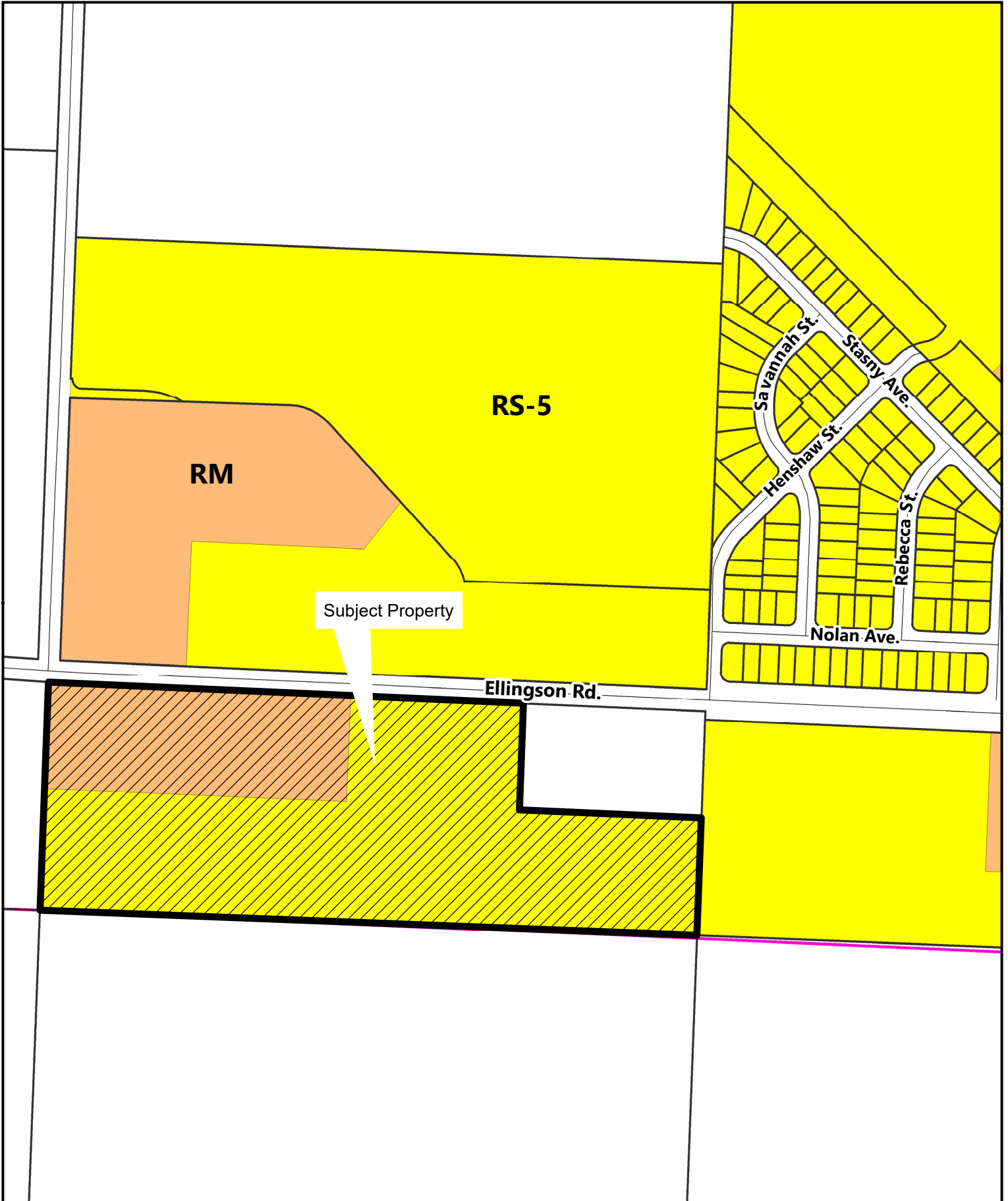
- (1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.
- (2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- (3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- (4) The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
- (5) The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
- (6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Minor Variance Review Criteria (ADC 2.696)

- (1) The Minor Variance is not requested to avoid a land use review process or increase density; AND
- (2) The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND
- (3) The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Additional review standards for this Tentative Partition Plat and Minor Variance applications are found in ADC Articles 1, 2, 3, 9, 11, 12, and 22.

Attachments: Location Map, Site Plans



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0 50 100 200
Feet

Unaddressed; next to 1252 Ellingson SE

Date: 12/19/2023 Map Source: City of Albany

Location Map

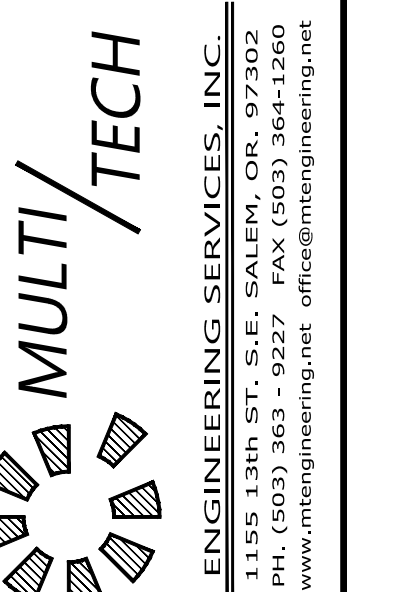
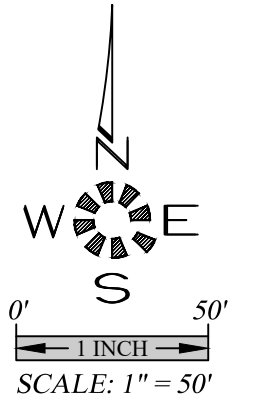
TOTAL LOT CALCULATIONS:
 113 LOTS
 PHASE 1
 38 WITHIN ZONE RM
 60 WITHIN ZONE RS-5
 PHASE 2
 15 WITHIN ZONE RS-5

**PHASE 1
 RM LOT CALCULATIONS:**
 38 LOTS
 AVERAGE LOT SIZE 3815 S.F.
 MAX. LOT SIZE 4612 S.F.
 MIN. LOT SIZE 3500 S.F.

**PHASE 1
 RS-5 LOT CALCULATIONS:**
 60 LOTS
 AVERAGE LOT SIZE 5051 S.F.
 MAX. LOT SIZE 10674 S.F.
 MIN. LOT SIZE 3800 S.F.

**PHASE 2
 RS-5 LOT CALCULATIONS:**
 15 LOTS
 AVERAGE LOT SIZE 5458 S.F.
 MAX. LOT SIZE 8611 S.F.
 MIN. LOT SIZE 4000 S.F.

LOT CALCULATIONS:
 113 LOTS
 38 WITHIN ZONE RM - 5.42 AC.
 75 WITHIN ZONE RS-5 - 16.52 AC.
 39 LOTS - 5000 S.F. +
 36 LOTS - 70% SMALLER

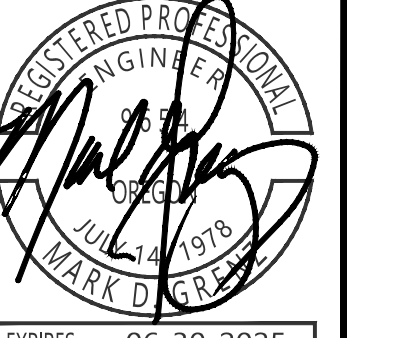


**TENTATIVE PLAT
 PLAN**

**ELLINGSON FARM
 SUBDIVISION**

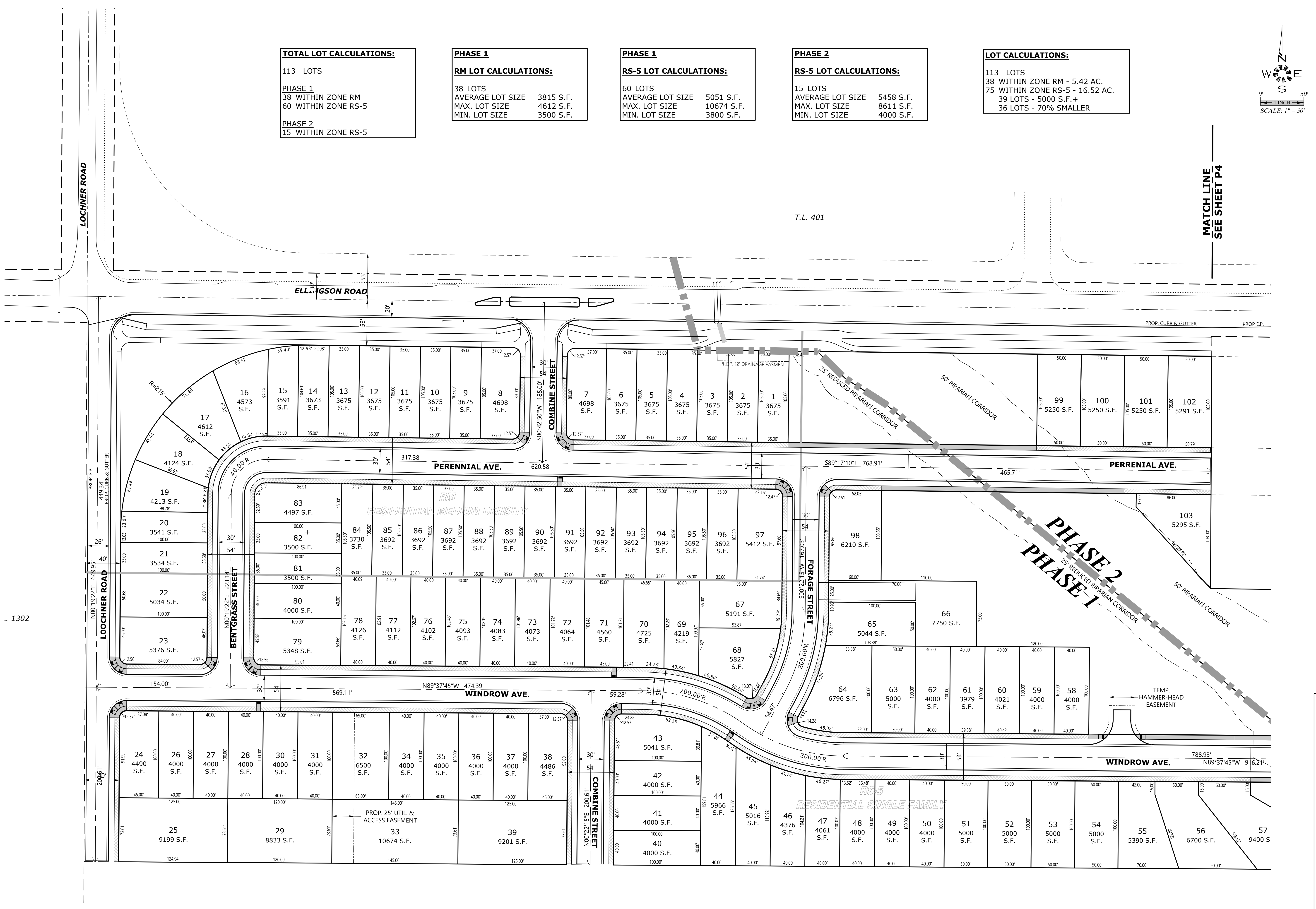
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Design: M.D.G.
 Drawn: D.G.G.
 Checked: B.M.G.
 Issue Date: 2/18/24
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2025
 JOB # 7601

P3



1302

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TOTAL LOT CALCULATIONS:

113 LOTS
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PHASE 1

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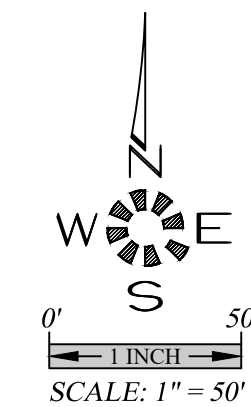
RS-5 LOT CALCULATIONS:
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MAX. LOT SIZE 10674 S.F.
MIN. LOT SIZE 3800 S.F.

PHASE 2

RS-5 LOT CALCULATIONS:
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MIN. LOT SIZE 4000 S.F.

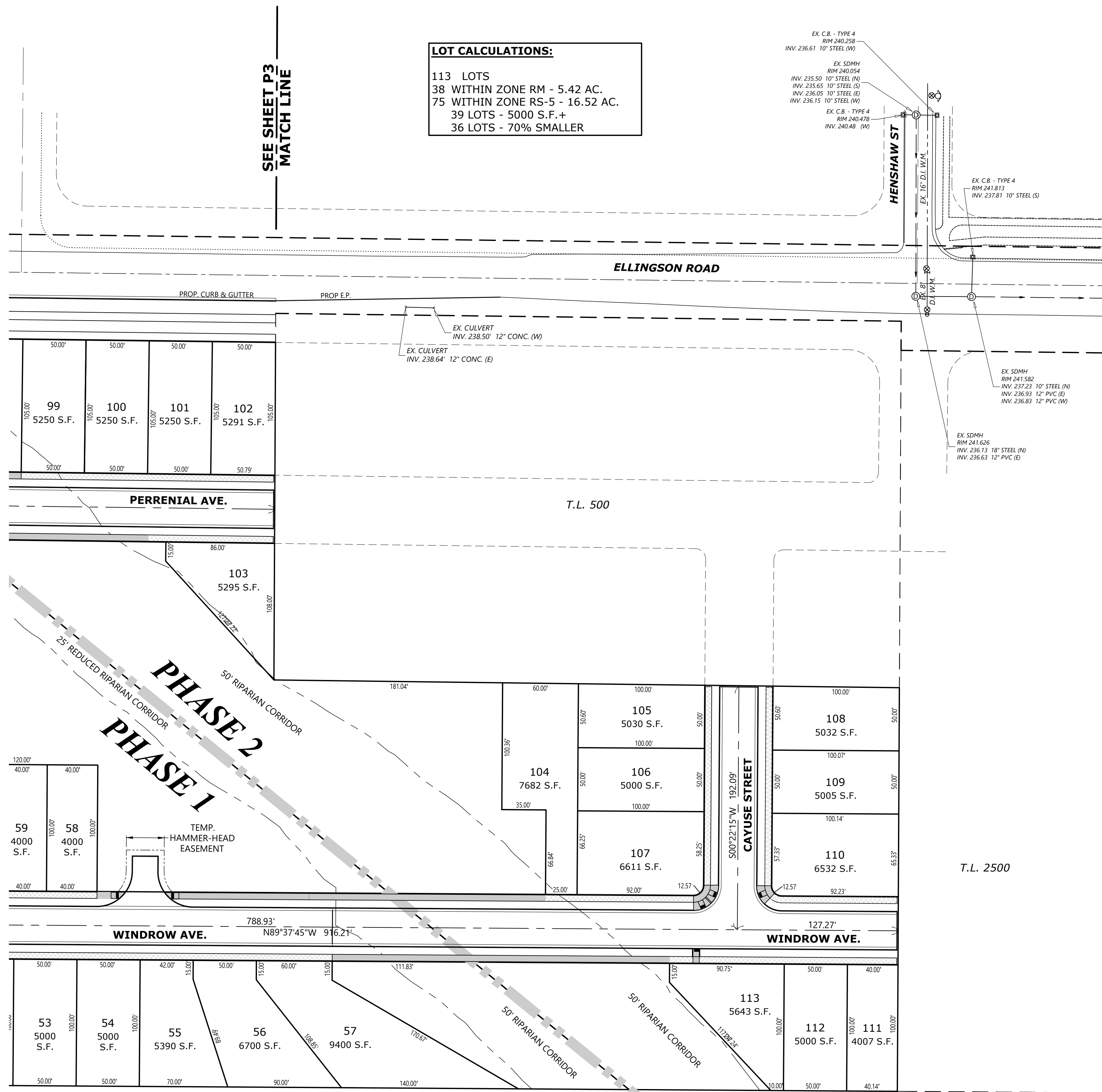
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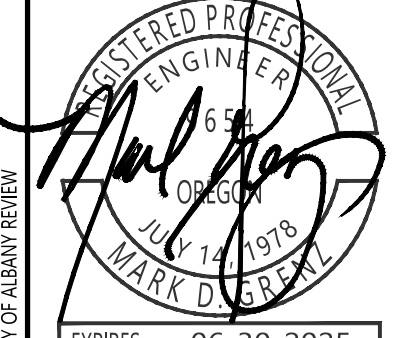
**TENTATIVE PLAT
PLAN**

**ELLINGSON FARM
SUBDIVISION**



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.
Issue Date: 2/18/24
Scale: AS SHOWN
As-Built:



EXPIRES: 06-30-2025
JOB # 7601
P4

T:\7601\7601-ElingsonFarmSubDiv.dwg 2/18/24 12:11:18 PM J.Hallingsworth