

## PLANNING COMMISSION AGENDA

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**Monday, October 28, 2024**  
**5:15 p.m.**

This meeting includes in-person and virtual participation.

*Council Chambers*

*333 Broadalbin Street SW*

Or join the meeting here:

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

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

Please help us get Albany's work done.

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

1. Call to order and pledge of allegiance
2. Roll call
3. Approval of Minutes
  - October 14, 2024 [Pages 3-6]
4. Business from the public:

*Persons wanting to provide comments may:*

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

5. Public Hearing (Continuance): Planning File CP-01-24 et al., Comprehensive Plan and Zoning Map Amendment, Partition, and Natural Resource Impact Review. [Pages 7-78]  
Summary: The request is for a Partition application to divide a 4.35-acre parcel into two parcels, Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres. A Comprehensive Plan Map Amendment for proposed Parcel 1 to change from Low Density Residential (LDR) to Medium Density Residential (MDR), with a concurrent zone change from Residential Single Dwelling (RS-6.5) to Residential Medium Density (RM), and a Natural Resource Impact Review for the division of land within the Significant Wetland and Riparian Corridor. -Project Planner Jennifer Cepello
6. Business from the commission
7. Staff updates

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8. Next Meeting Date: November TBD

9. Adjournment

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

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



**MINUTES**

Monday, October 14, 2024  
Council Chambers – 5:15 p.m.  
Approved: DRAFT

Call to Order

Chair JoAnn Miller called the meeting to order at 5:15 p.m.

Pledge of Allegiance

Roll Call

Commissioners Present: Chair JoAnn Miller, Karen Cardosa, Stacey Bartholomew, Skylar Bailey, Circe Verba, Bill Ryals

Commissioners absent: Ted Bunch Jr., Kenny Larson, Ron Green (All excused.)

Approval of the Minutes

**5:16 p.m.**

**Motion:** Commissioner Bailey moved to approve the minutes from the September 30, 2024 meeting as presented. Commissioner Bartholomew seconded the motion which passed 6-0.

Business from the Public

None.

***Chair Miller called the Public Hearing to Order at 5:18 p.m.***

Public Hearing: Planning File no. AD-01-24 Adjustment Review Type III Quasi-Judicial Process to allow rooftop mechanical equipment on a historic structure at 240 2nd Avenue SW.

Commission Disclosures

There were no conflicts of interest declared, ex parte contacts or site visits reported by the Commission members.

No commissioners abstained from participating in the proceedings and there were no challenges offered to their participation.

Project planner Alyssa Schrems read the hearing procedures.

Staff Report

Schrems shared slides\* on the Adjustment to Design Standards to allow placement of mechanical equipment on the roof of the one-story addition to the building from 1960. The Landmarks Commission has approved the other exterior alterations, but the Planning Commission must approve the adjustment. Staff recommends approving the request as proposed.

Applicant Testimony

**5:25 p.m.**

Applicant representative Laura LaRoque with Udell Engineering and Land Surveying, LLC testified that this building is on the National Historic District Register and is undergoing renovations. It will be converted from commercial uses to boutique hotel with multiple dwelling units. The roof of the main building is not compatible with the placement of mechanical units. The one-story building addition is newer and not historic and will also help obscure the units from view from at least one direction. So, they are asking for a deviance from code standards to allow this one aspect to differ from the code.

Commissioner Ryals agreed that any screening of that size would become an architectural element that is out of place for the historic property.

Commissioner Cardoso asked about the past uses of the building and its structural soundness to hold the equipment. The one-story building had commercial uses but is vacant during remodel.

Public Testimony

**5:34 p.m.**

None.

Procedural Questions

None.

***Chair Miller closed the public hearing closed at 5:34 p.m.***

Commission Deliberations

Commissioner Ryals offered his familiarity with the building noting that the most recent change was to install a boiler system with radiators, so the current approach is trying to be a greener more cost-effective approach for heating the individual units and the least invasive approach, to minimize alterations to the building.

**Motion:** Commissioner Ryals motioned to approve the proposed adjustment to ADC 8.390(3)(b) compatibility standards. This motion is based on the findings and conclusions in the October 7, 2024 staff report, and the findings in support of the application made by the planning commission during deliberations on this matter. Commissioner Bailey seconded the motion, which passed 6-0.

Public Hearing: Planning File no. CP-01-24, ZC-01-24, PA-08-24 and NR-02-24, Type IV-Quasi-Judicial process Comprehensive Plan and Zoning Map Amendment, Partition, and Natural Resource Impact Review.

***Chair Miller opened the public hearing at 5:40 p.m.***

Commission Disclosures

There were no conflicts of interest declared.

There was ex parte contact with previous and current owner reported by Commissioner Bartholomew and Commissioner Bailey reported knowing the applicant but expressed that their participation could be unbiased.

No commissioners abstained from participating in the proceedings and there were no challenges offered to their participation.

Project planner Jennifer Cepello read the hearing procedures.

Staff Report

**5:43 p.m.**

Cepello presented slides\* and described the application was asking for a Comprehensive Plan and Zoning Map Amendment, Partition and Natural Resource Impact Review. The 4.3-acre subject property is located at 3016 Grand Prairie Road SE. The request is to partition the property into a northern parcel of 2.80 acres, and southern parcel of 1.55 acres in addition to change the comprehensive plan designation from the low density residential to medium density residential along with corresponding zoning map changes. Periwinkle Creek riparian area is between the two parcels. The NR impact review is required for any land division within a riparian corridor. She noted the composition of the surrounding properties. Partly institutional and low-density residential development. City Council has the deciding vote.

Applicant Testimony

**5:48 p.m.**

Kim Riccitelli, Green Cascades LLC testified on behalf of the property owners. She reported no development has been proposed with this application but just desire to partition the property at the natural boundary of

the creek. They believe the northern half lends itself to a different type of development than the southern half and the current application would be a step towards future applications.

Clarifying Questions:

Commissioner Bailey asked if this is landlocked? Whether there is road access across the riparian corridor? Cepello replied that the southern half already has an access/utility easement to Mountain View. And the northern parcel is accessed on Grand Prairie.

Commissioner Ryals asked about whether the property could be developed to townhouses or apartments. Cepello answered potentially.

Public Testimony

**5:51 p.m.**

Gary Short expressed his dissatisfaction with the process. Feeling that the process leaves out the neighbors and doesn't feel they are being included in the decisions.

Tracy Voeller testified his concern with the partition but they haven't heard any specifics around the planned use for the property. They don't believe that there should be approval for the partition without some information regarding the ultimate use. He went on to testify about the long-term condition of the property and wanted some reassurance that the homeless camp debris won't just be pushed to the other parcel.

Curtis Pitt objected to Commissioners Bartholomew and Bailey participation as they are they are familiar with the owners. He also understood that the staff report recommended the partition be approved and he objects to that decision. He believes that the rezoning of the property does not comply with the Comprehensive Plan for the area and rezoning will create more problems with traffic, safety, schools and property values as well as destroying wildlife habitat. He noted that the Comprehensive Plan states there should be a demonstration of need prior to zoning changes.

Ed Giles read a statement regarding the current and past state of the property that has become a hazard and homeless encampment. He wanted a good faith effort by the owners to be good neighbors and would like to know the plan for the property. He emphasized that enforcement has written numerous citations about the property, and it's never been cleaned up.

Applicant Response

**6:09 p.m.**

Kim Riccitelli returned thanking the speakers and wanted to address their concerns. She understood that the applicants have strictly followed the application procedures. The transient issue is a major concern and priority for her clients and they have tried to clean out the homeless encampment. No violations are ongoing. No access is provided across Periwinkle Creek and nothing should spread to the southern parcel. The intention is to separate the parcel along the natural boundary because the needs of the north and south parcel neighborhoods aren't being met. Any development would remove the vagrancy problems. They recognize Albany's housing needs and this could be infilled with additional housing without changes to existing infrastructure.

Commission Ryals asked about the parcel sizes to estimate the potential number of units. Riccitelli replied if with townhomes it would be 70 – 72 units.

Procedural Questions

**6:18 p.m.**

Staff addressed the audience concern regarding ex-parte communication.

Commission took brief recess from 6:21 p.m. to 6:26 p.m.

Commissioner Bailey recused himself from the hearing.

Chair Miller suggested continuing the hearing to the October 28, 2024, meeting. The Chair is leaving the floor open for any additional testimony until the next meeting.

Commissioner Bailey asked whether the staff can require an applicant to inform them about their plan for the properties. Staff explained that applicants just have to meet the criteria of the code.

Business from the Commission

None.

Staff Updates

Cepello opened the floor for any volunteers for the Hearing Board. Commissioners Bartholomew, Ryals and Miller volunteered for the Hearings Board.

Next Meeting Date

The next meeting is scheduled for October 28, 2024, at 5:15 p.m.

Adjournment

Hearing no further business, Chair Miller adjourned the meeting at 6:32 p.m.

Respectfully submitted,

Reviewed by,

Susan Muniz  
Recorder

Jennifer Cepello  
Planner III

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov).*



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Comprehensive Plan and Zoning Map Amendment, Partition, and Natural Resource Impact Review

CP-01-24 ZC-01-24; PA-08-24; and NR-02-24

October 7, 2024

### Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, October 14, 2024, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted in person and virtually:

In Person: Albany City Hall, Council Chambers, 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 (long distance charges may apply);

Meeting ID: 837-8633-4863; Passcode: 464432

Review Body: **City Council**

Hearing Date and Time: **Wednesday, November 6, 2024, at 6:00 p.m.**

Hearing Locations: This hearing will be conducted in person and virtually:

In Person: Albany City Hall, Council Chambers, 333 Broadalbin Street SW

Virtual: To comment/testify, please email [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov) with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

Watch on YouTube: <http://www.youtube.com/user/cityofalbany>

The proposal is for a Partition to create two parcels, Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres; a Comprehensive Plan Map Amendment to change the designation of proposed Parcel 1 from Low Density Residential (LDR) to Medium Density Residential (MDR) and a concurrent Zoning Map amendment to change the proposed Parcel 1 zoning designation from Residential Single Dwelling-Unit (RS-6.5) to Residential Medium Density (RM). Parcel 2 is to remain with the existing Low Density Residential (LDR) Comprehensive Plan Map designation and Residential Single Dwelling-Unit (RS-6.5) zoning. Finally, a Natural Resource Impact Review for a land division within a Riparian Corridor.

Table 2.760-1 of the Albany Development Code (ADC) shows all Comprehensive Plan map designations and the respective zones that implement each designation. As Table 2.760-1 shows, there are multiple potential zones that implement the current Comprehensive Plan map designation (LDR) applied to the subject properties. These zones include: Residential Single Dwelling Unit (RS-10, RS-6.5, RS-5); Hackleman-Monteith (HM), Residential Reserve (RR), Office Professional (OP), and Neighborhood Commercial (NC). As Table

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2.760-1 shows, there are six zones that implement the Medium Density Residential Comprehensive Plan designation. These six zones include: Residential Single Dwelling Unit (RS-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), and Neighborhood Commercial (NC). Allowable uses in the referenced zoning districts can be found in Table 3.190-1, Table 5.060-1, and Table 4.050-1 of the ADC.

The subject area consists of one ±4.8-acre property located south of Grand Prairie Road (Linn County Tax Assessor's Map No. 11S-03W-16; Tax Lot 1300). The subject property is currently undeveloped and does not propose any development.

The subject property is transected east to west by Periwinkle Creek. The northern portion of the subject property is bordered by two separate religious institutions directly to the east and west and single dwelling development as well as a religious institution to the north. The northern portion of the property has direct access to Grand Prairie Road. The southern portion of the property is bordered by single dwelling development to the east, south, and west and has access to Mountain View Drive via a private access easement.

The subject property has been zoned Residential Single Dwelling Unit (RS-6.5) since May 13, 1996, upon annexation into the City of Albany. Prior to annexation the subject property was zoned Urban Growth Area-Urban Growth Management-20 (UGA-UGM-20).

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## Application Information

Review Body:	Planning Commission and City Council (Type IV-Q Review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Type of Applications:	A Comprehensive Plan Map Amendment to amend the Plan designation of proposed Parcel 1 from Low Density Residential (LDR) to Medium Density Residential (MDR), Zone Map Amendment to amend the zoning designation from Residential Single Dwelling Unit (RS-6.5) to Medium Density (RM), a Partition to create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, a Natural Resource Impact Review for a land division within the Riparian Corridor.
Property Owners:	Tyler Davidow and Amy Mean; P.O. Box 3192 Albany, OR 97321
Applicant Representative:	GREEN Cascades, LLC; C/O: Michael Riccitelli, P.E.; 717 Calapooia Street Albany, OR 97321
Address/Location:	3016 Grand Prairie Road SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-16; Tax Lot 1300
Comprehensive Plan Map:	Low Density Residential (LDR)
Zoning:	Residential Single Dwelling Unit (RS-6.5)
Total Land Area:	4.35 acres
Existing Land Use:	Undeveloped
Neighborhood:	Periwinkle
Surrounding Zoning:	North: Residential Single Dwelling Unit (RS-6.5) South: Residential Single Dwelling Unit (RS-6.5) East: Residential Single Dwelling Unit (RS-6.5) West: Residential Single Dwelling Unit (RS-6.5)
Surrounding Uses:	North: Institutional and single dwelling development South: Single dwelling unit development East: Institutional and single dwelling unit development West: Institutional and single dwelling unit development



## Notice Information

Public notice was issued in accordance with development code requirements. A notice was issued to the Oregon Department of Land, Conservation, and Development (DLCD) on September 23, 2024, prior to the first public hearing. A notice of public hearing was mailed to property owners located within 300 feet of the subject property on September 23, 2024, at least 20 days prior to the first public hearing. The notice of public hearing was posted on the subject property by October 1, 2024. The staff report was posted on the City's website October 7, 2024. At the time this staff report was completed, no comments had been received.

## Appeals

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per Oregon Revised Statute (ORS) 197.830, a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.

## Analysis of Development Code Criteria

### Comprehensive Plan Map Amendment (CP-01-24)

Section 2.220(3) of the ADC includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

#### Criterion (a)

***The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.***

#### Findings of Fact

a.1 ***Current Plan Designation:*** The current Comprehensive Plan Map designation of the property is Low Density Residential (LDR). The LDR designation "Identifies areas predominantly suited or used for detached single-family and middle housing development. Manufactured home parks may be permitted by Site Plan Review. Cluster housing is permitted in Cluster and Planned Unit Developments with density ranging by zone. (Density as stated is gross density, unless specifically mentioned otherwise)," (Albany Comprehensive Plan, page 9-9).

a.2 ***Requested Designation:*** The request is to designate proposed Parcel 1, a 2.80-acre area of Low Density Residential (LDR) to Medium Density Residential (MDR). The MDR plan designation "Identifies areas suitable for multiple-dwelling unit development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review."

a.3 The Comprehensive Plan defines a goal as, "a general statement indicating a desired end, or the direction the City will follow to achieve that end."

The Comprehensive Plan describes the City's obligation regarding goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal; 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed," (Comprehensive Plan, page ii).

a.4 The Comprehensive Plan (page ii) defines a policy as, "a statement identifying a course of action or City position."

The Comprehensive Plan describes the City's obligation regarding policies as follows: "The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the

City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage),” (Comprehensive Plan, page iii).

### **Relevant Plan Goals and Policies**

a.5 The proposed Plan map amendment to change land from LDR to MDR must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed MDR designation is more supportive of the Comprehensive Plan, on balance, than the current LDR designation.

a.6 The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in **bold** print followed by findings of fact and conclusions.

### **GOAL 2: LAND USE PLANNING (Chapter 9 – Land Use Planning)**

***Goal 1: Undertake Periodic Review and Update the Albany Comprehensive Plan to ensure the Plan:***

- 1. Remains current and responsive to community needs***
- 2. Retains long-range reliability***
- 3. Incorporates the most recent and reliable information***
- 4. Remains consistent with state laws and administrative rules***

***Policy 2: Base approval for Comprehensive Plan amendments upon consideration of the following:***

***(a) Conformance with goals and policies of the Plan***

a.7 How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under the review criterion.

***(b) Citizen review and comment***

a.8 These Comprehensive Plan Map and Zoning Map Amendment applications are processed as a Type IV quasi-judicial land use decision. The City’s Development Code requires notification to surrounding property owners that Comprehensive Plan Map Amendment and Zone Map Amendment applications have been received and there will be public hearings on the applications. Signs advertising the public hearing must also be posted on the property [ADC 1.250(5)]. Mailing of the required notice of public hearing, and signage posted on-site was performed by City staff in accordance with these standards.

***(c) Applicable Statewide Planning Goals***

a.9 How the proposed changes comply with the Statewide Planning Goals is the subject of this section of the report.

***(d) Input from affected governmental units and other agencies***

a.10 ORS 197.610 requires the city to notify the Oregon Department of Land Conservation and Development (DLCD) of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice to DLCD was provided by City staff. Oregon Department of Transportation (ODOT), Linn County, Oregon Department of State Lands (DSL), Grand Prairie Water Control District, and the Greater Albany Public Schools (GAPS) are affected governmental and other agencies within the subject area. City staff has notified these entities of the proposed amendments. At the time of writing this staff report no comments have been received.

***(e) Short- and long-term impacts of the proposed change***

***(f) Demonstration of public need for the change***

***(g) Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives***

***(h) Any additional information as required by the Planning Commission and City Council***

- a.11 The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

**GOAL 10: HOUSING (Chapter 4 – Housing)**

*Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.*

*Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.*

*Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.*

*Policy 2: Provide a variety of choices regarding type, location, density, and cost of housing units corresponding to the needs and means of city residents.*

*Policy 3: Provide the opportunity for a wider range of rental and ownership housing choices in Albany and encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives*

*Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.*

*Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.*

*Policy 15: Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings and overgrown vegetation.*

- a.12 The most recent update of the City’s Housing Needs Analysis (HNA) occurred in 2020 to stay current with population trends, income, and land availability forecast to year 2040. The HNA draws the following conclusions from this data:

*“If historic trends in housing types and tenancy continue, there will likely be demand for land that can accommodate medium density housing and for higher density housing (more than 18 units an acre).”*

The Portland State University (PSU) forecast uses an annual growth rate of 1.3 percent; however, under the “Alternative Forecast” scenario of 1.7 percent, the spread of land available becomes much more apparent. The alternative forecast predicts a shortage of medium-density housing, and surplus of only 895 medium-density units and 1,113 high-density units within the city limits. However, the City of Albany contains more than enough land within its Urban Growth Boundary (UGB) to address the alternate forecast’s shortage of low-density dwelling units. In the UGB, there is capacity for a potential of 276 additional medium-density units and additional 722 high-density units. Under the alternate forecast demand, the City of Albany will be unable to satisfy the estimated demand for medium density units.

- a.13 The applicant contends the old Comprehensive Plan Map Designation of LDR pre-dates the current Albany Comprehensive Plan, which was updated on November 7, 2023, incorporating the Housing Implementation Plan (HIP).

*“The HIP evaluated policies and strategies that the City can employ to address Albany’s current and future housing needs, as identified in the City’s 2020 Housing Needs Analysis (HNA).”*

- a.14 The HIP outlines priority implementation steps the city can take to encourage the production of needed housing. Further, it provided the foundation for updating the housing element of the Albany Comprehensive Plan. The HIP project goals include:

*“Identify and assess policies and strategies to increase housing options and opportunities that meet the needs of Albany residents as projected in the 2020 HNA and raised by the public, and to evaluate incentives in House Bill 2001 to increase the affordability of middle housing.”*

- a.15 The applicant contends the proposed amendment will provide a greater variety of housing sizes and types. This is further addressed by recognizing the smaller lot size allotments of the compatible zoning districts associated with the MDR Comprehensive Plan Designation which may increase the available housing potential of proposed Parcel 1 including options for mixed, affordable development.
- a.16 The HNA provides potential strategies for addressing the various density and housing shortcomings. One identified solution is to “rezone land from other residential designations and/or from non-residential designations to meet specific housing needs, assuming there is an adequate supply of land available to meet non-residential needs.” This amendment and zone change would address the identified need for housing and implement a land supply strategy identified by the HNA. Finally, the HNA identifies the proposed RM zone as suitable for addressing the City’s housing needs, stating “In addition, the city has two medium density zones (RM and RMA) that are designed to meet the needs of medium-density and higher density housing types.” Therefore, the proposed RM zoning district is more supportive of the applicable Comprehensive Plan goals and policies.

**GOAL 12: TRANSPORTATION (Chapter 5 – Transportation)**

***Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.***

***Goal 2: Provide a safe transportation system.***

- a.17 The northern portion of the subject property has access to Grand Prairie Road, a paved minor arterial street, with vehicle travel lanes in both directions, center turn lane, and no on-street parking. The southern portion of the subject property has access to Mountain View Drive SE, a local road, via private easement across tax lot 4800. Mountain View Drive is developed with vehicle travel lane in both directions, sidewalk, curb and gutter.
- a.18 Transportation findings are fully addressed in findings under Criterion Two of the Zoning Map amendment, later in this report. In summary, the trip generation analysis completed by Green Cascades, LLC, concluded that the proposed zone change would meet the requirement of the Transportation Planning Rule (TPR).

**GOAL 14: URBANIZATION (Chapter 8)**

***Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.***

***Policy 13: Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.***

***Implementation Strategy 8: Provide for medium- or high-density development adjacent to streets designated and designed as arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.***

- a.19 The applicant proposes a Comprehensive Plan Map Amendment and concurrent Zone Amendment for proposed Parcel 1. The proposed amendments would change the Comprehensive Plan Map Designation from Low Density Residential (LDR) to Medium Density Residential (MDR) and the zoning designation from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM).
- a.20 The applicant proposes to partition the 4.35-acre property to create Parcel 1 at 2.8 acres and Parcel 2 at 1.55 acres. Proposed Parcel 1 is to be located south of an arterial street, Grand Prairie Road. The property is naturally divided by Periwinkle Creek. The northern portion of the property abuts a religious institution to the east and west with residential development and a religious institution to the north. The southern portion of the property is abutted by residential development to the south, east, and west.
- a.21 The zone amendment from RS-6.5 to RM would create a density buffer between a minor arterial right-of-way surrounded by existing institutional development and low-density residential development.

## Conclusions

Findings and conclusions of the evaluation of the Plan goals and policies relevant to this request are summarized below.

- a.1 Goal 2, Land Use Planning. Notification has been sent to all affected agencies and surrounding property owners. Two public hearings will be scheduled to consider the proposed Comprehensive Plan and zoning map amendments.
- a.2 Goal 10, Housing. If the proposed map amendments are approved, 2.80 acres of land currently undeveloped will be added in the MDR area, and an equivalent amount of LDR land will be removed from the inventory.
- a.3 Goal 12, Transportation. The TPR requires zoned changes to be evaluated to determine if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, the additional trips would result in a “significant affect.” The proposed land use would not significantly impact transportation facilities.
- a.4 Goal 14, Urbanization. The property lies between existing institutional and residential uses that have been built.
- a.5 On balance, the evidence supports changing the Comprehensive Plan designation of the subject property from LDR to MDR, and the zoning from RS-6.5 to RM.
- a.6 For the reasons stated above, this criterion is found to be met.

## Criterion (b)

***The requested designation is consistent with any relevant area plans adopted by the City Council.***

### Findings of Fact

- b.1 “Relevant area plans”, as used here, means land use plans. For example, the city has relevant area plans for areas such as North Albany, South Albany, and East Albany. There are no relevant area plans for the area where the subject property is located.

### Conclusion

- b.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

## Criterion (c)

***The requested designation is consistent with the Comprehensive Plan Map pattern.***

### Findings of Fact

- c.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid “spot zoning,” provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.
- c.2 Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, one Plan policy says, “Encourage residential [and] professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood,” (Comprehensive Plan, page 8-3).
- c.3 Currently, the Comprehensive Plan Map designation in the vicinity of the subject property is predominantly Low Density Residential (LDR). The properties to the north, south, east, and west have a Comprehensive Plan designation of LDR.
- c.4 The proposed Plan amendment would change the designation of the northern 2.80 acres of the subject property from LDR to MDR. The proposed change would still be consistent with residential development but will allow more density and lot variability.

- c.5 Throughout Albany, the MDR designation is typically located near General Commercial (GC) lands as a method of limiting the impact of commercial uses on surrounding properties. MDR designations are also located near collector and arterial streets. The subject property is surrounded by LDR developed lands and abuts a minor arterial street. The amendment from LDR to MDR is more consistent with the existing development transition from institutional to low density residential.
- c.6 The LDR designation “Identifies areas predominately suited or used for detached single and middle housing development. Manufactured home parks may be permitted by Site Plan Review. Cluster housing is permitted in Cluster and Planned Unit Developments with density ranging by zone.” (Albany Comprehensive Plan, page 9-9). The MDR designation “identifies areas suitable for multiple and attached single-family development at densities up to 35 units per acres,” (Albany Comprehensive Plan, page 9-9).
- c.7 Due to a variety of factors including changing development patterns, business concepts, community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.
- c.8 The proposed Comprehensive Plan Map amendment and zone change would reflect the transitional aspect between more intense existing land uses that typically take place at the intersections of higher volume arterial roadways, the less intensive residential neighborhood typically located on lower volume roadways, and non-signalized intersections.

## Conclusions

- c.1 The Albany Comprehensive Plan does not describe a specific pattern for evaluating comprehensive plan map amendments. The predominant map pattern for this location is General Commercial (GC), Light Commercial (LC), and Medium Density Residential (MDR).
- c.2 The proposal to change the Plan designation to MDR with the concurrent zone change to RM is expected to result in development compatible with surrounding uses. The existing development surrounding the subject property is compatible within the MDR designation and the RM zone.
- c.3 The required Plan designation is consistent with the Comprehensive Plan map patterns reflecting a transition between medium intensity and low intensity land uses.
- c.4 This review criterion is met.

## Criterion (d)

*The requested designation is consistent with the statewide planning goals.*

### Findings of Fact

- d.1 Oregon’s 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals. The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (a) above. The Findings of Fact and Conclusions are hereby included by reference.

## Conclusions

- d.1 The requested MDR designation for this site is consistent with the Statewide Planning Goals.
- d.2 This criterion is met.

## Quasi-Judicial Zoning Map Amendment File (ZC-01-24)

Section 2.740 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

## Criterion 1

***The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.***

### Findings of Fact

- 1.1 The application request includes a proposal to change the zoning of 2.80 acres, proposed Parcel 1, from Residential Single Dwelling (RS-6.5) to Residential Medium Density (RM) district.
- 1.2 The current Comprehensive Plan Map designation of the subject site is Low Density Residential (LDR). The proposed RM zoning is not consistent with LDR plan designation of the site; therefore, a concurrent request to change the Comprehensive Plan Map designation from LDR to Medium Density Residential (MDR) has been submitted.
- 1.3 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RM zone designation is consistent with the proposed MDR designation of the property.

### Conclusions

- 1.1 A concurrent application for a Comprehensive Plan Map amendment to MDR has been submitted with this application. The proposed RM zoning is consistent with the MDR designation.
- 1.2 This criterion is satisfied, provided the amendment to the Comprehensive Plan Map is approved.

## Criterion 2

***Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).***

### Findings of Fact

- 2.1 The site is located south of Grand Prairie Road, a minor arterial right-of-way. The application involves a concurrent comprehensive plan map amendment, zoning map amendment, partition, and natural resource impact review. The partition will create two parcels. The north parcel (Parcel 1) will be 2.80 acres in size, is currently vacant, and is proposed to change from RS-6.5 to RM. The south parcel (Parcel 2) will be 1.55 acres in size, is currently vacant, and will retain its current RS-6.5 zoning district.
- 2.2 Zone amendments are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and the proposed amendment, it can be determined that the proposed zone amendment will cause “no further degradation” to the surrounding roadway network.
- 2.3 The application package included a trip generation using the Institute of Transportation Engineers (ITE) Trip Generation Manual. The analysis was performed by Green Cascades, LLC (Attachment D). The analysis compared the number of average daily and peak hour vehicle trips that could be generated by development of the site under the current RS-6.5 zoning designation with trips that could result from development under the requested RM designation. The analysis determined the max density of the RS-6.5 zone using townhome and single detached dwelling units as allowed in the RS-6.5 zone and the max unit density allowed in the RM zone to determine the impact of the zone change. The max density in the RM zone is 25 units per gross acre, which can be single detached dwellings, townhomes, or multiple dwelling unit development.
- 2.4 The ITE established trip generation rate for attached single family homes, townhomes, is 7.20 vehicle trips per day, and 0.57 trips during the p.m. peak hours, per unit and has been used as the basis of the conducted study.
- 2.5 The trip generation estimates for max density in the existing RS-6.5 zoning designation had a range of 137 and 518 average daily trip (ADT) with 11 to 41 PM peak hour trips.
- 2.6 The trip generation estimate for the proposed RM zoning designation, with the max density of 25 units

- per gross acre, would create 504 ADT, with 40 PM peak hour trips.
- 2.7 The zone change from RS-6.5 to RM for this property showed a reduction in trips from 518 ADT to 504 ADT, and 41 PM peak hour trips to 40 PM peak hour trips.
- 2.8 The analysis estimated that a reasonable “worse-case” development under the requested RM zone designation. The study found a reduction in site generated ADT when developed with townhomes, reduction of 14 trips, and small increase, an increase of 115 trips, when developed with single-dwelling units compared to reasonable worse case uses allowed under the current RS-6.5 zone designation.
- 2.9 Chapter 3.2 of the ODOT Development Review Guidelines (p. 33) excludes amendments generating less than 400 ADT from a TPR impact analysis:
- “If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:*
- The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*
- *Any proposed amendment that does not increase the average daily trips by more than 400.”*
- 2.10 Based on the study results and ODOT Development Review Guidelines, the zone change would not result in a potential increase of more than 400 ADT to the site. As a result, the proposed amendments are not subject to TPR Section 0060.

## Conclusions

- 2.1 The proposed zone change would change the designation of the site from RS-6.5 to RM.
- 2.2 The TPR requires zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than what could have occurred under current designation, and if so, the additional trips would result in a “significant affect”.
- 2.3 Based on the ODOT Development Review Guidelines, the one change would not result in a potential increase of more than 400 ADT in site generated trips and as a result is not subject to TPR Section 0060.
- 2.4 Based on ODOT Development Review Guidelines are based on and mirror the TPR review standards contained in Oregon Highway Plan Action 1F.5.

## Criterion 3

***Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area (ADC 2.740 (3)).***

### Findings of Fact

#### *Sanitary Sewer*

- 3.1 City utility maps show an eight-inch public sanitary sewer main in Grand Prairie Road SE and an eight-inch public sanitary sewer in Mountain View Drive SE. The subject property is not currently connected to City sanitary sewer.
- 3.2 It is anticipated the existing public sanitary sewer system in this area is capable of serving any development that would be allowed under the proposed zoning designation.

#### *Water*

- 3.3 City utility maps show a 16-inch public water main in Grand Prairie Road SE and a 12-inch public water main in Mountain View Drive SE. the subject property is not currently connected to City water.
- 3.4 The public water system in this area is capable of serving any development that would be allowed under the proposed zoning designation.



*Storm Drainage*

- 3.5 City utility maps show a 12-inch public storm drainage system in Grand Prairie Road SE, and a 30-inch piped storm drainage system located in the middle of the site from Brookside Avenue that discharges into Periwinkle Creek, an open drainage, which traverses through the middle of the subject property.
- 3.6 Grand Prairie Water Control District has an existing easement over Periwinkle Creek that ranges 30-40 feet wide on either side of the creek.
- 3.7 A public drainage easement is needed over the open drainage system, Periwinkle Creek, that traverses the subject property.

*Schools*

- 3.8 The property is currently zoned for Residential Single Dwelling Unit (RS-6.5) development. The submitted requested comprehensive plan map amendment, zone change, partition, and natural resource impact review does not include any ground disturbing development or any dwelling units. The Greater Albany Public Schools (GAPS) has been notified of the proposed application and has not submitted comments expressing concern.

*Police and Fire Protection*

- 3.9 The Albany Police Department and Fire Department provide services to all development in Albany. No deficiencies in providing police and fire protection to this property have been identified.

**Conclusions**

- 3.1 Public sanitary sewer, water systems, and storm drainage facilities are available to the subject property.
- 3.2 The existing public utilities in this area are capable of serving the proposed development that would be allowed under the proposed RM zoning designation.
- 3.3 This criterion is satisfied without conditions.

**Criterion 4**

***The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).***

**Findings of Fact**

- 4.1 The subject property is currently zoned RS-6.5. The applicant is requesting a zone amendment to 2.80 acres of the subject property, proposed Parcel 1, from RS-6.5 to the RM district.

Zoning District Purposes

- 4.2 According to Section 3.020(6) of the ADC, the RM district is “The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Multiple dwelling and townhouse development may not exceed 25 units per gross acre”
- 4.3 Allowable uses that are permitted in the RM district include single detached dwelling units, two detached dwelling units, middle housing units, and multiple dwelling unit development. A limited number of institutional and commercial uses are allowed conditionally (see ADC 3.050).
- 4.4 According to Section 3.020(3) of the ADC, the RS-6.5 district “is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet.” It is noted that Grand Prairie Road is classified as a minor arterial.
- 4.5 Allowable uses that are permitted in the RS-6.5 district include single detached dwelling units, two detached dwelling units, and middle housing units. A limited number of institutional and commercial uses are allowed conditionally (see ADC 3.050).
- 4.6 The applicant asserts the proposed Parcel 1 is more consistent with the RM zoning designation. The location of proposed Parcel 1 borders existing institutional developments and abuts an arterial right-of-way.

- 4.7 The Findings and Conclusions under Review Criterion (a) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on the subject property were, on balance, more supportive of listed Plan policies.

## Conclusions

- 4.1 The RM zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

## Criterion 5

*The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan, or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study (ADC 2.740 (5)).*

### Findings of Fact

- 5.1 Albany's TSP was developed with the assumption that this site would be occupied by residential uses. The proposed zone change does not alter that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zone Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use, transportation plan, or study that applies to the subject area.

## Conclusions

- 5.1 The proposal will not conflict with the transportation system as shown in the TSP.
- 5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.
- 5.3 This criterion is met.

## Tentative Plat Review Criteria (PA-08-24)

Section 11.180 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

## Criterion 1

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

### Findings of Fact

- 1.1 The applicant has applied for a Comprehensive Plan Map amendment and a Zoning Map amendment to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 2. Parcel 1 is to remain within the RS-6.5 zoning designation.
- 1.2 The subject property is a 4.35-acre property and is currently undeveloped. The applicant proposes to create two parcels with Parcel 1 consisting of 2.80 acres to be located to the north of Periwinkle Creek; Parcel 2 will consist of 1.35 acres to be located south of Periwinkle Creek.
- 1.3 The minimum width standard in the RM zone is 20 feet for townhomes, and 30 feet for all other uses. Proposed Parcel 1 will have a width of approximately 164 feet at its narrowest and 280 feet at its widest portion. Proposed Parcel 1 will exceed the minimum width standard for the RM zoning district.

- 1.4 The minimum width standard for the RS-6.5 is 20 feet for townhomes, and 50 feet for all other uses. Proposed Parcel 2 will have a width of approximately 172 feet at its narrowest and 280 feet at its widest portion. Proposed Parcel 2 will exceed the minimum width standard for the RS-6 zoning district.
- 1.5 According to ADC Table 3.190-1, the minimum setback standards in the RM zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 10-foot side yard setback except for single-dwelling units, SRO development with up to 6 units, or middle housing, which have a minimum setback of 3-foot side (one story), 5-foot side, (two plus stories). Maximum height is 45 feet and maximum lot coverage is 70 percent. The subject property is currently undeveloped. The submitted application did not propose any development. Based upon the site plan submitted by the applicant, (Attachment B) the new property lines will meet the required setbacks of the RM zoning district. All future development of Parcel 1 will be reviewed for compliance with setbacks at the time of building permits.
- 1.6 According to ADC Table 3.190-1, the minimum setback standards in the RS-6.5 zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 5-foot side (one story), 8-foot side, (two plus stories), or zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. The subject property is currently undeveloped. The submitted application did not propose any development. Based upon the site plan submitted by the applicant, (Attachment B) the new property lines will meet the required setbacks of the RS-6.5 zoning district. All future development of Parcel 2 will be reviewed for compliance with setbacks at the time of building permits.
- 1.7 In any land division for single-dwelling unit residential or middle housing development, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed partition are addressed below.
- 1.8 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. Parcels 1 and 2 are currently undeveloped.
- 1.9 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. Both Parcels 1 and 2 are created at greater than double the minimum lot size for the RM and RS-6.5 zoning districts. As a part of the application, an urban conversion plan has been submitted (Attachment F). Based upon the submitted urban conversion plan both proposed Parcels could be further subdivided and developed.
- 1.10 ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. No double frontage parcels are proposed.
- 1.11 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All proposed parcels have side yards that run at right angles to the street the property faces.
- 1.12 According to ADC 11.090(5), block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through-streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves. The proposed partition does not create any new streets, and therefore, does not create any new blocks. This standard is not applicable.
- 1.13 ADC 11.090 (7) provide standards for townhomes on cul-de-sacs. The proposed development does not include townhomes on a cul-de-sac. This standard is not applicable.
- 1.14 ADC 11.090(8) states flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The subject property is

naturally separated by Periwinkle Creek. The northern portion of the property has direct access to Grand Prairie Road, a minor arterial. The southern portion of the property is served by an existing 24-foot-wide access and utility easement to Mountain View Drive, a local road. The proposed partition does not create a new flag lot. This standard is not applicable.

- 1.15 According to ADC 11.090(9), street intersections must be constructed so there is not less than a 20-foot radius along the curb line. This standard ensures all public improvements, including accessibility ramps, can be contained in the public right-of-way at the corresponding street corners. Proposed Parcel 1 has access to an existing public street, Grand Prairie Road, and proposed Parcel 2 has access to Mountain View Drive via an existing 24-foot-wide access and utility easement. All parcels will have access to an existing public street, and therefore, no new intersections are proposed. This standard is not applicable.

## Conclusions

- 1.1 The proposal meets the standards of the existing and proposed underlying zoning districts.
- 1.2 There are no foreseeable difficulties in securing building permits to develop upon either parcel.
- 1.3 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.4 The proposal meets the underlying development and lot and block standards of the RM zoning district for Parcel 1 and the standards of the RS-6.5 zoning district for Parcel 2.
- 1.5 This criterion is satisfied without conditions.

## Criterion 2

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

### Findings of Fact

- 2.1 The proposal will divide a single 4.35-acre property into two parcels, Parcel 1 at 2.80 acres; and Parcel 2 at 1.55 acres.
- 2.2 The proposed partition will divide the entire property owned by the applicant.
- 2.3 The property owner does not propose any further division of the property.

## Conclusions

- 2.1 There is no other remainder of land to consider. All the land area within the parent property will be allocated to the two proposed parcels.
- 2.2 This review criterion is not applicable.

## Criterion 3

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

### Findings of Fact

- 3.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.3 The property currently has access to Grand Prairie Road, a minor arterial to the north and an existing 24-foot-wide access and utility easement to Mountain View Drive to the south. The applicant proposes

to partition the subject property into two parcels. Parcel 1 will retain frontage onto Grand Prairie Road; Parcel 2 will retain the 24-foot-wide access easement to Mountain View Drive.

- 3.4 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
- Properties to the north: The properties to the north of the subject property have direct access to Grand Prairie Road.
  - Properties to the east: The properties to the east of the subject property have direct access to Mountain View Drive.
  - Properties to the south: The properties to the south of the subject property have access to Brookside Avenue.
  - Properties to the west: The properties to the west of the subject property have direct access to Grand Prairie Road and Waverly Drive.
- 3.5 All adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.

## Conclusions

- 3.1 All adjoining properties to the subject property have existing access to a public street in accordance with ADC 12.060. The proposed partition will not remove that access.
- 3.2 Adjoining land is developed or can be developed in accordance with ADC 12.060.
- 3.3 This criterion is met.

## Criterion 4

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

## Findings of Fact

- 4.1 The project is located on a vacant parcel at 3016 Grand Prairie Road SE. The application involved a concurrent land partition and comprehensive plan, zoning amendment and natural resource impact review. The project will partition the subject property along Periwinkle Creek creating two parcels: Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres. The parcel is currently undeveloped with the zone change from RS-6.5 to RM on Parcel 1 (north of Periwinkle Creek) and Parcel 2 will retain its current RS-6.5 zoning designation.
- 4.2 ADC 12.060 requires that all streets within and adjacent to new development be improved to city standards.
- 4.3 ADC 12.290 requires new development to install public sidewalk improvements on all public streets within and adjacent to the development.
- 4.4 Grand Prairie Road is classified as a minor arterial street and is improved to city standards along the frontage of the development site. Improvements include curb and gutter; two vehicle travel lanes in each direction; a center turn lane, and on-street bike lanes.
- 4.5 The City improved Grand Prairie Road to current standards. The subject property did not participate in the improvements to Grand Prairie Road.
- 4.6 Albany's Transportation System Plan (TSP) does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.7 Access to the site is currently provided by two separate means. The northern portion of the site has direct access to Grand Prairie Road, the southern portion of the site has access to Mountain View

- Drive via an existing 24-foot-wide access and utility easement. No changes are proposed with this application to the site's access.
- 4.8 City records show no previous public street improvements assessment has been paid for the subject property, so a connection charge for the existing public street improvements in Grand Prairie Road will be due prior to the City's approval of the final partition plat.
- 4.9 Albany's Transportation System Plan does not identify any congestion or capacity issues occurring along the frontage of the site.

## Conclusions

- 4.1 ADC 12.060 and 12.290 requires all public streets adjoining new development be improved to city standards. The adopted city standard for street improvement includes curb, gutter, and sidewalk.
- 4.2 Connection charges will be due for the existing public infrastructure (street improvements) in Grand Prairie Road. These charges must be paid before the city will approve the final partition plat.
- 4.3 Albany's Transportation System Plan (TSP) does not identify any congestion or capacity issues occurring along the frontage of the site.

## Criterion 5

**The location and design allow development to be conveniently served by various public utilities.**

### Findings of Fact

#### *Sanitary Sewer*

- 5.1 City utility maps show an 8-inch public sanitary sewer in Grand Prairie Road SE and an 8-inch public sanitary sewer in Mountain View Drive SE. The subject property is not currently connected to City sanitary sewer.
- 5.2 AMC 15.30.010 states that a Connection Charge shall be due and payable when accessing the City's sanitary sewers from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer has not been paid by the property owner or predecessor thereof.
- 5.3 City records show no previous sewer assessment has been paid for the subject property, so a connection charge for the existing public sanitary sewer main in Grand Prairie Road will be due before the City will approve the final plat for any phase of the proposed subdivision.
- 5.4 AMC 10.01.080(2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges and any other applicable fees for connection to the public sanitary sewer system.
- 5.5 The public sanitary sewer system is available for the proposed development. The development shall connect to the public sanitary sewer system at the time of development.
- 5.6 In order to regulate connections to the public sewers, to ensure the proper installation of connections to the public sewers, and to ensure the property construction of private service laterals, no unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining an encroachment permit. (AMC 10.01.120).

#### *Water*

- 5.7 City utility maps show a 16-inch public water main in Grand Prairie along the subject property's northern frontage and a 12-inch public water main in Mountain View Drive to the east of the subject property.
- 5.8 AMC 15.30.010 states a connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains,

and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any connection charge to any particular property within the City. (Ord. 5565 § 4, 2003).

- 5.9 City records show no previous water assessment has been paid for the subject property, so a connection charge for the existing public water main in Grand Prairie Road will be due before the City will approve the final plat for any phase of the proposed subdivision.
- 5.10 AMC 11.01.100 states before a building permit will be issued, the applicant must pay to the City, or arrange for financing of, the required System Development Charges and other applicable fees or charges for connection to the public water system
- 5.11 The public water system is available for the proposed development. The development shall connect to the public water system at the time of development.

### *Storm Drainage*

- 5.12 City utility maps show a 21-inch piped storm drainage system in Grand Prairie Road SE and a 30-inch piped storm drainage system located in the middle of the site from Brookside Avenue that discharges into Periwinkle Creek which traverses through the middle of the subject property. Periwinkle Creek traverses through the site as an open drainage.
- 5.13 Grand Prairie Road is improved to city standards with curb and gutter.
- 5.14 Grand Prairie Water Control District has an existing easement over Periwinkle Creek that ranges 30-40 feet wide on either side of the creek.
- 5.15 AMC 15.30.010 states a connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains, and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any connection charge to any particular property within the City. (Ord. 5565 § 4, 2003).
- 5.16 City records show no previous public street and storm assessment has been paid for the subject property, so a connection charge for the existing public street and storm main in Grand Prairie Road will be due before the City will approve the final partition plat.
- 5.17 A public drainage easement is needed over the open drainage system, Periwinkle Creek, that traverses the subject property.

### **Conclusions**

- 5.1 Public sanitary sewer, water, and storm drainage facilities are in place and adequate to serve the proposed development.
- 5.2 A new separate sanitary sewer service will need to be installed to provide separate sanitary sewer services to each parcel. Before the applicant can make a new sewer service connection to the public sewer system an Encroachment Permit must be obtained from the Public Works Department.

- 5.3 Connection charges will be due for the existing public infrastructure (sanitary sewer, water, storm drainage, and street improvements) in Grand Prairie Road. These charges must be paid before the city will approve the final partition plat.
- 5.4 A public drainage easement is needed over the open drainage system, Periwinkle Creek. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of recognized bank.

### Conditions:

**Condition 1** Before the City will issue final plat approval, the applicant must pay the required connection charges for existing public infrastructure (sanitary sewer, water, storm drainage, and street improvements) along the subject property's Grand Prairie Road frontage.

**Condition 2** Before the City will issue final plat approval, the applicant shall dedicate a public drainage easement over the open drainage system, Periwinkle Creek. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of recognized bank.

### Criterion 6

**Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.**

#### Findings of Fact

6.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is located within the Conical Area of the Airport Approach Overlay Zone. The application does not propose any development on either parcel. At the time of vertical development, the applicant must provide evidence the proposed building height will not conflict with the Airport Approach Overlay.

There are no design features of the proposed development with navigational signals or radio communications, or that would induce confusing light patterns, or create bird-strike hazards that would endanger or interfere with aircraft intending to use the airport. Sound buffering features are not warranted because the location of the proposed development is located outside the "noise sensitive property" defined by 55 and 60 ldn noise contours.

6.2 Article 6: Significant Natural Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of significant natural vegetation or wildlife habitat on the property.

6.3 Article 6: Riparian Corridor. *Comprehensive Plan Plate 6: Natural Vegetation and Wildlife Habitat:* Periwinkle Creek, a water resource with an associated riparian corridor, transects the property. The associated riparian corridor extends upland 50 feet, measure horizontally from the edge of the significant wetland. As shown on the site plan (Attachment B), no development is proposed within the Riparian Corridor Overlay. Land divisions within a riparian corridor is subject to a natural resource impact review. The natural resource impact review criterion (a) addressed later within this staff report and an incorporated here by reference.

6.4 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* indicates there are portions of land within proposed Parcel 1 that have slopes between 12 and 25 percent. The submitted application materials do not propose any land development to the proposed parcels. At the time of development of Parcel 1 a geotechnical report prepared and stamped by a certified engineering geologist or licensed civil engineer, licensed in the specialty of geotechnical engineering with the State of Oregon must be submitted.

6.5 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0527G, dated September 29, 2010), the subject property contains portions located within the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. Periwinkle Creek runs east to west through the middle of the property. The



FRIM Panel #41043C0527G notes that the SFHA is contained within the channel of the creek. Albany Development Code section 6.110 requires all subdivision and other proposed new development greater than four lots, four acres, whichever is lesser shall include Base Flood Elevation data. The applicant submitted a flood study which determined the Base Flood Elevation for the subject property's reach of Periwinkle Creeks (Attachment E). Based upon this study it was determined that the SFHA is contained within Periwinkle Creek's channel.

- 6.6 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show any wetlands on the property. The National Wetlands Inventory (NWI) does not show wetlands on the property. This property is not included in a local wetlands inventory.
- 6.7 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9* shows the property is not in a historic district. There are no known archaeological sites on the property.

## Conclusions

- 6.1 The subject property is not located within the special purpose districts described in Article 7 (Historic), Article 4 (Airport), Article 6 (Significant Natural Vegetation and Wildlife Habitat), or Article 6 (Wetlands).
- 6.2 The subject property is located within the special purpose district described in Article 6 (Steep Slopes). At the time of development of proposed Parcel 1, a geological technical report meeting the requirements of ADC 6.200 must be submitted with the development permit.
- 6.3 The subject property is located within a special purpose district described in Article 6 (Riparian Corridor Overlay). The applicant does not proposed development within the Riparian Corridor. The land division requires a Natural Resource Impact Review to be completed. The findings for the Natural Resource Impact Review are addressed within this staff report and incorporated here by reference.
- 6.4 The subject property is located within the Article 6 (Floodplains) special purpose district. The submitted floodplain study found that the SFHA is contained within Periwinkle Creek's channel
- 6.5 This review criterion is met.

## Natural Resource Impact Review Standards (NR-02-24)

Section 6.310(A) and (B) of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### Criterion 1

***The proposed activity is allowed under the requirements of the base zone.***

### Findings of Fact and Conclusions

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 1.2 If the application packet is approved, proposed Parcel 1 will be located within the RM zoning district has a range minimum lot sizes based upon the proposed development. These sizes range from 1,500 square feet for townhome lots; 3,500 square feet for single dwelling units, duplexes; 5,000 square feet for triplexes; and 7,000 square feet for fourplexes and cottage clusters. Multiple-dwelling units are allowed in the RM zoning district with the lot size dictated by the number of bedrooms per unit.

- 1.3 Proposed Parcel 2 is located within the RS-6.5 zoning district which has a minimum lot size of 1,500 for townhouses; 6,500 square feet for single dwelling units, duplexes, and triplexes; and 7,000 square feet for fourplexes and cottage clusters.
- 1.4 Based on these facts, the proposed land division meets the existing and proposed base zone.
- 1.5 This criterion is met without conditions.

## Criterion 2

***There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.***

### Findings of Fact and Conclusions

- 2.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 2.2 The applicant is not proposing any ground disturbing work in conjunction with the proposed partition.
- 2.3 This criterion is met without conditions.

## Criterion 3

***The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources, and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.***

### Findings of Fact and Conclusions

- 3.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 3.2 The subject property is currently undeveloped. The applicant does not indicate that any further development is proposed. Any future development upon either parcel may require a Natural Resource Impact Review as necessary.
- 3.3 This criterion is met without conditions.

## Criterion 4

***Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.***

### Findings of Fact and Conclusions

- 4.1 There are no proposed impacts to Periwinkle Creek or the associated riparian corridor with this application.
- 4.2 This criterion is met without conditions.

## Criterion 5

*Any applicable local, state, and federal permits are secured.*

### Findings of Fact and Conclusion

- 5.1 The Oregon Department of State Lands (DSL) does not require a wetland delineation to complete a partition.
- 5.2 This criterion is met without conditions.

## Criterion 6

*The additional requirements of ADC 6.310(B) will be met.*

### Findings of Fact and Conclusions

- 6.1 Findings addressing ADC 6.310(B) are addressed below and are incorporated herein by reference.
- 6.2 This criterion is met without conditions.

## Natural Resource Impact Review Standards (ADC 6.310(B))

### Criterion 1

**Land Division.** In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any significant Natural Resource overlay districts to establish a development site area and/or separate a developed area from the natural resource area. For the purposes of this section, for residential land division "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.

### Findings of Fact

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map Amendment, Zoning Map Amendment, Partition, and Natural Resource Impact Review upon the 4.35-acre subject property. The applicant proposes to change the Comprehensive Plan Map from Low Density Residential (LDR) to Medium Density Residential (MDR) and to amend the zoning map from Residential Single Dwelling Unit (RS-6.5) to Residential Medium Density (RM) for proposed Parcel 1. Parcel 2 is to remain within the RS-6.5 zoning designation. The partition would create Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres, both proposed parcels are currently undeveloped land.
- 1.2 Parcel 1 has approximately 2.4 acres (104,752 square feet) of land located outside of the natural resource area. Parcel 2 has approximately 1.2 acres (52,346 square feet) of land located outside of the natural resource area. Based on these facts, both parcels meet the definition of "sufficient land" for a residential land division.
- 1.3 This criterion is met without conditions.

## Overall Conclusion

Based on the analysis in this report, the proposed Partition to divide a 4.35-acre property into one parcel (Parcel 1) at 2.80 acres and one parcel (Parcel 2) at 1.55 acres concurrent with a Comprehensive Plan Map Amendment from LDR to MDR; a Zoning Map Amendment from RS-6.5 to RM; and a Natural Resource Impact Review meets all the applicable review criteria as outlined in this report.

## Conditions of Approval

**Condition 1:** Before the City will issue final plat approval, the applicant must pay the required connection charges for existing public infrastructure (sanitary sewer, water storm drainage, and street improvements) along the subject property's Grand Prairie Road frontage.

**Condition 2** Before the City will issue final plat approval, the applicant shall dedicate a public drainage easement over the open drainage systems, Periwinkle Creek. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of the recognized bank.

## Staff Recommendation

With respect to the proposed **Comprehensive Plan Map amendment**, the Planning Commission has two options:

Option 1: Recommend that the City Council approve the Comprehensive Plan Map amendment request; or

Option 2: Deny the Comprehensive Plan map amendment request. The City Council will only consider the proposal on appeal by the applicants.

Similarly, the Planning Commission has two options with respect to the proposed **Zoning Map amendment** request:

Option 1: Recommend that the City Council approve the Zoning Map amendment request; or

Option 2: Deny the Zoning Map amendment request. The City Council will only consider the proposal on appeal by the applicants.

The Planning Commission has two options with respect to the proposed **Partition** request:

Option 1: Recommend that the City Council approve the partition request; or

Option 2: Deny the partition request. The City Council will only consider the proposal on appeal by the applicants.

Similarly, the Planning Commission has two options with respect to the proposed **Natural Resource Impact Review**

Option 1: Recommend that the City Council approve 1: the Natural Resource Impact Review; or

Option 2: Deny the Natural Resource Impact Review. The City Council will only consider the proposal on appeal by the applicants.

**Based on the analysis in this report, staff recommends that the Planning Commission recommend that the City Council approve the Comprehensive Plan map amendment; the Zoning Map amendment; Partition and Natural Resource Impact Review request.**

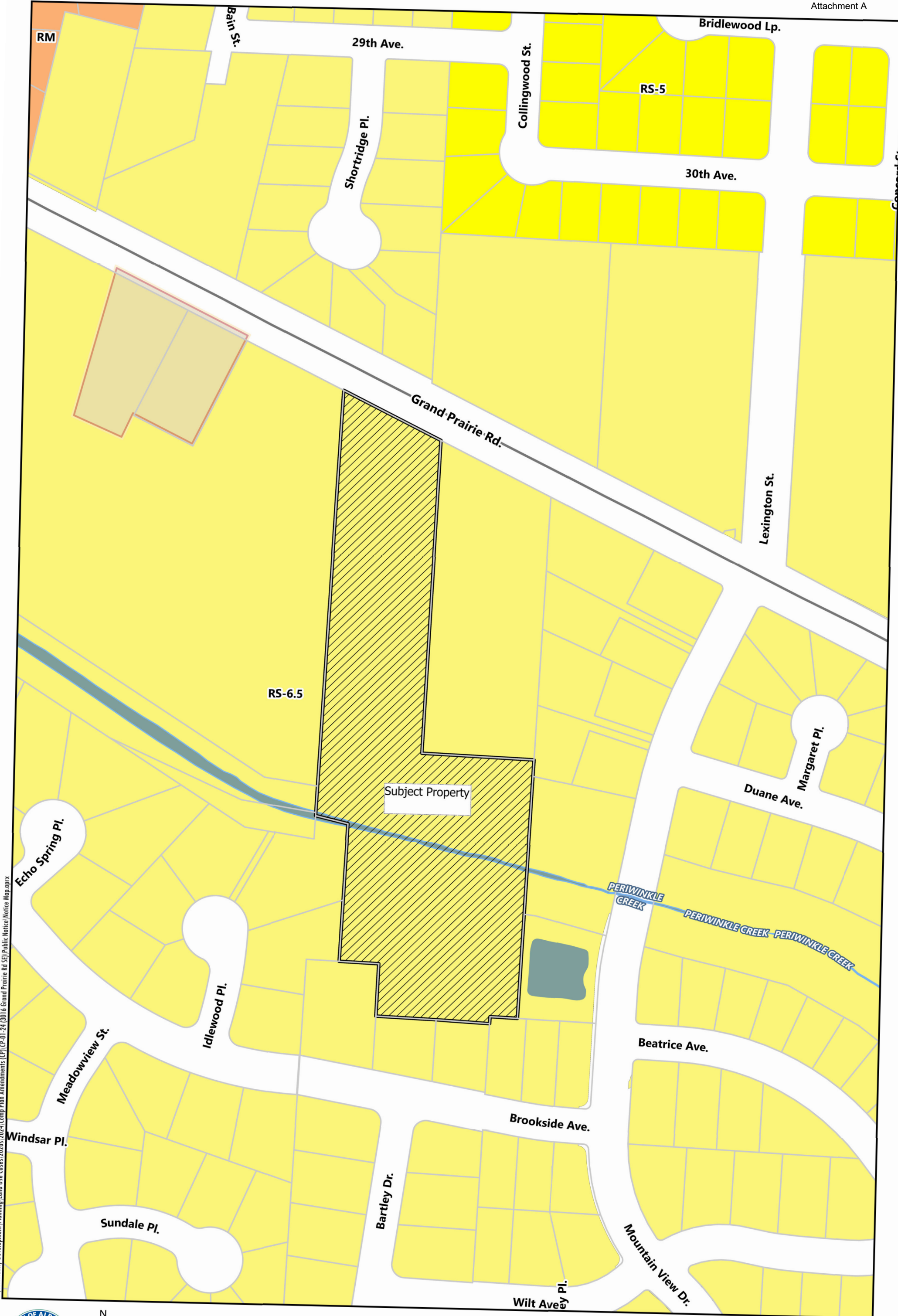
*I move that the planning commission recommend that the city council approve the proposed Comprehensive Plan Map amendment, Zoning Map amendment, Partition, and Site Plan review under planning files CP-01-24, ZC-01-24, PA-08-24; and NR-02-24. This motion is based on the findings and conclusions in the October 7, 2024, staff report and the findings in support of the application made by the planning commission during deliberations on this matter.*

## Attachments

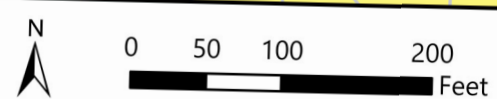
- A. Location Map
- B. Tentative Partition Plat
- C. Applicant's Narrative
- D. Trip Generation Letter
- E. Flood Study
- F. Urban Conversion Plan

## Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LC	Light Commercial Comprehensive Plan Designation
LDR	Low Density Residential Comprehensive Plan Designation
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MDR	Medium Density Residential Comprehensive Plan Designation
ODOT	Oregon Department of Transportation
RM	Residential Medium Density Zoning District
RS-6.5	Residential Single Dwelling Unit
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan



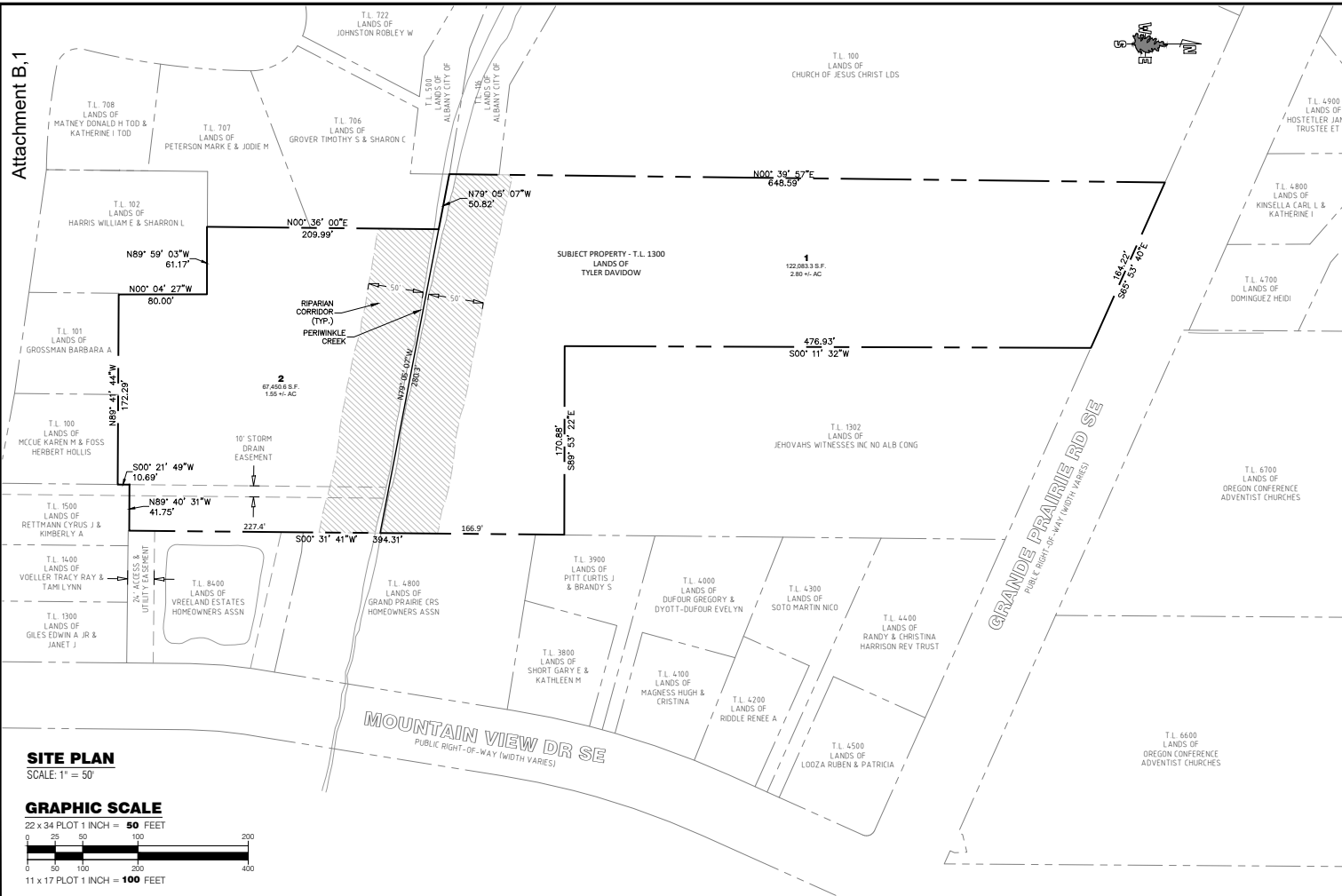
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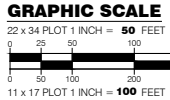
Date: 8/23/2024

# 3016 Grand Prairie Road

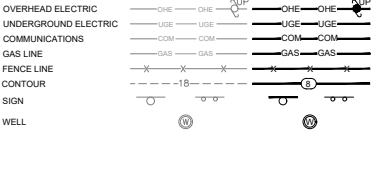
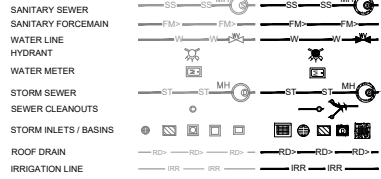
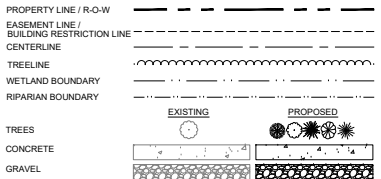
Attachment B.1



**SITE PLAN**  
SCALE: 1" = 50'



**LEGEND:**



**TENTATIVE PLAT PLAN**

PREPARED FOR

**T.L. 1300 PARTITION**  
ALBANY, OR

**APPLICANT/OWNER:**  
TYLER DAVIDOW  
PO BOX 3192  
ALBANY, OR 97321  
TELEPHONE: 541-248-3903  
EMAIL: abean1976@gmail.com

**SITE LOCATION:**  
3016 GRAND PRAIRIE RD SE  
ALBANY, OR 97322  
TAX MAP: 115-0003W-16  
TAX LOT: 1300

**CIVIL ENGINEERING:**  
GREEN CASCADES, LLC  
C/O MICHAEL RICCI TELLE, PE  
717 CALAPOOIA STREET SW  
ALBANY, OR 97321  
TELEPHONE: 541-231-0372  
EMAIL: Michael@GreenCascadesOR.com

**WATER SYSTEM:**  
WATER DISTRIBUTION IS BY THE CITY OF ALBANY

**SANITARY SEWER:**  
SANITARY SEWER IS BY THE CITY OF ALBANY

**ZONING:**

RS-6.5 - RESIDENTIAL SINGLE FAMILY COMPREHENSIVE PLAN - LOW DENSITY RESIDENTIAL

**ADJACENT ZONES & USE:**

- NORTH: RS-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION
- SOUTH: RS-6.5 - RESIDENTIAL NEIGHBORHOOD
- EAST: RS-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION, STORMWATER FACILITY FOR NEIGHBORING SUBDIVISION
- WEST: RS-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION

**PARTITION AREAS:**

PARCEL 1: ±122,083 SQ. FT. (2.80 ACRES)  
PARCEL 2: ±67,450 SQ. FT. (1.55 ACRES)  
T.L. 1300 GROSS: ±189,533 SQ. FT. (4.35 ACRES)

NO PUBLIC LAND DEDICATIONS ARE PROPOSED WITH PARTITION

**EXISTING SITE DATA:**

EXISTING SITE DATA INCLUDING BUT NOT LIMITED TO: UTILITIES, CONTOURS, PROPERTY LINES AND SITE FEATURES ARE PER ALBANY CITY GIS FILES AND MODIFIED BY GCLLC BASED ON REVIEW OF GOOGLE EARTH IMAGERY DATED 03/17/2024.

THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.

**FLOOD PLAIN NOTE:**

THIS SITE IS LOCATED FULLY WITHIN ZONE "X", OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 4104C05276, LAST REVISED 09/29/2010.

**SHEET INDEX:**

TENTATIVE PLAT 1.0  
SITE FEATURES & UTILITY 2.0

DATE	
PLAT REVISION(S)	



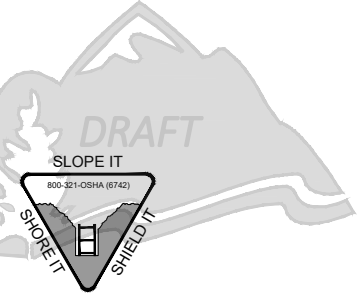
DATE:	06/07/2024
ENGINEER:	M. S. RICCI TELLE
SCALE:	AS INDICATED
GCLLC #:	2701-23
PERMIT #:	

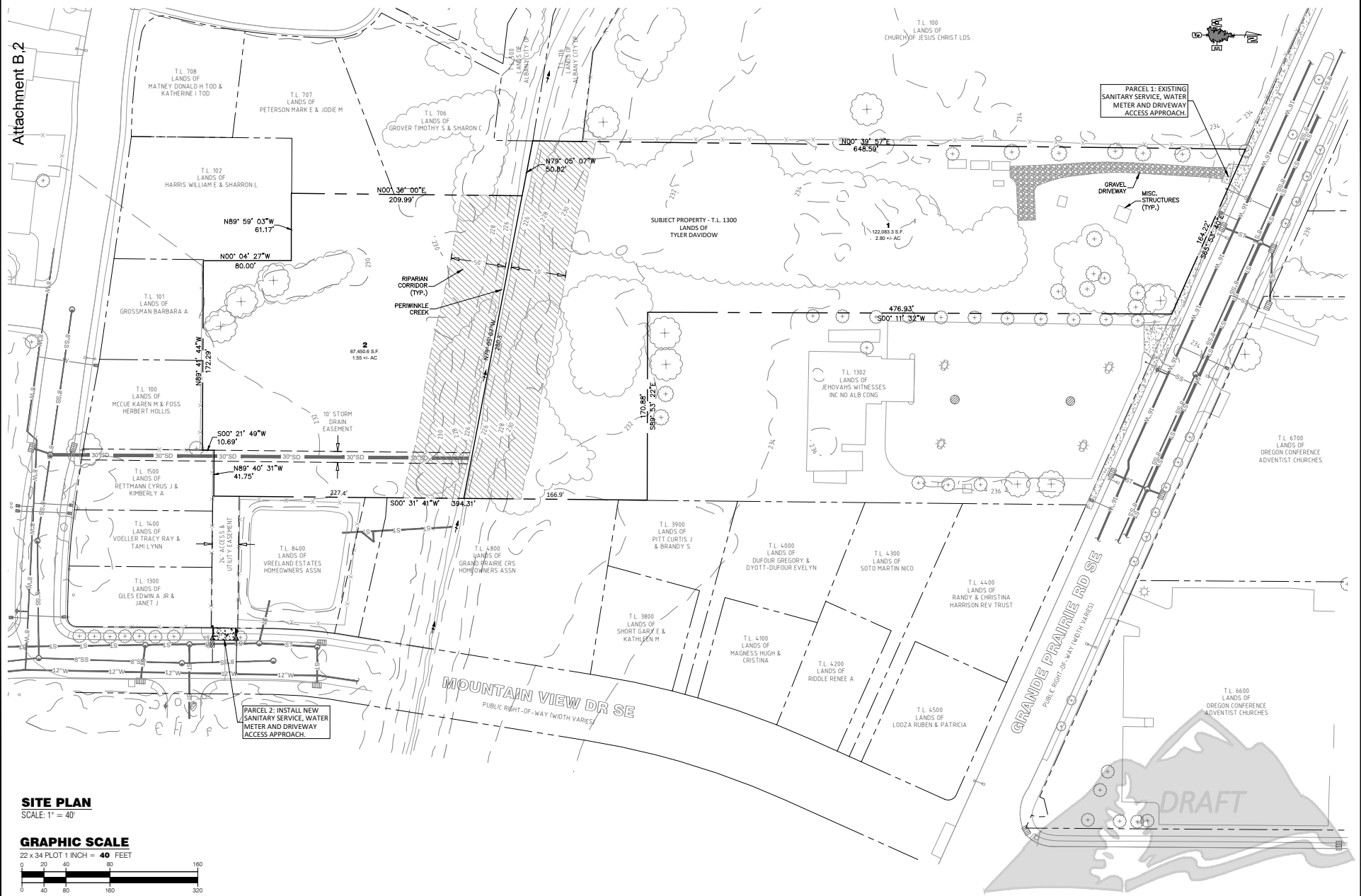
RESUBMITTED FOR REVIEW  
CALAPOOIA STREET SW ALBANY, OR 97321  
Michael@GreenCascadesOR.com 541.231.0372

**TENTATIVE PLAT**  
**TL 1300 PARTITION**  
PREPARED FOR:  
TYLER DAVIDOW  
SITING IN:  
ALBANY, OR (11S-03W-16 T.L. 1300)

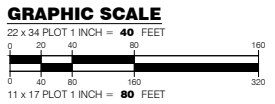


ATTENTION EXCAVATORS:  
OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. YOU MUST NOTIFY THE CENTER AT LEAST TWO BUSINESS DAYS BUT NOT MORE THAN TEN BUSINESS DAYS BEFORE COMMENCING AN EXCAVATION. CALL 800-668-4001





**SITE PLAN**  
SCALE: 1" = 40'



DATE	
REVISIONS	
NO.	PLAN REVISION(S)



DATE:	06/07/2024
ENGINEER:	M. S. RICCI TELLO
SCALE:	AS INDICATED
GC/LC #:	2701-23
PERMIT #:	

**SITE FEATURES & UTILITY**  
**TL 1300 PARTITION**  
PREPARED FOR:  
TYLER DAVIDOW  
SITING INC.  
ALBANY, OR (11S-03W-16 T.L. 1300)



## **APPLICATION NARRATIVE – FINDINGS OF FACT**

### **ALBANY PARTITION, ZONE MAP AMENDMENT & COMPREHENSIVE PLAN AMENDMENT**

Site Location: 3016 Grand Prairie Rd SE  
Albany, OR 97322

Linn County Assessor’s Map: 11S-03W-16 Tax Lot 01300

Property Owner/Applicant: Tyler Davidow & Amy Bean  
PO Box 3192  
Albany, OR 97321  
Tel: (805) 248-3903  
Email: [abean1976@gmail.com](mailto:abean1976@gmail.com)

Engineer: GREEN Cascades LLC  
c/o: Michael Riccitelli, P.E.  
717 Calapooia St  
Albany, OR 97321  
Tel: (541) 231-0375  
Email: [michael@greencascadesOR.com](mailto:michael@greencascadesOR.com)

## **CONTENTS**

BACKGROUND  
PROJECT DESCRIPTION  
PARTITION  
COMPREHENSIVE PLAN MAP AMMENDMENT  
ZONE MAP AMMENDMENT  
CONCLUSION

## **EXHIBITS**

EXHIBIT A: LINN COUNTY ASSESSORS MAP  
EXHIBIT B: ALBANY ZONING MAP  
EXHIBIT C: LEGAL DESCRIPTION 2010-9112  
EXHIBIT D: QUITE CLAIM DEED 2022-03114  
EXHIBIT E: C.S. 27499  
EXHIBIT F: C.S. 25902 – ACCESS EASEMENT  
EXHIBIT G: FIRMETTE

## **SITE PLAN**

0.0 - TENTATIVE PLAT  
2.0 – SITE FEATURE & UTILITY

## **URBAN CONVERSION PLAN**

1.0 – URBAN CONVERSION PLAN

## BACKGROUND

Subject property, T.L. 1300 on Linn County Assessor's Map No. 11S03W16 Albany (Exhibit A) is zoned Residential Single Family (RS-6.5) on the Albany Zoning Map (Exhibit B) with a comprehensive plan designation of Low Density Residential. The legal description and quit claim deed document, which reduced the total parcel size to the current 4.35 acres, are included with this narrative (Exhibits C & D). The current property is described within County Survey 27499 (Exhibit E).

Periwinkle Creek runs east/west through the site, physically separating the Tax Lot, into "North" and "South" areas.

Existing Conditions North: An existing driveway near the northwest corner of the property provides access from Grand Prairie Rd SE. This portion of the parcel was formerly improved with a single-family mobile residence that was razed in 2022. Municipal utilities currently serve the property from public facilities in Grand Prairie Rd SE.

Existing Conditions South: The southern portion of the property remains undeveloped and can be accessed through a 24-ft wide access and utility easement which runs from Mountain View Drive to the southeastern corner of the subject property (Exhibit F). Municipal utilities are available in Mountain View Drive that could be accessed to serve the southern half of the property.

Adjacent zones and uses are as follows:

North: A residential neighborhood and a religious institution both zoned RS-6.5.

South: A residential neighborhood zoned RS-6.5

East: A residential neighborhood, a religious institution, and a stormwater facility for neighboring subdivision all zoned RS-6.5.

West: A residential neighborhood, and a religious institution both zoned RS-6.5.

## PROJECT DESCRIPTION

This application is for Tentative Partition Plat of T.L. 1300, dividing the existing 4.35-acre (189,531 +/- sq. ft.) parcel along Periwinkle Creek to create two separate lots. The resulting North Parcel 1 will total 2.80 acres (122,083 +/- sq. ft.) and South Parcel 2 will total 1.55 acres (67,450 +/- sq. ft.).

The applicant requests concurrent Zone Map and Comprehensive Plan Map amendments for North Parcel 1. Parcel 1 is currently zoned Residential Single Family (RS-6.5) and designated Low Density Residential (LDR). The applicant is proposing to rezone the subject property to Residential Medium Density (RM) with a Comprehensive Map Plan designation of Medium Density Residential (MDR).

The South Parcel 2 will remain under existing RS-6.5 zoning and LDR Comprehensive Plan designation. No developments or construction activities, other than those necessary to establish two separate lots, are proposed at this time.

The owner of the property is the applicant and has authorized the proposed land use actions as indicated by signature on the application form. A pre-application meeting was conducted on November 2<sup>nd</sup>, 2022.

The following findings of fact, in combination with provided plans and exhibits, explain how the application meets all required criteria shown in Albany Development Code (ADC). In this narrative, references to Code sections are separated by brackets and preceded by the prefix ADC followed by the applicable section number, for example [ADC 2.450].

## PARTITION

### ALBANY DEVELOPMENT CODE - ARTICLE 11

#### **[ADC 11.180]** *Review Criteria*

*Criterion 1: The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.*

**Facts:** The partition application to divide T.L 1300 into two parcels is submitted concurrently with Zone Map change and Comprehensive Plan Map change applications for resultant Parcel 1. Below Findings discuss how the proposal will meet the zoning district criteria [ADC Article 3] and applicable lot & block standards [ADC 11.090]

#### Zoning District Standards:

The entire property is currently zoned RS-6.5 (Residential Single Family) and suitable for lower density residential uses. The average minimum detached single-family lot size is 6,500 sq. ft. [ADC 3.020].

Proposed Parcel 2 totals 1.55 acres (67,450 +/- sq. ft.) and will remain RS-6.5 zoning. The following residential uses are permitted outright: single-family detached, duplex, townhouse, triplex, fourplex, and cottage cluster [ADC 3.050]. No development to South Parcel 2 is proposed with this application.

Concurrent with the partition application the applicant requests Zone Map & Comprehensive Plan Map changes for the 2.80-acres (122,083 +/- sq. ft.) Parcel 1. The applicant is proposing to rezone the Parcel 1 to RM with a Comprehensive Map Plan designation of MDR. The RM zoning district is primarily intended for medium-density residential urban development. The following residential uses are permitted outright: single-family detached, two single-family detached, duplex, townhouse, triplex, fourplex, and cottage cluster. Additionally, multiple dwelling units may be permitted through Site Plan Review [ADC 3.050]. Minimum parcel size for a detached single dwelling unit is 3,500 sq.ft. [ADC Table 3.190-1]. No development to Parcel 1 is proposed with this application.

New RM districts should be located on a collector or arterial street [ADC 3.020]. North Parcel 1 fronts Grand Prairie Rd SE, a minor arterial street.

Proposed Parcels 1 and 2 exceed the minimum development standards for single-family and middle housing residential uses. Minimum parcel widths in the RS-6.5 and RM zones are both 20-ft wide for townhomes and 50-ft wide (RS-6.5) or 30-ft wide (RM) for all other uses [ADC TABLE 3.190-1]. Parcel 1's narrowest lot width is 150-ft and Parcel 2 lot narrowest width is 214-ft. Both Parcels will exceed minimum lot width standards.

Other development standards such as setbacks, height, lot coverage, and landscaping described under ADC TABLE 3.190-1 will be reviewed with future application for development and criteria do not apply at this time.

#### Lot and Block Arrangement:

Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code with the exception of lots designated Open Space [ADC 11.090(1)]. The proposed lots meet the development standards of the underlying zoning. The size and dimension of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision.

When lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots [ADC 11.090(2)]. Proposed Parcel 1 and 2 are both more than double the minimum

area designated by the zoning district. An Urban Conversion Plan showing how lots may be further divided is included with the application.

Double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation [ADC 11.090(3)]. No double frontage lots are proposed with this application and no new driveway access is proposed to Grand Prairie Rd SE, a minor arterial street.

Side yards of a lot shall run at right angles to the street the property faces, except that on a curved street the side property line shall be radial to the curve [ADC 11.090(4)]. All parcels will have side yards that will run at right angles to the street frontage.

The average block length shall not exceed 600 feet [ADC 11.090(5)]. The proposed partition does not create any new streets, and therefore does not create any new blocks.

Off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible [ADC 11.090 (6)]. No off-street pedestrian pathways are proposed with this application. Included Urban Conversion Plans describe how future development will connect to existing public streets.

With the minimum of townhouse development, the minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius [ADC 11.090(7)]. No cul-de-sacs are proposed with this Application.

Flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical [ADC 11.090(8)]. No flag lots are proposed with this Application.

At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty-foot radius of the curb line [ADC 11.090(9)]. Proposed Parcel 1 and 2 both have access to an existing public street and no new intersections are proposed.

**Conclusion:** The proposed partition with zone, and Comprehensive Map changes will meet underlying zone district standards of Article 3 and the lot and block standards of Article 11. Future subdivision to ADC standards is described in the Urban Conversion Plan. The proposed plan meets Review Criterion 1.

*Criterion 2: Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.*

**Facts:** Proposed Parcels 1 and 2 are both more than double the minimum area designated by the zoning district and may be further developed. An Urban Conversion Plan has been provided showing that this may be done in conformance with the Code. The combined areas of Parcel 1 (122,083 +/- sq. ft.) and Parcel 2 (67,450 +/- sq. ft.) equal the total area of the Existing Tax Lot 1300 (189,531 +/- sq. ft.). There is no other remainder land to consider.

**Conclusion:** An Urban Conversion Plan is provided showing how the Proposed parcels may be further subdivided. There is no other remainder of land to consider. All the land area within the parent property will be allocated to the two proposed parcels. The proposed plan meets Review Criteria 2.

*Criterion 3: Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.*

**Facts:** The property currently is provided access to Grande Prairie Rd SE through a driveway approach and a 24-ft wide access easement connection to Mountain View Drive. After partition, Parcel 1 will continue to take access from Grand Prairie and Parcel 2 will require driveway access improvement on Mountain View Drive. All other adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjacent properties.

**Conclusion:** The proposed parcels are provided with access that will allow their development in accordance with the Code. The proposed partition does not impede or affect adjoining land, all the adjoining land has, and will continue to have, access to public streets. The proposed plan meets Review Criteria 3.

*Criterion 4: The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.*

**Facts:** Proposed Parcel 1 takes access from Grand Prairie Rd SE through an existing driveway approach. Per the Albany Transportation System Plan (TSP), Grand Prairie Rd is a Minor Arterial Street, fully improved to city standards. The Grand Prairie Road Street Improvements Project was completed by the city in 2007 in anticipation for 2030 population estimates. Improvements included sidewalks and bicycle lanes on both sides of the street. Public Transportation is available at the intersection of Grand Prairie and Waverly Drive, approx. 925-ft west of the property. No capacity or safety deficiencies are identified on the section of Grand Prairie Rd adjacent to the proposed parcel.

Parcel 2 is connected via access easement to Mountain View Drive. Per the TSP, Mountain View Drive is a Minor Collector Street which is fully improved to city standards, including sidewalk on both sides of the street.

The partition will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA) and no development is proposed at this time.

The applicant is requesting concurrent Zone Change for Parcel 1 to RM designation. The RM designation would allow future developers to increase the housing density of this parcel. [ADC 3.191(1)(b)] states that the maximum number of townhomes per acre in the RM district is 25. The gross acreage of proposed Parcel 1 is 2.80 acres. Therefore, a maximum of 70 townhome units could be constructed on the subject property. The ITE trip generation rate for attached single family homes, duplexes and townhomes is 7.20 vehicle trips per day, and 0.57 trips during the p.m. peak hours, per unit. Construction of 70 units would add about 504 new vehicle trips per day to the public street system, with 40 occurring during the peak p.m. traffic hours, per day to the public street system.

The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips. The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA).

**Conclusion:** Transportation improvements are available to serve Parcel 1 from Grand Prairie Rd and Parcel 2 from Mountain View Drive. The proposed partition, including zone map amendment, is not projected to generate enough trips to require submittal of a trip generation estimate or traffic impact analysis. Parcel 2 will require a new access approach as a condition of the partition.

*Criterion 5: The Public Works Director has determined that the 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.*

**Facts:** Public facilities available to serve the partition are described below.

Sanitary Sewer:

Parcel 1 – There is an 8-inch public sanitary sewer main in Grand Prairie Rd. The subject property is currently served by a 4-inch sewer lateral which will not be affected by the partition.

Parcel 2 - There is an 8-inch public sanitary sewer main in Mountain View Drive. The parcel 2 portion of the site will require independent sanitary service as a condition of the partition.

Water:

Parcel 1 – There is a 16-inch ductile iron waterline located in Grand Prairie Rd. This parcel is currently served by a 1-inch water service line which will not be affected by the partition.

Parcel 2 – There is a 12-inch ductile iron waterline located in Mountain View Drive. The parcel 2 portion of the site will require independent water service as a condition of the partition.

Storm Drainage:

Parcel 1 – There is a 24-inch public storm main in Grand Prairie Rd. The right-of-way is fully improved with curb, gutter, and curb inlet catch basin in the Parcel 1 frontage area. No development is proposed with this application which affects grading or storm drainage onsite. Future improvements will require additional review to ensure grading improvements do not negatively impact existing drainage patterns on site.

Parcel 2 - There is a 30-inch public storm main in Mountain View Drive. The right-of-way is fully improved with curb and gutter. No development is proposed with this application which affects grading or storm drainage onsite. Future improvements will require additional review to ensure grading improvements do not negatively impact existing drainage patterns on site.

**Conclusion:** Public sewer, water and storm improvements are available to serve Parcel 1 from Grand Prairie Rd and Parcel 2 from Mountain View Drive. Parcel 2 will require independent sewer and water services as a condition of the partition. No grading or drainage improvements are proposed at this time.

*Criterion 6: Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic) as applicable.*

**Facts:** Special purpose districts related to the site are described below.

[ADC Article 4] (Airport Approach): The subject property is located within the Airport height restriction zone, elevation 472-ft [ADC Fig. 4.410-1]. The proposed partition does not include any vertical development which would trigger the review of airport height restrictions.

**Conclusion:** The airport approach review criterion does not apply at this time.

[ADC Article 6] (Natural Resources):

Open Space Zoning District - The subject property does not have an Open Space (OS) designation per Albany Zoning Map (Exhibit B).

Floodplain Overlay District - The subject property is located in Zone "X" which is outside of the 0.2% annual chance floodplain as designated on the flood insurance rate map (FIRM) number 41043C0527G, last revised September 29<sup>th</sup>, 2010 (Exhibit G).

Hillside Development Overlay District – According to Plate 7 of the Albany Comprehensive Plan, the subject property does not contain any steep slopes over 12%. No development is proposed on either parcel at this time.

Significant Natural Resource Overlay Districts – The Periwinkle Creek bisects the subject property and is the basis of the proposed land division. A Riparian Corridor overlay district extends 50 feet upland from the Ordinary High-Water mark, measured horizontally north and south of the creek. A Natural Resource Impact Review is required with the Land division [ADC 6.300.A(1)]. The Site Features & Utility sheet 2.0 of the included site plan set includes topographic contours and other location data pertaining to [ADC 6.300.B]. The applicable review standards of [ADC 6.310] are discussed below:

**[ADC 6.310.A]** General Requirements for Significant Natural Resource overlay districts.

*Criterion 1: The proposed activity is allowed under the requirements of the base zone.*

**Facts:** This application is for Tentative Partition Plat of T.L. 1300, dividing the existing 4.35-acre parcel along Periwinkle Creek to create two separate lots. The resulting North Parcel 1 is proposed to be 2.80 acres and South Parcel 2 proposed to be 1.55 acres.

No development is proposed at this time.

**Conclusion:** The proposed partition with Zone, and Comprehensive Map changes will meet underlying zone district standards of Article 3 as discussed previously under response to [ADC 11.180(1)] and incorporated here by reference. The proposal meets the review criterion.

*Criterion 2: There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.*

**Facts:** The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition.

**Conclusion:** The proposed partition meets the review criterion.

*Criterion 3: The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.*

**Facts:** The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition.

**Conclusion:** The proposed partition meets the review criterion. Any future development will require its own Natural Resources Impact Review as necessary.

*Criterion 4: Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.*

**Facts:** The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition. There are no proposed impacts to significant natural resources with this application.

**Conclusion:** The proposed partition meets the review criterion. Any future development will require its own Natural Resources Impact Review as necessary.

*Criterion 5: Any applicable local, state, and federal permits are secured.*

**Facts:** The applicant has applied to divide the existing lot into two parcels and is not proposing any ground disturbing work in conjunction with the proposed partition. The Oregon Department of State Lands (DSL) does not require a wetland delineation to complete a partition.

**Conclusion:** The proposed partition meets the review criterion.

*Criterion 6: The additional requirements of ADC 6.310 (B) will be met.*

**Facts:** Findings addressing ADC 6.310(B) are addressed below.

**Conclusion:** The proposed partition meets the review criterion.

#### **[ADC 6.310.B] Additional Requirements**

*Criterion 1: Land Divisions. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any Significant Natural Resource overlay district to establish a development site area and/or separate a developed area from the natural resource areas. For the purposes of this section, for residential land divisions, "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11. [Ord. 5947, 1/01/21]*

**Facts:** The applicant has applied to divide the existing 4.35-acre parcel along Periwinkle Creek to create two separate lots.

The resulting North Parcel 1 includes 2.80 acres (122,083 +/- sq. ft.) total. Parcel 1 has approximately 104,490 +/- sq. ft. of land located outside of the natural resource area.

The South Parcel 2 includes 1.55 acres (67,450 +/- sq. ft.) total. Parcel 2 has approximately 52,492 +/- sq. ft. of land located outside of the natural resource area.

**Conclusion:** Both parcels meet the definition of “sufficient land” for a residential land division. The proposed plan meets the review criterion.

[ADC Article 7] (Historic): According to Plate 9 of the Albany Comprehensive Plan, the subject property is not inside one of the city’s four historic overlay districts.

**Conclusion:** Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic). The proposed plan meets [ADC 11.180] review Criterion 6.

## COMPREHENSIVE PLAN MAP AMENDMENT

The applicant requests comprehensive plan map amendment changing the zone designation of North Parcel 1 from Low Density Residential (LDR) to Medium Density Residential (MDR).

### ALBANY DEVELOPMENT CODE - ARTICLE 2

#### **[ADC 2.220]** *Review Criteria*

1. *A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.*

**Facts:** Goal 10 (Housing) of the Albany Comprehensive plan states generally that there is a current and projected need for more affordable housing opportunities for many Albany households. Single dwelling unit detached housing units are expected to make up the greatest share (62%) of new housing development over the planning period (2020-2040). If historic trends in housing types and tenancy continue, there will likely be demand for land that can accommodate medium density housing.

The subject property supports Goal 10 Policies as described below:

*Policy 2: Provide a variety of choices regarding type, location, density, and cost of housing units corresponding to the needs and means of city residents.*

*Policy 3: Provide the opportunity for a wider range of rental and ownership housing choices in Albany and encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.*

Response to Policies 2 & 3: By designating Parcel 1 as MDR the property will be able to provide a greater variety of lot and housing sizes and types. MDR designation allows for a smaller, more affordable, single family detached lot size (3,500 sq. ft.) and multiple dwelling units to be constructed on the property.

*Policy 4: Encourage residential development that conserves energy and water, uses renewable resources, and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services*

*Policy 16: Provide opportunities for higher density residential and mixed-use developments within ¼ mile of public transportation.*

Response to Policies 4 & 16: The subject property is within city limits and takes access from Grand Prairie Rd, an arterial street which promotes efficient use of land with in-fill development. Increasing housing density in residential areas adjacent to major



streets can reduce energy needs by encouraging the use of public transit. Public transportation is available at the intersection of Grand Prairie and Waverly Drive, approx. 925-ft (0.18 miles) west of the property.

*Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.*

*Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.*

*Policy 15: Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings and overgrown vegetation.*

Response to Policies 6, 7, & 15: The subject property is currently vacant, and the lack of occupancy encourages vegetative overgrowth. The land is a barrier between existing neighborhoods and facilities along Grand Prairie right-of-way between the Mountain View Dr. SE and Waverly.

Public utility and franchise services are readily available from Grand Prairie and may be extended economically into any future development. The Grand Prairie Road Street Improvements Project was completed by the city in 2007 in anticipation for 2030 population estimates. Improvements included sidewalks and bicycle lanes on both sides of the street.

The parcel is located 1/4 mile from Grand Prairie Park and 3/4 mile from Albany Community Pool and South Albany High School. New, affordable, medium density development would be well sustained by the existing utility and social facilities. Rezoning the proposed parcel to Medium Density will allow for smaller lot size and possible multiple dwelling unit construction, making this parcel an attractive location for renters, home buyers and developers which will encourage improvement on the lot.

**Conclusion:** Changing the Comprehensive Plan Map designation of Parcel 1 to MDR will encourage a variety of residential development types to be constructed on a lot which is already serviced by city facilities. The site is within ¼ mile of public transportation and close to parks and schools. Grand Prairie Rd is a fully developed arterial road designed to support increased traffic densities that may be created by future Medium Density development on this property.

The proposed Comprehensive Plan Map change is consistent with the goals and policies of the Comprehensive Plan. Consistency with State planning goals and any relevant area plans adopted by the Council are described following and incorporated here by reference (refer to response 3.b. and 3.d.).

*2. A legislative amendment is needed to meet changing conditions or new laws.*

**Facts:** The Albany Housing Needs and Economic Opportunities Analyses states “Depending on the rate of growth, the city is projected to add between 16,800 and 23,300 new residents to 2040, requiring between 6,750 and 9,400 new housing units after factoring for group quarters.”

**Conclusion:** The proposed comprehensive map amendment will increase the potential number of units that may be constructed on Parcel 1. Increasing the density potential of this property will help meet the increasing need for dwelling units within city limits.

The proposed amendment is needed to meet changing population needs.

*3. The requested designation for a quasi-judicial map amendment meets all of the following tests:*

*a. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

**Facts:** The old designation of LDR pre-dates the Current Albany Comprehensive Plan Last Updated November 07, 2023. The City of Albany Website states:

“The Albany City Council adopted the Housing Implementation Plan (HIP) in June of 2023. The HIP evaluated policies and strategies that the City can employ to address Albany’s current and future housing needs, as identified in the City’s 2020 Housing Needs Analysis (HNA).”

“The HIP outlines priority implementation steps the city can take to encourage the production of needed housing. Further, it provided the foundation for updating the housing element of the Albany Comprehensive Plan.”

The HIP project goals include:

“Identify and assess policies and strategies to increase housing options and opportunities that meet the needs of Albany residents as projected in the 2020 HNA and raised by the public, and to evaluate incentives in House Bill 2001 to increase the affordability of middle housing.”

The proposed MDR designation would increase the available housing potential of the lot including options for mixed, affordable development.

**Conclusion:** The requested designation is more supportive of the current Comprehensive Plan than the existing designation.

*b. The requested designation is consistent with any relevant area plans adopted by the City Council.*

**Facts:** According to the 2022-2026 Capital Improvement Program, there are no on-going or scheduled projects in the area of the subject property.

According to the 2022-2026 City of Albany Strategic Plan, Approved by City Council on September 28, 2022, theme pertaining to Great Neighborhoods. Goal 1 states, the council will “Encourage diversified housing options for households of all income levels and sizes.”

The proposed comprehensive plan designation of MDR on the subject parcel will increase available land within city limits that is available for diverse housing options.

**Conclusion:** The requested designation is consistent with relevant area plans adopted by the City Council.

*c. The requested designation is consistent with the Comprehensive Plan Map pattern.*

**Facts:** There are several other MDR properties along Grand Prairie Road and in the near vicinity of the subject property. A MDR designation would be consistent with existing patterns on the Comprehensive Plan Map, which includes Medium Density areas along arterial streets with good connectivity to area shopping, parks, and schools.

New RM districts should be located on a collector or arterial street [ADC 3.020]. North Parcel 1 fronts Grand Prairie Rd SE, a minor arterial street.

**Conclusion:** The requested designation is consistent with the Comprehensive Plan Map pattern.

*d. The requested designation is consistent with the statewide planning goals.*

**Facts:** The Oregon Housing and Community Services program states:

“Housing has emerged as a paramount concern. The lack of available housing, high rents and high home prices are driving rapid increases in housing instability and homelessness.”

To combat the lack of affordable housing, The Oregon Legislature passed House Bill 2001 (HB 2001) in August 2019 to help provide Oregonians with more housing choices. Statewide planning priorities include creating more affordable housing.

The proposed MDR designation would increase the available housing potential of the lot including options for mixed, affordable development.

**Conclusion:** The requested designation is consistent with the statewide planning goals.

## ZONING MAP AMENDMENT

### ALBANY DEVELOPMENT CODE - ARTICLE 2

#### [ADC 2.740] Review Criteria

1. *The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.*

**Facts:** A Plan map amendment has also been applied for, see previous.

**Conclusion:** The proposed Zone Map designation is contingent upon included Comprehensive Plan Map amendment.

2. *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

**Facts:** Parcel 1 takes access from Grand Prairie Rd SE through an existing driveway approach. Per the Albany TSP, Grand Prairie Rd is a Minor Arterial Street, fully improved to city standards. The Grand Prairie Road Street Improvements Project was completed by the city in 2007 in anticipation for 2030 population estimates. Improvements included sidewalks and bicycle lanes on both sides of the street. Public Transportation is available at the intersection of Grand Prairie and Waverly Drive, approx. 925-ft west of the property. No capacity or safety deficiencies are identified on the section of Grand Prairie Rd adjacent to the proposed parcel.

**Conclusion:** The existing transportation facilities are adequate to accommodate the increased density under the proposed zone change.

3. *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police, and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.*

**Facts:** Public facilities available to serve the partition are described below.

#### Water:

There is a 16-inch ductile iron waterline located in Grand Prairie Rd. Further development on the site could necessitate the installation of additional fire hydrants, but that would likely be the case for development under either LDR or MDR comprehensive plan designations.

#### Sanitary Sewer:

There is an 8-inch public sanitary sewer main in Grand Prairie Rd. Future development would be required to connect to the city system. The Capital Improvement Program for the wastewater system identifies projects that are needed to upgrade and expand the system for future users ensuring that it continues to serve current customers. According to the 2022-2026 Capital Improvement Program, there are no on-going or scheduled wastewater projects in the area of the subject property.

#### Storm Drainage:

There is a 24-inch public storm main in Grand Prairie Rd. The right-of-way is fully improved with curb, gutter, and curb inlet catch basin. A Stormwater management plan would be required to treat and detain

any water exiting the site after development. The post development run-off rate would be required to match pre-development conditions.

Schools:

Children residing in a future residential development on the subject property would attend schools in the Greater Albany Public School District (GAPS).

Police & Fire Protection:

The Albany Police Department and Fire Department provide services to all development in Albany.

**Conclusion:** The Existing services (water, sanitary sewers, storm sewers, schools, police, and fire protection) can accommodate potential development.

*4. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

**Facts:** The goals and policies of the Comprehensive Plan are discussed in detail under previous response to [ADC 2.220(1)]. Those findings and conclusions are incorporated here by reference.

**Conclusion:** The intent and purpose of the proposed MDR zoning designation best satisfies the goals and policies of the Comprehensive Plan.

*5. The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan, or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.*

**Facts:** No transportation patterns are proposed to be altered with this proposal.

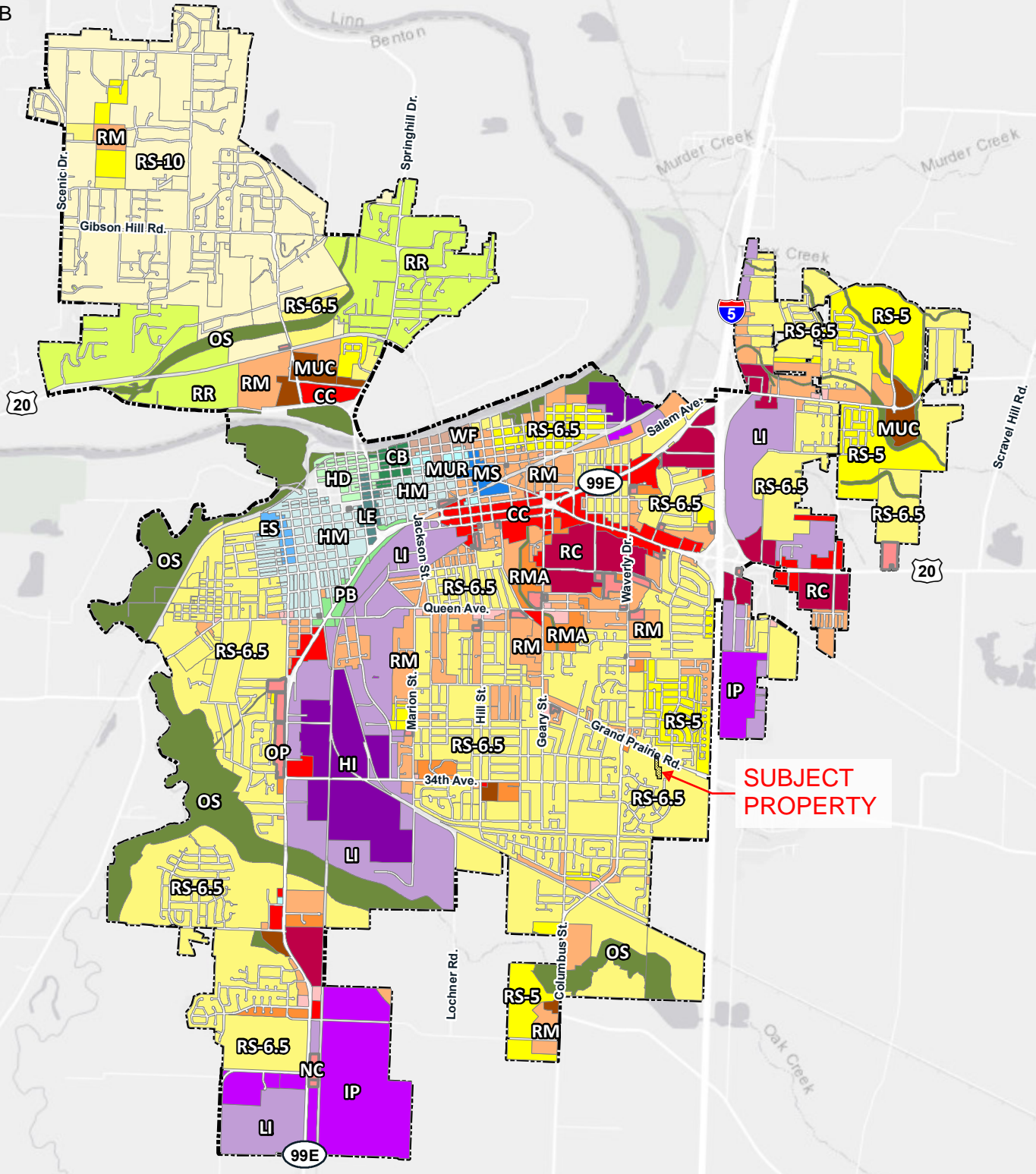
**Conclusion:** The criterion does not apply.

## CONCLUSION

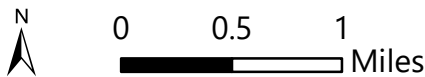
The proposed Tentative Partition Plat, Zone, and Comprehensive Plan Map changes substantially comply with all zoning and development code requirements. We respectfully request approval of these Land Use Applications.



EXHIBIT B



RR - RESIDENTIAL RESERVE	MUR - MIXED USE RESIDENTIAL	MS - MAIN STREET	RC - REGIONAL COMMERCIAL
RS-10 - RES SINGLE FAM	CB - CENTRAL BUSINESS	PB - PACIFIC BLVD	MUC - MIXED USE COMMERCIAL
RS-6.5 - RES SINGLE FAM	ES - ELM STREET	WF - WATERFRONT	LI - LIGHT INDUSTRIAL
RS-5 - RES SINGLE FAM	HM - HACKLEMAN / MONTEITH	NC - NEIGHBORHOOD COMMERCIAL	HI - HEAVY INDUSTRIAL
RM - RES MEDIUM DENSITY	HD - HISTORIC DOWNTOWN	OP - OFFICE PROFESSIONAL	IP - INDUSTRIAL PARK
RMA - RES MEDIUM DEN ATTACHED	LE - LYON / ELLSWORTH	CC - COMMUNITY COMMERCIAL	OS - OPEN SPACE



Date: 3/2020 Map Source: City of Albany, Esri

# Zoning Designations

J:\ArcMap\_Projects\Planning\Zoning\MXD\_Zoning.mxd

EXHIBIT C

RECORDING REQUESTED BY:  
Fidelity National Title Company of Oregon

GRANTOR'S NAME:  
Cathryn Davidow, who acquired title as Cathryn Davidow-Root

GRANTEE'S NAME:  
Cathryn Davidow

SEND TAX STATEMENTS TO:  
Cathryn Davidow  
2685 Happy Street NW  
Albany, OR 97321

LINN COUNTY, OREGON 2010-09112  
D-BS 06/03/2010 03:38:28 PM  
Cnt=1 Str=7 S. WILSON \$10.00 \$11.00 \$15.00 \$9.00 \$10.00 \$55.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Steve Druckenmiller - County Clerk



AFTER RECORDING RETURN TO:  
Cathryn Davidow  
2685 Happy Street NW  
Albany, OR 97321

Escrow No: FT100024630-FTMWV01

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Cathryn Davidow, who acquired title as Cathryn Davidow-Root, Grantor, conveys to

Cathryn Davidow, Grantee, the following described real property, situated in the County of Linn, State of Oregon,

SEE LEGAL DESCRIPTION ATTACHED HERETO

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is \$-0- (to correct vesting). (See ORS 93.030).

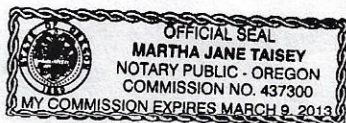
Dated: June 3, 2010

*Cathryn Davidow*  
Cathryn Davidow

State of OREGON  
COUNTY of LINN

This instrument was acknowledged before me on June 3, 2010 by Cathryn Davidow.

*Martha Jane Taisey*  
Notary Public - State of Oregon  
My commission expires: 3/9/13



Fidelity National Title # 10-24630

**LEGAL DESCRIPTION**

Beginning at a point in the center of the County Road which is 3.70 chains South and 2.30 chains West from the Northeast corner of the Southeast corner of the Southeast quarter of Section 17, in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South 15 chains; thence East 4.31 chains; thence North 13.65 chains to the center of the aforesaid County Road; thence North 65° West to the place of beginning. Excepting a strip therefrom off the West side thereof 20 feet wide to be used as Wagon Road.

Together with: Beginning at a point which is South 89°45'00"East 118.80 feet and South 00°15'00"West 314.64 feet from the Northwest corner of the Southwest quarter of Section 16, in Township 11 South, Range 3 West of the Willamette Meridian, in Linn County, Oregon, said point being in the centerline of Grand Prairie Road; and running thence South 00°15'00"West 870.07 feet; thence South 89°45'00"East 68.20 feet; thence North 00°32'28"East 837.97 feet to said centerline; thence North 65°50'52"West 79.25 feet to the true point of beginning.

Save and Except the following:

Beginning at a point which is South 89°45'00"East 18.20 feet and South 00°15'00"West 270.06 feet from the Northwest corner of the Southwest quarter of Section 16 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon, said point being in the centerline of Grand Prairie Road; thence South 00°15'00"West 520.68 feet; thence South 89°45'00"East 170.80 feet; thence North 00°32'28"East 443.99 feet to said centerline; thence North 65°50'32" West 189.29 feet to the true point of beginning.



Recording Cover Sheet

All Transactions (ORS 205.234)

After Recording Return To:

TYLER DAVIDOW  
PO 3192  
ALBANY, OR 97321

Mail Tax Statements To:


TYLER DAVIDOW  
PO 3192  
ALBANY, OR 97321

LINN COUNTY, OREGON **2022-03114**  
 D-QD  
 Cnt=1 Str=10130 COUNTER 02/17/2022 11:42:36 AM  
 \$15.00 \$60.00 \$19.00 \$10.00 **\$104.00**



00431046202200031140030037

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

1. Name / Title of Transaction (ORS 205.234 (1a))

QUIT CLAIM DEED

2. Grantor / Direct Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

CATHRYN DAVIDOW  
PO Box 3192  
ALBANY, OR 97321

3. Grantee / Indirect Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))

TYLER DAVIDOW  
PO 3192  
ALBANY, OR 97321

4. True and Actual Consideration (ORS 93.030)

\$175,000 ONE HUNDRED SEVENTY FIVE THOUSAND

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)

Re-recorded at the request of Cathryn Davidow  
to correct THE LEGAL DESCRIPTION  
Previously recorded in Book \_\_\_\_\_ and page \_\_\_\_\_ or DN 2022-734

# K & D ENGINEERING, Inc.

*Engineers • Planners • Surveyors*

## Legal Description

ALL of that tract of land conveyed to Cathryn Davidow by Bargain and Sale Deed recorded in Document Number 2010-09112 in the Linn County Deed Records on June 3<sup>rd</sup>, 2010 (hereinafter referred to as "Davidow Tract") EXCEPTING THEREFROM three (3) portions of said Davidow Tract that are more particularly described as follows:

### Portion # 1

Beginning at a point that is North 00°36'00" East 28.00 feet of the southeast corner of Lot 20 of Block 1 of "MEADOWBROOK PARK", a subdivision recorded in the Linn County, Oregon Book of Plats which point being on the west line of said Davidow Tract; thence North 00°36'00" East, along said west line, 145.30 feet; thence South 79°05'07" East 50.82 feet; thence South 00°36' 00" West 116.63 feet to 5/8 inch rod; thence South 69°13'12" West 53.70 feet to the Point of Beginning.

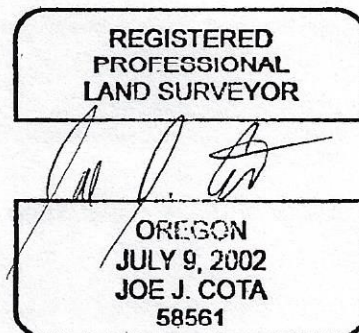
### Portion # 2

Beginning at a point that is North 00°36'00" East 28.00 feet of the southeast corner of Lot 20 of Block 1 of "MEADOWBROOK PARK", a subdivision recorded in the Linn County, Oregon Book of Plats which point being on the west line of said Davidow Tract; thence North 69°13'12" East 53.70 feet to a 5/8 inch rod; thence South 00°36'00" West 93.34 feet to a 5/8 inch rod; thence North 89°41'37" West 50.00 feet to a point on the east line of Lot 21 of said Block 1 which point also being on the west line of said Davidow Tract; thence North 00°36' 00" East 74.02 feet to the Point of Beginning.

### Portion # 3

Beginning at a point that is South 00°36'00" West 46.02 feet of the southeast corner of Lot 20 of Block 1 of "MEADOWBROOK PARK", a subdivision recorded in the Linn County, Oregon Book of Plats which point being on the west line of said Davidow Tract; thence South 89°41'37" East 50.00 feet to a 5/8 inch rod; thence South 89°41'37" East 61.26 feet to a 5/8 inch rod; thence South 00°36'00" West 80.00 feet to the northeast corner of Lot 1 of Block 1 of "EDGEWOOD ESTATES", a subdivision recorded in the Linn County, Oregon Book of Plats; thence North 89°41'37" West 111.26 feet to the northwest corner of said Lot 1 which point also being the southwest corner of said Davidow Tract; thence North 00°36' 00" East 80.00 feet to the Point of Beginning.

February 4, 2022  
 RE-CONFIGURED DAVIDOW  
 (17-68) JJC:ls  
 File Ref: z:/projects/2017/17-68/surveying/documents/Legal Description-4.doc



RENEWS: 12-31-22

BLK

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



CATHRYN S DAVIDOW  
 410 5TH AVE SW  
 ALBANY, OR 97321

Grantor's Name and Address  
 TYLER DAVIDOW  
 PO BOX 3219  
 ALBANY, ORE 97321

Granted's Name and Address  
 TYLER DAVIDOW  
 PO BOX 3192  
 ALBANY, OR 97321

After recording, return to (Name and Address):  
 TYLER DAVIDOW  
 PO BOX 3192  
 ALBANY, OR 97321

Until requested otherwise, send all tax statements to (Name and Address):  
 TYLER DAVIDOW  
 PO BOX 3192  
 ALBANY, OR 97321

LINN COUNTY, OREGON 2022-00734  
 D-QD  
 Cnt=1 Stn=10130 COUNTER 01/12/2022 03:42:04 PM  
 \$5.00 \$11.00 \$60.00 \$19.00 \$10.00 \$105.00



00428440202200007340010019

I, Steve Druckenmiller, County Clerk for Linn County, Oregon certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

QUITCLAIM DEED  
KNOW ALL BY THESE PRESENTS that CATHRYN S. DAVIDOW

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto TYLER DAVIDOW hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in LINN County, State of Oregon, described as follows (legal description of property):

BEGINNING AT A POINT THAT IS NORTH 00°36'00" EAST 28.00 FEET OF THE SOUTHEAST CORNER OF LOT 20 OF BLOCK 1 OF MEADOW BROOK PARK, A SUBDIVISION RECORDED IN THE LINN COUNTY OREGON BOOK OF PLATS WHICH POINT BEING ON THE WEST LINE OF SAID DAVIDOW TRACT; THENCE NORTH 00°36'00" EAST, ALONG SAID WEST LINE, 145.30' FEET; THENCE SOUTH 79°05'07" EAST 50.82 FEET; THENCE SOUTH 00°36'0" WEST 116.63 FEET TO A 5/8 INCH ROD; THENCE SOUTH 69°13'12" WEST 53.70 FEET TO THE POINT OF THE BEGINNING.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$175,000.00. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols <sup>Ⓢ</sup>, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on \_\_\_\_\_: any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

*Cathryn S. Davidow*  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF OREGON, County of linn ss. linn  
 This instrument was acknowledged before me on January 12th 2022  
 by Cathryn Sue Davidow

This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 as \_\_\_\_\_  
 of \_\_\_\_\_

*Steve E. Ragdale*  
 Notary Public for Oregon  
 My commission expires July 14 2024





EXHIBIT F

Attachment 25902  
 CS 25902  
**VRELAND ESTATES**  
 for  
**MOUNTAIN WEST INVESTMENT CORPORATION**  
 in  
 SW 1/4 OF SECTION 16  
 T 11 S, R 3 W, W.M.  
 CITY OF ALBANY  
 LINN COUNTY, OREGON  
 DECEMBER 22, 2014

SHEET 1 OF 3

I, THE UNDERSIGNED,  
 HEREBY CERTIFY  
 THAT THIS IS AN  
 EXACT COPY OF THE  
 ORIGINAL PLAT.  
*David Lee Schlosser Jr.*  
 DAVID LEE SCHLOSSER JR.  
 P.L.S. 72617

\* Affidavit of Correction  
 Recorded May 5, 2015  
 N Doc. No. 2015-6750

**MONUMENT NOTES:**

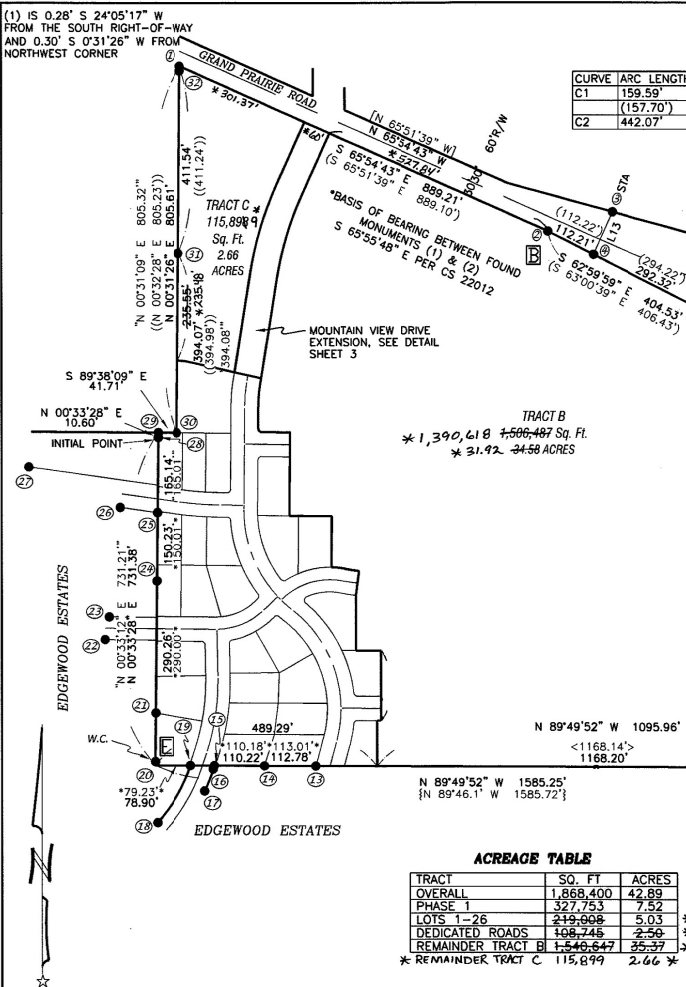
- ① = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ② = 5/8" SMOOTH ROD, DOWN 0.6" PER ODOT CS 19221
- ③ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ④ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑤ = 5/8" SMOOTH ROD DOWN 0.6" PER ODOT CS 19221
- ⑥ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑦ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑧ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑨ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561", PER CS 25334
- ⑩ = 5/8" IR DOWN 1.7" SET BY O.S.H.D.
- ⑪ = 5/8" IR DOWN 0.1" SET BY O.S.H.D.
- ⑫ = 5/8" IR DOWN 0.1" PER CS 13247
- ⑬ = 5/8" IR DOWN 0.5" PER CS 14535
- ⑭ = 5/8" IR IN CONC PER CS 14535
- ⑮ = 5/8" IR DOWN 0.1" PER CS 14535
- ⑯ = 5/8" IR FLUSH PER CS 14535
- ⑰ = 5/8" IR FLUSH PER CS 14535
- ⑱ = 5/8" IR DOWN 0.8" BENT PER CS 14535
- ⑲ = 5/8" IR DOWN 0.8" PER CS 14535
- ⑳ = 5/8" IR FLUSH WC W/YPC "PLS 2267" PER CS 22012
- ㉑ = 5/8" IR DOWN 0.4" PER CS 14535
- ㉒ = 1/2" IP DOWN 0.9" PER CS 14535
- ㉓ = 5/8" IR DOWN 1.6" PER CS 14535
- ㉔ = 5/8" IR UNDER CONC PER CS 14535 IS 0.6" W OF LINE
- ㉕ = 5/8" IR DOWN 0.1" PER CS 14535
- ㉖ = 5/8" IR DOWN 1.7" PER CS 14535
- ㉗ = 1/2" IP DOWN 0.3" PER CS 14535
- ㉘ = 5/8" IR DOWN 1.4" PER CS 13247
- ㉙ = 5/8" IR FLUSH W/YPC "PLS 2267" PER CS 22012
- ㉚ = 5/8" IR DOWN 0.3" PER CS 19036
- ㉛ = 5/8" IR DOWN 0.3" PER CS 19036
- ㉜ = 5/8" IR FLUSH W/YPC "K&D ENGR LS 58561" PER CS 25334

**CURVE TABLE**

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	159.59'	2951.40'	3°05'53"	S 73°07'58" E	159.57'
	(157.70')	(2953.45')	(3°03'37")	(S 73°04'22" E)	(157.68')
C2	442.07'	2886.40'	8°46'31"	S 70°17'39" E	441.64'

**LINE TABLE**

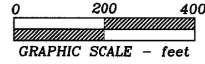
LINE	ANGLE	DISTANCE
L13	N 24°05'36" E	102.43'
	(N 24°08'22" E)	(102.36')



**ACREAGE TABLE**

TRACT	SQ. FT	ACRES
OVERALL	1,868,400	42.89
PHASE I	327,753	7.52
LOTS 1-26	219,698	5.03
DEDICATED ROADS	108,748	2.50
REMAINDER TRACT B	1,540,647	35.37
* REMAINDER TRACT C	115,899	2.66

\* 1,390,618 7,506,487 SQ. FT.  
 \* 31.92 24.58 ACRES



**EASEMENT CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EC1	381.97'	127.67'	127.08'	N 63°38'47" W	19°09'02"
EC2	381.97'	170.11'	168.71'	N 45°45'44" W	25°31'00"
EC3	286.48'	341.83'	321.91'	N 64°03'18" W	68°21'57"
EC4	572.96'	229.83'	228.29'	S 70°16'13" W	22°58'58"
EC5	100.52'	52.85'	52.25'	S 73°50'34" W	30°07'32"
EC6	375.00'	194.42'	192.25'	S 43°12'09" E	29°42'19"
EC7	200.00'	130.70'	128.39'	N 47°04'17" W	37°26'34"
EC8	75.00'	148.62'	125.58'	S 57°21'57" W	13°41'28"
EC9	100.00'	104.78'	100.05'	S 29°30'16" E	6°01'59"
EC10	355.00'	314.35'	304.18'	N 34°09'19" W	50°44'06"
EC11	100.00'	141.45'	129.95'	S 49°18'31" E	81°02'42"
EC12	311.25'	42.18'	42.14'	S 85°20'26" E	7°45'50"

**EASEMENT LINE TABLE**

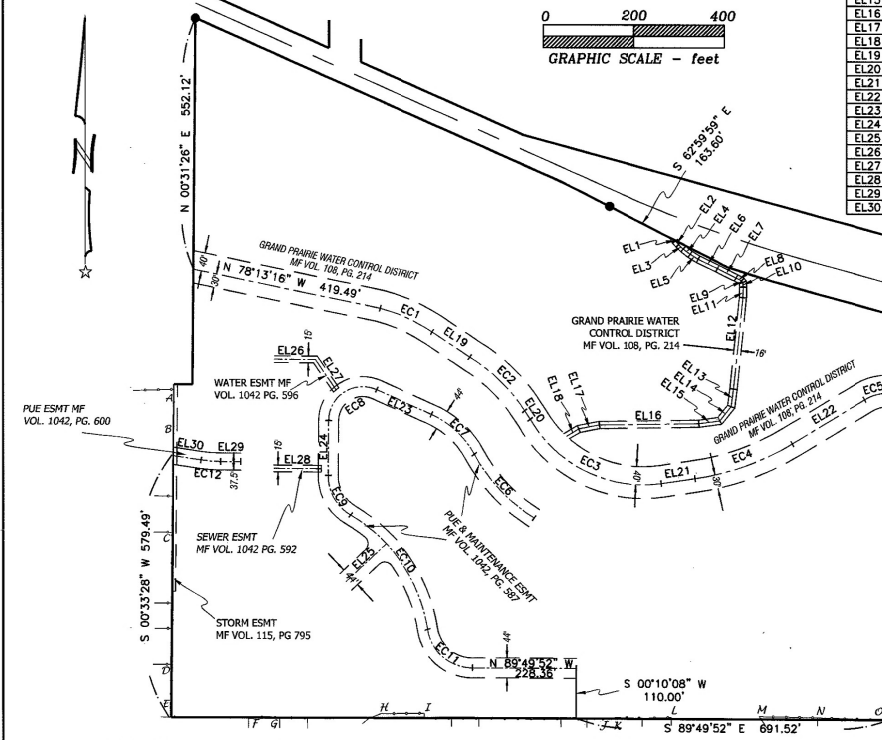
LINE	ANGLE	DISTANCE
EL1	S 25°39'03" E	1.59'
EL2	S 41°06'39" E	10.43'
EL3	S 47°07'14" E	14.23'
EL4	S 51°36'10" E	18.66'
EL5	S 58°47'40" E	20.94'
EL6	S 64°18'32" E	46.90'
EL7	S 63°57'57" E	46.26'
EL8	S 62°31'39" E	13.83'
EL9	N 60°03'48" E	6.35'
EL10	S 04°09'04" E	10.52'
EL11	S 01°29'06" W	22.21'
EL12	S 05°56'45" W	201.71'
EL13	S 07°38'28" W	39.16'
EL14	S 38°57'59" W	40.21'
EL15	S 82°01'30" W	46.86'
EL16	S 89°09'44" W	220.48'
EL17	S 79°01'58" W	46.15'
EL18	S 59°27'01" W	31.21'
EL19	N 56°04'16" W	99.42'
EL20	N 33°33'16" W	22.21'
EL21	S 81°45'44" W	75.08'
EL22	S 58°46'44" W	188.02'
EL23	S 65°47'34" E	133.71'
EL24	N 00°30'47" E	120.88'
EL25	N 48°52'12" E	122.21'
EL26	N 89°29'13" E	66.83'
EL27	S 34°21'57" E	79.91'
EL28	S 89°28'35" E	104.90'
EL29	S 89°49'30" E	44.43'
EL30	S 81°27'31" E	66.13'

**LEGEND**

- ..... FOUND MONUMENT AS NOTED
- SEE TABLE ABOVE
- CS.....COUNTY SURVEY
- ESMT.....EASEMENT
- PG.....PAGE
- PUE.....PUBLIC UTILITY EASEMENT
- VOL.....VOLUME
- W.C.....WHITNESS CORNER
- ( ).....CS 25334
- { }.....CS 24598
- < >.....CS 13247
- < >.....CS 14259
- \*.....CS 14535
- .....CS 22012
- ( ).....CS 19036
- ①.....MONUMENT REFERENCE NO.
- A.....FENCE TIE NOTE

**FENCE TIES**

- A.....CORNER OF 6' WOOD FENCE IS 0.7' E & 0.5' S OF CORNER
- B.....S END OF 6' WOOD FENCE IS ON THE LINE
- C.....6' WOOD FENCE "T" IS 0.5' W OF CORNER
- D.....CORNER OF 6' WOOD FENCE IS 0.4' W OF CORNER
- E.....S END OF 6' WOOD FENCE IS 0.9' E OF CORNER & E/W CHAIN LINK FENCE IS 5' 1.9'
- F.....CORNER OF 6' WOOD FENCE IS 1.0' N OF LINE
- G.....6' WOOD FENCE "T" IS S 65 W 0.5' OF CORNER
- H.....W END OF 6' WOOD FENCE IS N 9.2' OF LINE
- I.....CORNER OF 6' WOOD FENCE IS N 10.2' OF LINE
- J.....STORAGE BUILDING IS 0.9' N OF LINE
- K.....4' PICKET FENCE IS 2.5' N OF LINE
- L.....5' CHAIN LINK FENCE CORNER IS 3.1' N 10.2' OF LINE
- M.....CORNER OF 4' WOOD FENCE IS N 6.3' OF LINE
- N.....4' WOOD FENCE "T" IS 4.2' N OF LINE
- O.....CORNER OF 4' WOOD FENCE IS S 55 E 0.5' FROM CORNER AND S END OF 6' CHAIN LINK FENCE



REGISTERED  
**PROFESSIONAL LAND SURVEYOR**  
*David Lee Schlosser Jr.*  
**OREGON**  
 JUNE 10, 2014  
 DAVID LEE SCHLOSSER JR.  
 72617

RENEWS: 06/30/2016

**NORTHSTAR SURVEYING, INC.**  
 720 N.W. 4th Street  
 Corvallis, Oregon 97330  
 Phone: 541-757-9050

**SUBJECT  
PROPERTY  
T.L.1300**

**LEGEND**

- FOUND MONUMENT AS NOTED ON PG. 1
  - SET 5/8" ROD WITH RED PLASTIC CAP STAMPED "NORTHSTAR SURVEYING"
  - SET 5/8" ROD WITH A 2" ALUMINUM CAP STAMPED "NORTHSTAR SURVEYING"
  - SET REFERENCE MONUMENT A 5/8" ROD WITH RED PLASTIC CAP STAMPED "NORTHSTAR SURVEYING"
  - COMPUTED POINT, NOTHING FOUND, NOTHING SET
- FUE...FRANCHISE UTILITY EASEMENT  
REF MON...REFERENCE MONUMENT  
ROW...RIGHT OF WAY  
SF...SQUARE FEET
- .....CS 13247  
.....CS 14535  
.....CS 22012  
(( ))...CS 19036

**CURVE TABLE**

CURVE	ARC	RADIUS	DELTA	CHORD BEARING	CHORD
C3	271.70	770.00	20°13'11"	N 28°10'37" E	270.29
C4	51.55	428.00	10°23'33" E	N 51°51'11" E	51.51
C5	146.55	375.00	22°23'31" N	S 30°31'28" E	145.62
C6	60.41	405.00	8°32'45" S	S 04°47'08" W	60.35
C7	56.00	375.00	8°33'24" S	S 04°47'29" W	55.95
C8	51.45	345.00	6°32'38" S	S 04°47'08" W	51.40
C9	12.57	8.00	90°00'00" S	S 44°29'13" E	11.31
C10	12.57	8.00	90°00'00" S	S 45°30'47" W	11.31
C11	12.57	8.00	90°00'00" S	S 45°30'47" W	11.31
C12	32.37	87.00	23°21" N	S 89°06'33" E	32.37
C13	51.39	673.00	4°22'29" S	S 84°32'38" E	51.37
C14	4.32	673.00	0°22'03" S	S 82°10'22" E	4.32
C15	91.60	700.00	7°29'53" S	S 85°44'17" E	91.54
C16	10.77	727.00	0°50'55" S	S 82°24'48" E	10.77
C17	55.18	727.00	4°20'55" S	S 85°00'43" E	55.16
C18	29.19	727.00	2°18'02" S	S 88°20'13" E	29.19
C19	11.93	8.00	8°48'56" N	N 48°46'37" W	10.85
C20	12.10	245.00	7°49'45" S	S 00°54'07" E	12.10
C21	151.83	245.00	35°30'22" S	S 20°04'10" E	149.41
C22	209.63	275.00	43°40'36" S	S 21°19'31" E	204.59
C23	102.10	305.00	19°10'48" S	S 13°38'45" E	101.62
C24	71.90	305.00	13°30'27" S	S 29°59'22" E	71.74
C25	15.67	8.00	8°33'47" N	N 05°02'48" E	10.86
C26	39.88	8.00	8°48'56" N	N 48°46'37" W	10.80
C27	30.17	17.00	9°46'00" S	S 62°07'07" W	30.13
C28	75.02	177.00	24°17'05" S	S 79°08'40" W	74.46
C29	29.89	177.00	9°04'26" S	S 83°52'34" E	29.85
C30	31.57	473.00	3°49'28" S	S 80°57'05" E	31.57
C31	33.37	500.00	3°49'28" S	S 80°57'05" E	33.37
C32	147.15	150.00	56°12'30" N	N 72°51'24" E	141.32
C33	35.18	527.00	3°49'28" S	S 80°57'05" E	35.17
C34	75.71	123.00	8°18'56" S	S 83°18'41" W	74.52
C35	16.09	8.00	11°15'22" S	S 08°04'01" W	13.51
C36	81.94	123.00	38°10'12" N	N 65°55'17" E	80.43
C37	11.92	123.00	5°33'05" S	S 87°46'56" E	11.91
C38	3.35	150.00	1°16'45" S	S 89°55'06" E	3.35
C39	111.11	150.00	42°26'32" N	N 68°03'28" E	108.59
C40	12.33	8.00	88°20'33" N	N 45°18'13" W	11.15
C41	11.09	8.00	79°42'54" N	N 38°16'09" W	69.28
C42	55.11	177.00	17°50'17" N	N 69°23'18" E	54.88
C43	42.11	177.00	13°37'58" N	N 53°39'10" E	42.02
C44	11.67	8.00	8°33'47" S	S 88°37'35" W	10.66
C45	13.68	305.00	2°34'12" S	S 50°52'08" E	13.68
C46	96.28	245.00	22°30'56" N	N 40°53'49" W	95.66
C47	114.80	245.00	26°50'48" N	N 16°12'57" W	113.75
C48	69.51	245.00	18°13'29" N	N 15°40'38" W	69.28
C49	7.33	245.00	1°42'53" S	S 14°19'17" W	10.53
C50	73.83	275.00	15°22'53" S	S 07°30'51" W	73.60
C51	249.48	275.00	51°58'40" S	S 26°08'56" E	241.01
C52	33.15	275.00	6°54'24" S	S 48°42'03" E	33.13
C53	10.00	275.00	2°05'02" S	S 44°12'21" E	10.00
C54	131.91	305.00	24°46'48" N	N 37°10'16" W	130.89
C55	97.01	305.00	18°13'29" N	N 15°40'38" W	96.60
C56	11.63	8.00	8°18'56" S	S 83°18'41" W	10.53
C57	11.71	8.00	8°53'06" S	S 48°13'35" W	10.69
C58	47.35	305.00	8°53'42" N	N 10°43'53" E	47.30
C59	57.29	527.00	6°13'41" N	N 02°00'52" E	57.26
C60	69.87	527.00	7°35'45" N	N 08°55'35" E	69.81
C61	49.34	527.00	5°21'52" N	N 15°24'24" E	49.32
C62	167.45	500.00	18°13'29" N	N 08°29'41" E	166.67
C63	61.80	473.00	7°29'09" N	N 14°20'43" E	61.76
C64	96.61	473.00	11°42'09" N	N 04°45'08" E	96.44

**LINE TABLE**

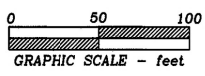
LINE	BEARING	DISTANCE
L1	S 89°38'08" E	41.71'
L2	S 89°45'00" E	41.79'
L3	N 89°49'52" W	30.98'
L4	N 89°49'52" W	34.33'
L5	N 89°49'52" W	34.33'
L6	N 89°49'52" W	26.65'
L7	N 89°49'52" W	2.04'
L8	N 89°49'52" W	25.00'
L9	N 89°49'52" W	25.00'
L10	N 89°49'52" W	30.16'
L11	N 89°49'52" W	30.26'
L12	N 89°49'52" W	30.26'
L13	N 89°49'52" W	30.26'
L14	N 89°49'52" W	30.26'
L15	N 89°49'52" W	30.26'
L16	N 89°49'52" W	30.26'
L17	N 89°49'52" W	30.26'
L18	N 89°49'52" W	30.26'
L19	N 89°49'52" W	30.26'
L20	N 89°49'52" W	30.26'
L21	N 89°49'52" W	30.26'
L22	N 89°49'52" W	30.26'
L23	N 89°49'52" W	30.26'
L24	N 89°49'52" W	30.26'
L25	N 89°49'52" W	30.26'
L26	N 89°49'52" W	30.26'
L27	N 89°49'52" W	30.26'
L28	N 89°49'52" W	30.26'
L29	N 89°49'52" W	30.26'

I, THE UNDERSIGNED,  
HEREBY CERTIFY  
THAT THIS IS AN  
EXACT COPY OF  
THE ORIGINAL PLAT.  
*David Lee Schlosser Jr.*  
DAVID LEE SCHLOSSER JR.  
P.L.S. 72617

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 10, 2014  
DAVID LEE SCHLOSSER JR.  
72617

RENEWS: 06/30/2016



**NORTHSTAR SURVEYING, INC.**  
720 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 541-757-9050

**DECLARATION:**

KNOWN ALL PERSONS BY THESE PRESENTS, THAT MOUNTAIN WEST INVESTMENT CORPORATION, ARE THE RECORDED OWNER OF THE LAND REPRESENTED ON THIS PLAT, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYORS CERTIFICATE, AND HAVE CAUSED SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED INTO LOTS, STREETS AND TRACTS AS SHOWN ON THE ACCOMPANYING MAP AND TO BE DEDICATED "VREELAND ESTATES."

WE HEREBY DEDICATE TO PUBLIC USE FOREVER FOR STREET AND PUBLIC UTILITY PURPOSES THE 54 FOOT-WIDE STRIPS LABELED "BEATRICE AVENUE", "BROOKSIDE AVENUE", "WILT AVENUE", "BARTLEY STREET", AND "36TH AVENUE" TOGETHER WITH A 60 FOOT-WIDE STRIP LABELED " MOUNTAIN VIEW DRIVE."

WE HEREBY CREATE 10 FOOT WIDE EASEMENTS ADJACENT TO STREET RIGHT-OF-WAY AS SHOWN ON LOTS 1 -26 FOR FRANCHISE UTILITY PURPOSES.

WE HEREBY CREATE A 24 FOOT WIDE INGRESS / EGRESS ACCESS AND UTILITY EASEMENT ALONG THE SOUTH LINE OF TRACT "A" AS SHOWN HEREON, WHICH BENEFITS CATHRYN DAVIDOW, HER HEIRS AND ASSIGNS, BEING THE OWNER OF THAT CERTAIN TRACT LYING DIRECTLY WEST OF SAID TRACT "A".

WE HEREBY CREATE A INGRESS AND EGRESS ACCESS EASEMENT FOR GRAND PRAIRIE WATER DISTRICT ALONG THE NORTH LINE OF TRACT "A" HERON AS SHOWN..

CS. **25902**  
**VREELAND ESTATES**

for  
**MOUNTAIN WEST INVESTMENT CORPORATION**

in  
NE 1/4 OF SECTION 16  
T 11 S, R 3 W, W.M.  
CITY OF ALBANY  
LINN COUNTY, OREGON  
DECEMBER 22, 2014

SHEET 3 OF 3

I, THE UNDERSIGNED,  
HEREBY CERTIFY  
THAT THIS IS AN  
EXACT COPY OF  
THE ORIGINAL PLAT.  
*David Lee Schlosser Jr.*  
DAVID LEE SCHLOSSER JR.  
P.L.S. 72617

**NARRATIVE:**

Attachment C.23

THE PURPOSE OF THIS SURVEY IS TO DIVIDE THAT CERTAIN PROPERTY CONVEYED TO MWIC ALBANY, LLC, AN OREGON LIMITED LIABILITY COMPANY PER INSTRUMENT NO. 2014-08158, LINN COUNTY RECORDS, INTO TRACTS, LOTS AND RIGHT-OF-WAYS. SAID PROPERTY IS MORE PARTICULARLY DEPICTED ON C.S. 22012. THIS PLAT IS THE RESULT OF THE CITY OF ALBANY COMMUNITY DEVELOPMENT DEPARTMENT FILE SD-03-14.

THE PARENT BOUNDARY DEPICTED ON THIS PLAT IS BASED UPON THE BOUNDARY RESOLUTION FROM C.S. 22012. I HAVE REVIEWED THE DOCUMENTS AND OTHER SURVEYS REFERRED TO IN THE C.S. 22012 "NARRATIVE" AND CONCUR WITH DECISIONS MADE THEREIN. I FOUND AND CONFIRMED THE POSITIONS OF ALL MONUMENTS THAT I HAVE SHOWN, AND FEEL THAT THEY ACCURATELY FIT THE DEED POSITIONS PER SAID 2012-08158. THE FOLLOWING IS DESCRIBES MY FINDINGS:

THE NORTHWEST CORNER AT [A] WAS ESTABLISHED BY HOLDING 0.28' OFFSET TO MONUMENTS [A] PER CS 25334 AND THE LINE FROM MONUMENT [B], ALONG WITH AN EXTENSION OF THE WEST LINE BETWEEN THE OTHER FOUND MONUMENTS WHICH ALL FIT NICELY ON LINE. THE REST OF THE SOUTHERLY RIGHT-OF-WAY WAS CALCULATED BETWEEN FOUND MONUMENTS AS SHOWN.

THE NORTHEAST CORNER AT [C] WAS ESTABLISHED BY INTERSECTING THE SOUTH RIGHT-OF-WAY OF GRAND PRAIRIE WITH THE FOUND MONUMENTS PER CS 13247 LOCATED ALONG THE WEST RIGHT-OF-WAY FOR INTERSTATE 5.

THE SOUTHEAST CORNER AT [D] WAS ESTABLISHED BY HOLDING THE 5/8" IRON ROD PER 13247.

THE SOUTHWEST CORNER WAS ESTABLISHED BY HOLDING MONUMENTS AS FOUND PER EDGEWOOD ESTATES AND 2.00 FOOT FROM THE WITNESS CORNER AT [E].

THE REMAINDER OF THE LINES WERE BETWEEN THE FOUND MONUMENTS AS STATED ABOVE FROM CS 22012.

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS USED FOR THIS SURVEY IS S 65°55'48" E BETWEEN THE 5/8" IRON ROD MONUMENT S 00°31'26" W 0.30 FEET FROM [A] AND THE 5/8" IRON ROD MONUMENT AT [B] HERON AND AS SHOWN ON CS 22012.

**SURVEY CERTIFICATION:**

I DAVID LEE SCHLOSSER JR., REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY AND DECLARE THAT DURING THE MONTH OF NOVEMBER 2014, I DID ACCURATELY SURVEY, SUBDIVIDE, AND PLAT INTO LOTS, TRACTS, AND RIGHTS-OF-WAY THE LANDS REPRESENTED ON THE ATTACHED MAP OF "VREELAND ESTATES" THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO MWIC ALBANY, LLC, AN OREGON LIABILITY COMPANY, PER DOCUMENT NO. 2014-08158, LINN COUNTY RECORDS, LYING IN THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF ALBANY, LINN COUNTY, OREGON. SAID TRACT BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT A 5/8" IRON ROD WHICH MARKS THE NORTHEAST CORNER OF LOT 3, BLOCK 1 OF EDGEWOOD ESTATES, THENCE NORTH 00°33'28" EAST FOR A DISTANCE OF 10.69 FEET TO THE SOUTH LINE OF THAT PROPERTY DESCRIBED IN DEED VOLUME 420, PAGE 518, THENCE SOUTH 89°38'09" EAST FOR A DISTANCE OF 41.71 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN DEED VOLUME 420, PAGE 518; THENCE NORTH 00°31'26" EAST FOR A DISTANCE OF 805.61 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GRAND PRAIRIE ROAD FROM WHICH A 5/8" IRON ROD LIES SOUTH 00°31'26" WEST 0.30 FEET, THENCE ALONG SAID RIGHT-OF-WAY SOUTH 65°54'43" EAST, 889.21 FEET; THENCE SOUTH 62°59'59" EAST, 404.53 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2951.40 FEET AND AN ARC LENGTH OF 159.59 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 73°07'58" EAST FOR A DISTANCE OF 159.57 FEET, THENCE SOUTH 74°42'05" EAST, 208.52 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 5, THENCE LEAVING SAID GRAND PRAIRIE ROAD SOUTH 00°11'30" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 5, 893.44 FEET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 89°49'52" WEST 1585.25 FEET TO THE NORTHWEST CORNER OF LOT 5, BLOCK 5, SAID EDGEWOOD ESTATES, THENCE NORTH 00°33'28" EAST, 731.69 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF SAID LAND IS DEDICATED TO CITY OF ALBANY BY DEED RECORDED JUNE 17, 1999 IN VOLUME 1042, PAGE 0610, MICROFILM RECORDS.

**APPROVALS:**

Planning Case File No. SD-09-14

*Robert Richardson* 1-20-15  
Community Development Director date  
City of Albany

*Jonathan Stellerstein for Mark Shepard* 1-20-15  
Public Works Director date  
City of Albany

*Steve Rignuit* 1/21/2015  
Chairperson, date  
Linn County Commissioner

*[Signature]* 21 JAN 15  
Linn County Commissioner date

*[Signature]* 1/21/15  
Linn County Commissioner date

*Charles W. Gibbs* 2-06-15  
Linn County Surveyor date

I hereby certify that pursuant to O.R.S. 92.095 all ad valorem taxes, fees and other charges required by law to be placed on the 2014-2015 tax roll, which become a lien or will become a lien during this tax year on this subdivision, but not yet certified to the tax collector for collection have been paid to me this 4th day of February, 2015.

by *[Signature]*  
Linn County Assessor/Tax Collector

State of Oregon )  
County of Linn ) s.s.

I hereby certify that this Subdivision Plat was received and duly recorded by me in the Linn County Record Book of Plats in Volume 24, Page 39, on this 6th day of

February, 2015, at 9:47 o'clock AM. Target Sheet recorded in Reed Records Document No. 2014-1536.

BY: *[Signature]*  
LINN COUNTY CLERK

STATE OF OREGON )  
COUNTY OF LINN ) s.s.

SIGNED AND ATTESTED BEFORE ME ON THIS 19 DAY OF

January, 2015, BY MWIC ALBANY, LLC, AN OREGON LIMITED LIABILITY COMPANY., MANAGER

*[Signature]* SIGNATURE OF NOTARY

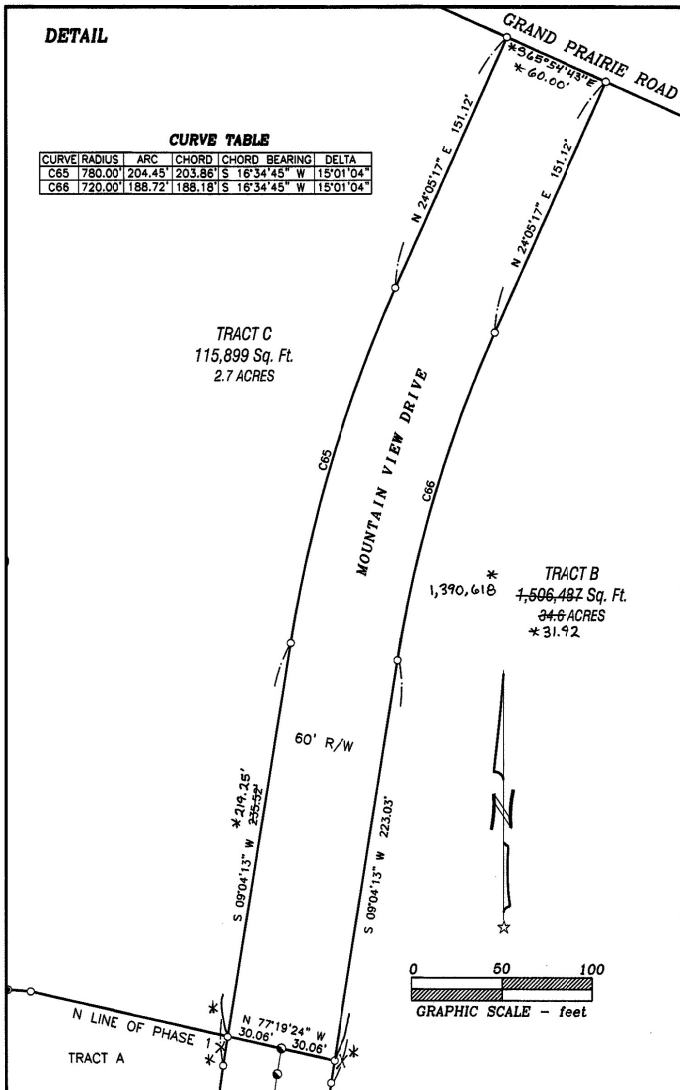
Hillary Banks PRINTED NAME OF NOTARY

NOTARY PUBLIC - STATE OF OREGON  
COMMISSION No. 152239  
MY COMMISSION EXPIRES May 4, 2015

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JUNE 10, 2014  
DAVID LEE SCHLOSSER JR.  
72617

RENEWS: 06/30/2016

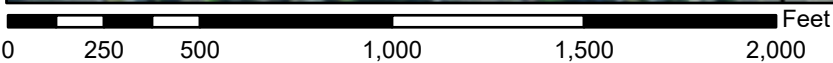
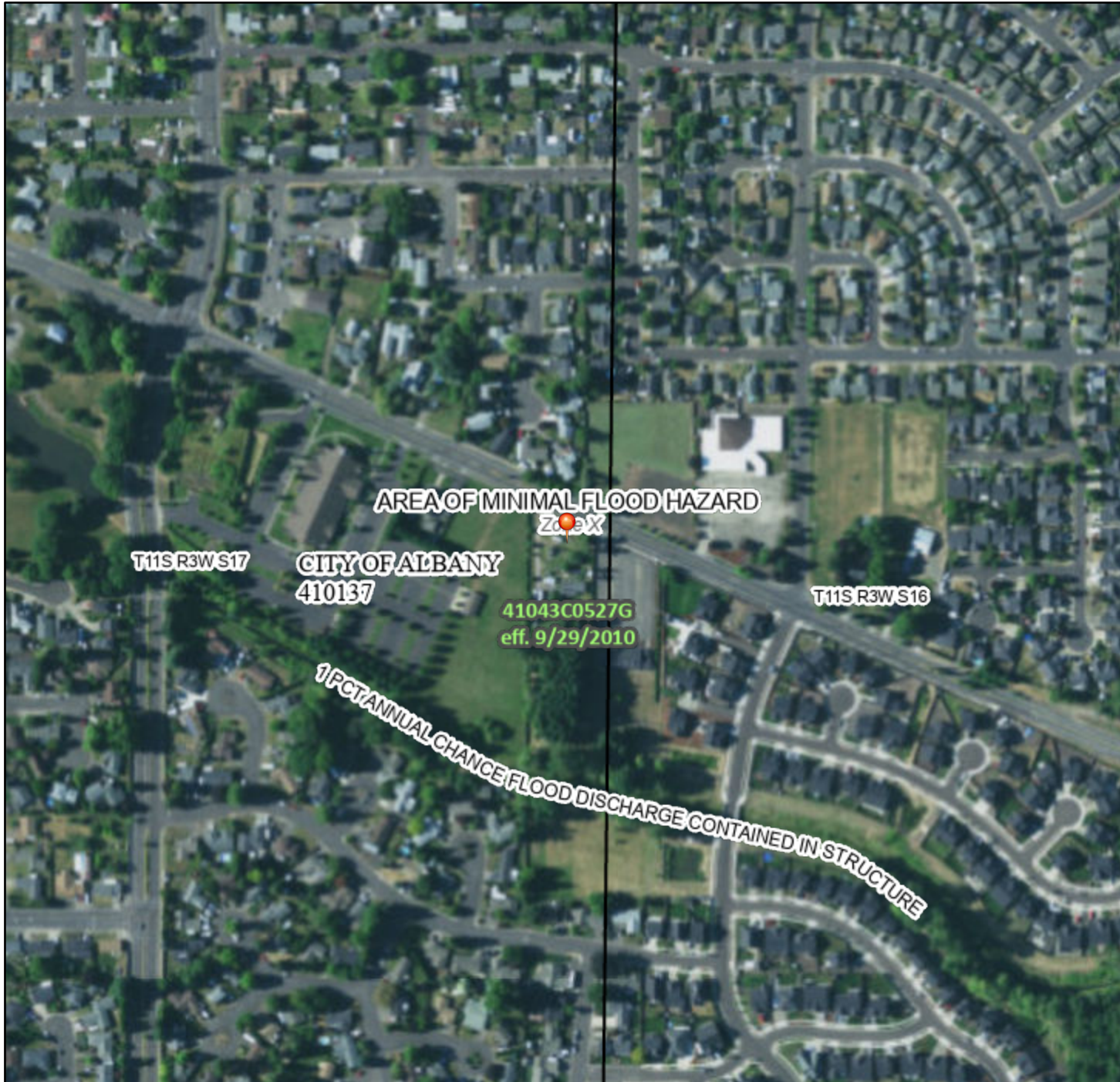


**NORTHSTAR SURVEYING, INC.**  
720 N.W. 4th Street  
Corvallis, Oregon 97330  
Phone: 541-757-9050

# National Flood Hazard Layer FIRMMette



123°4'28"W 44°36'59"N



1:6,000

123°3'51"W 44°36'34"N

Basemap Imagery Source: USGS National Map 2023

## Legend Attachment C.24

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
<b>OTHER AREAS</b>		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone D</i>
<b>GENERAL STRUCTURES</b>		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
<b>OTHER FEATURES</b>		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
<b>MAP PANELS</b>		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/29/2024 at 4:40 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





Albany Planning Department  
333 Broadalbin SW  
Albany, OR 97321

**Subject: TRIP GENERATION MEMO**  
**Land Use Application CP-01-24**  
GREEN Cascades Project No. 2701-23

The Proposed Zone Map with Comprehensive Plan Map Amendment application associated with this project are required to comply with the Oregon Transportation Planning Rule (TPR), OAR 660-012 Planning Goal 12. TPR section 0060 applies only to applications that include a comprehensive plan map or text amendment, a functional plan, a zoning map or zoning code text amendment.

Trip generation is provided to determine if the proposed zone change meets the “significant effect” threshold on an existing or planned transportation facility. Chapter 3.2 of the ODOT Development Review Guidelines reads:

*If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:*

*The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

The Institute of Transportation Engineers (ITE) established trip generation rate for attached single family homes, duplexes and townhomes is 7.20 vehicle trips per day, and 0.57 trips during the p.m. peak hours, per unit and has been used as the basis of this study.

The following table compares ADT and PM peak trips between maximum density at current RS6.5 and proposed RM zones. Both Townhome and Single Dwelling Unit (SDU) developments have been compared. The delta to upzone depicts the change in anticipated traffic between the existing and proposed zoning designations.



**CP-01-24 (Lot 1 - Maximum Trip Generation)**

Townhome Development								
Zone Designation	Area (AC)	Area (SF)	Max Density	Total Possible Units	ITE Average Daily Trips	Total Trips per day	ITE Peak Hour Trips	Total Peak trips per day
RS6.5	2.8	122,083	1,700sf min. lot size	72	7.20	518	0.57	41
RM	2.8	122,083	25 townhomes per AC	70	7.20	504	0.57	40
Delta to upzone RS6.5 to RM:						-14		-1

Single Dwelling Unit Development								
Zone Designation	Area (AC)	Area (SF)	Max Density	Total Possible Units	ITE Average Daily Trips	Total Trips per day	ITE Peak Hour Trips	Total Peak trips per day
RS6.5	2.8	122,083	6,500 sf min lot size (SDU)	19	7.2	137	0.57	11
RM	2.8	122,083	3,500 sf min lot size (SDU)	35	7.2	252	0.57	20
Delta to upzone RS6.5 to RM:						115		9

If the parcel is developed with Townhomes, the proposed zone change represents a potential decrease of 14 average daily trips. If the parcel is developed with Single Dwelling Units, the proposed zone change represents a potential increase of 115 average daily trips.

In both cases the proposed zone change will not increase daily trips by more than 400 and therefore NOT meet the threshold for "significant effect" on an existing or planned transportation facility. No further Transportation Impact Analysis is required.

Michael S. Riccitelli, PE

**GREEN Cascades, LLC**



EXPIRES: 12-31-24

August 5, 2024



Albany Planning Department  
333 Broadalbin SW  
Albany, OR 97321

**Subject: FLOODPLAIN LAND USE APPLICATION**  
**Land Use Application #0001-24**  
GREEN Cascades Project No. 2701-23

The land partition application associated with this project triggers a floodplain study. Although the majority of the site is located within Zone X, outside the 500-year floodplain, the Periwinkle Creek bisecting the site is located within Zone A, base flood elevations determined and contained within the canal. Because the proposed development involves four or more acres, elevation data is required.

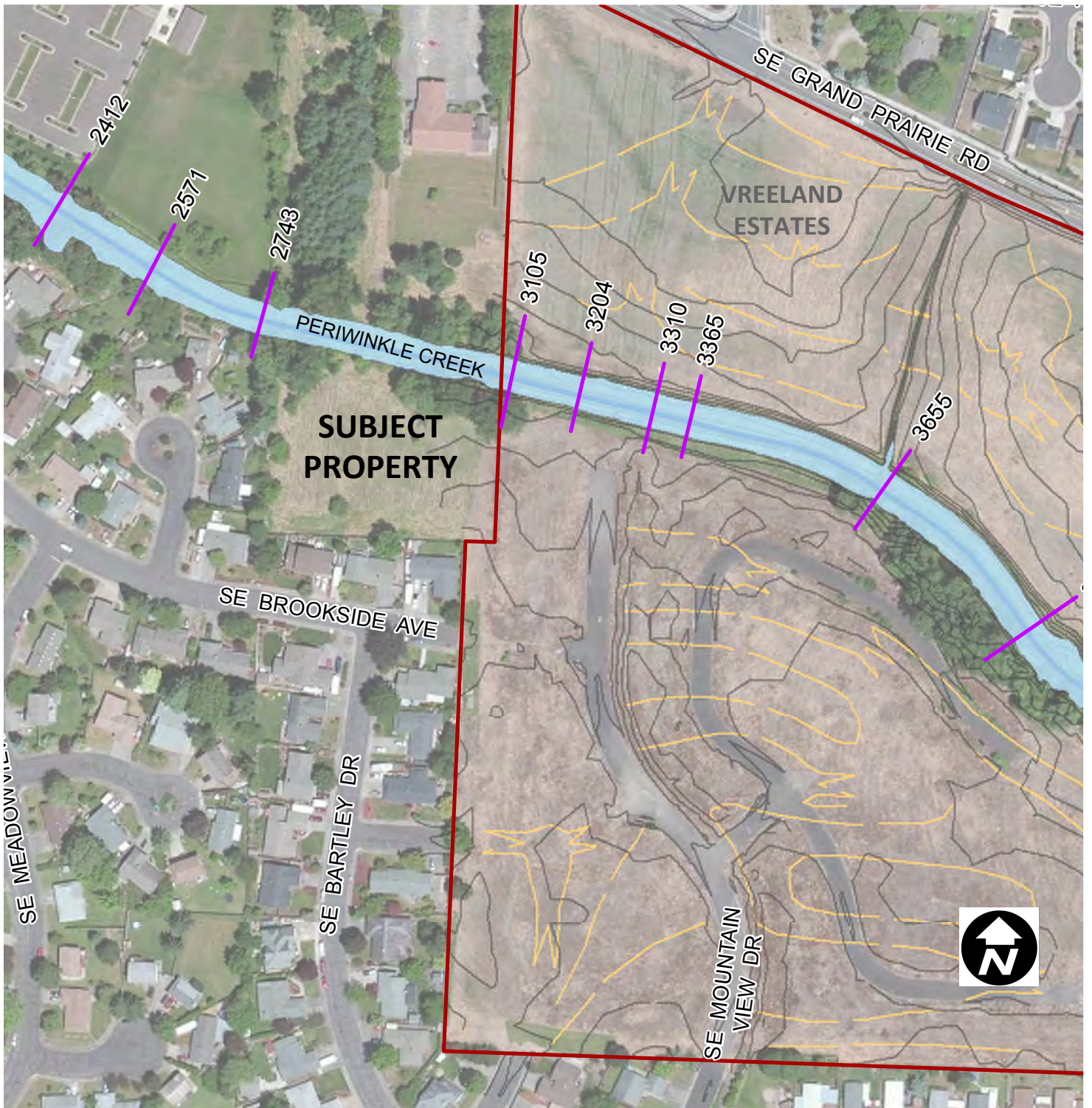
In 2014, a flood study was completed for the adjacent property to the east. I have reviewed this No-rise Certification and Report for the Periwinkle Creek at Mountain View Drive SE as prepared by AMEC Environment & Infrastructure, Inc. The subject property falls within the study area of this report. Based on the findings in the study, it is determined that the 100-year food elevations at the east and west side of the property are 231.83 and 230.93 respectively. These elevations fall within banks of Periwinkle Creek and the 100-ft wide riparian corridor that runs concurrent to the Periwinkle Creek.

Attached exhibits have been provided detailing this data and conclusion.

Michael S. Riccitelli, PE  
**GREEN Cascades, LLC**



EXPIRES: 12-31-2024



Snippet from No-rise report (p/o Figure 4)

# SITE PLAN

NOT TO SCALE

# SECTION MAP

PROJECT:

TL 1300 PARTITION

PREPARED FOR:

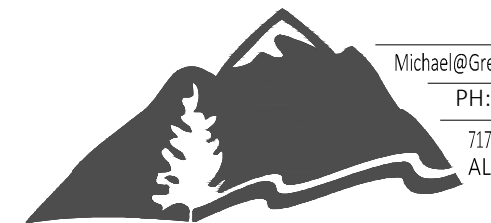
TYLER DAVIDOW

SITUATE IN:

ALBANY, OREGON

SCALE: AS INDICATED

DRAWN BY: M.S.R. PROJECT#: 2701-23 DATE: 08-05-2024



**GREEN Cascades, LLC**  
CIVIL DESIGN & CONSTRUCTION ENGINEERING

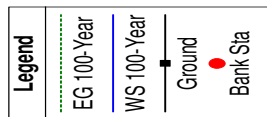
Michael@GreenCascadesOR.com

PH: 541.231.0375

717 CALAPOOIA STREET SW  
ALBANY, OR 97330

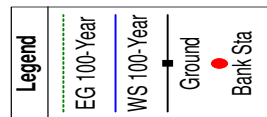
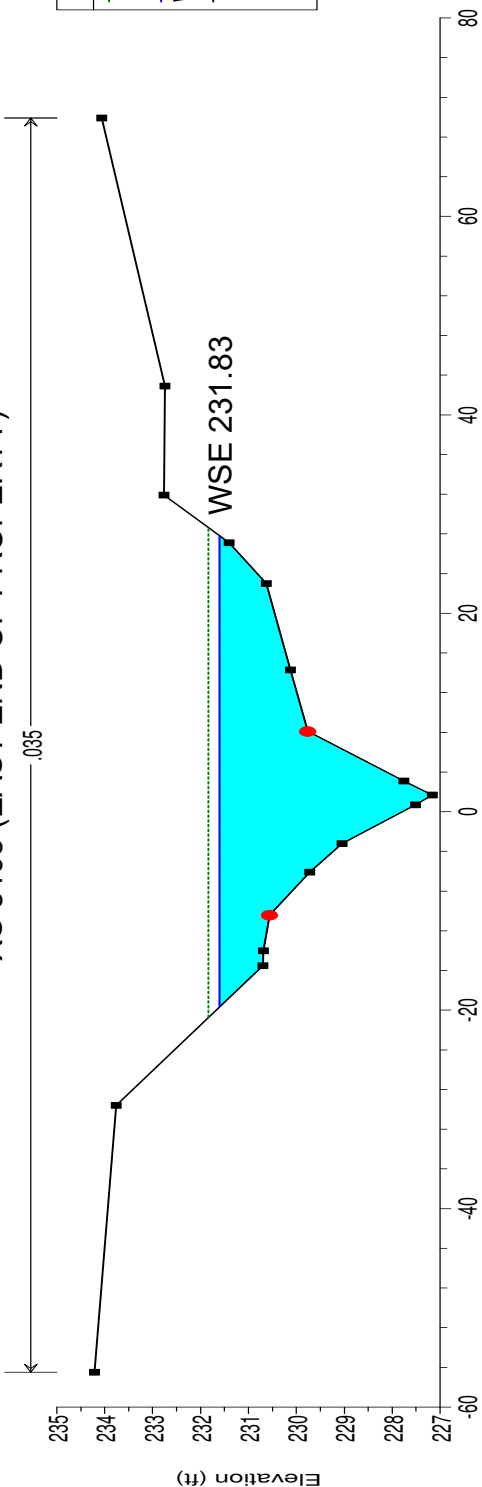
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of  
**30**





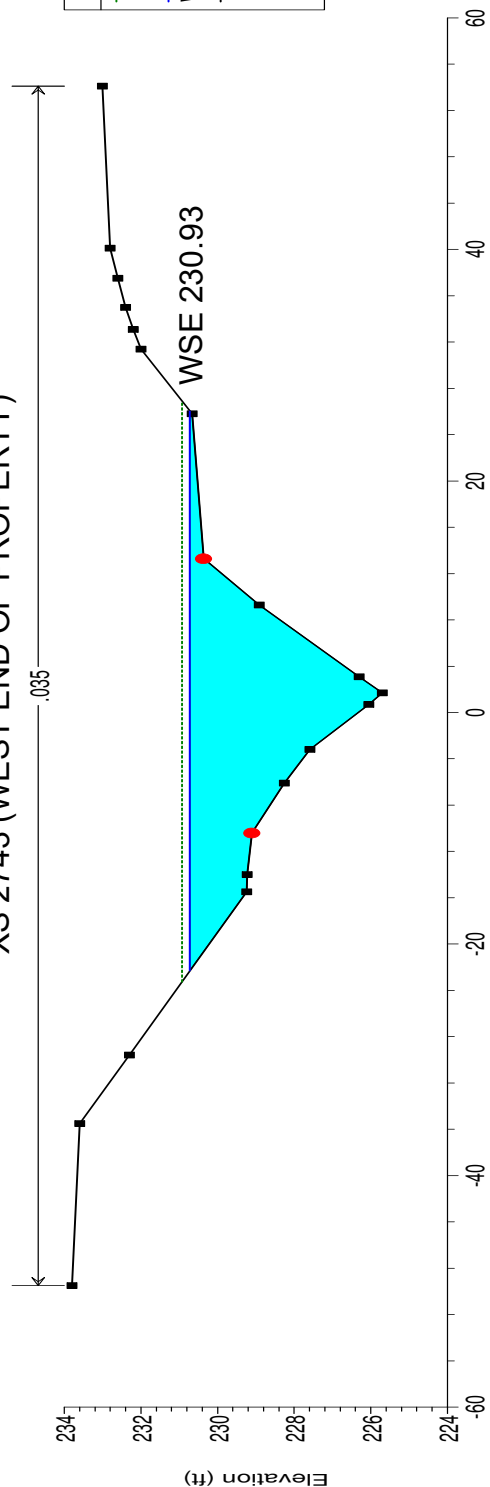
Vreeland Estates BFE / NR Periwinkle Cr Plan: Periwinkle Cr 100-Yr Base 7/8/2014

XS 3105 (EAST END OF PROPERTY)



Vreeland Estates BFE / NR Periwinkle Cr Plan: Periwinkle Cr 100-Yr Base 7/8/2014

XS 2743 (WEST END OF PROPERTY)



# SITE PLAN

NOT TO SCALE

# CROSS SECTIONS

PROJECT:

TL 1300 PARTITION

PREPARED FOR:

TYLER DAVIDOW

SITUATE IN:

ALBANY, OREGON

SCALE: AS INDICATED



Michael@GreenCascadesOR.com

PH: 541.231.0375

717 CALAPOOIA STREET SW  
ALBANY, OR 97330

SHEET #:  
**3**  
of  
**3**  
62



October 14, 2024

To: The Albany City Planning Commission

RE: Your File No. CP-01-24, ZC-01-24, PA-08-24 & NR-02-24

Regarding the hearing set for October 14th, 2024, in the above-referenced case number. Please find attached current photos and concerns relating to this matter.

The state of this property currently owned by Tyler Davidow and Amy Bean has been in a constant state of shambles having trash, household items, abandoned vehicles and homeless people inhabiting the property at various times. Our concern as a homeowner which is adjacent to part of their property is this: Once divided, the entire contents currently on the parcel facing Grand Prairie will then shift to the parcel across Periwinkle Creek, which has an easement for access on Mountain View directly behind our home.

The owners have had numerous citations from code enforcement and to date have still not cleaned up the property. We are concerned this pattern would continue to the rear parcel once divided.

Ed and Janet Giles  
3097 Brookside Ave se  
Albany Or





























MY NAME IS CURTIS PITT, AND I AM HERE TO EXPRESS MY STRONG OPPOSITION TO CP-01-24; ZC-01-24; PA-08-24; NR-02-24, THE PROPOSED REZONING OF THE PROPERTY LOCATED AT 3016 GRAND PRAIRIE RD SE, ALBANY, OREGON. I BELIEVE THE REZONING OF THE PROPERTY IN QUESTION DOES NOT COMPLY WITH THE CITY OF ALBANY COMPREHENSIVE PLAN FOR THE AREA. I ALSO THINK IT WOULD BE DETRIMENTAL TO THE AREA. I HAVE SPOKEN WITH SEVERAL RESIDENTS IN THE AREA, AND THEY ARE ALL COMPLETELY OPPOSED TO THE REZONING OF THE PROPERTY IN QUESTION.

THE DIVIDING AND REZONING OF THE PROPERTY IN QUESTION TO MEDIUM DENSITY RESIDENTIAL AND RESIDENTIAL MEDIUM WILL CREATE TRAFFIC AND SAFETY PROBLEMS, CREATE EVEN MORE PROBLEMS WITH SCHOOLS THAT ARE OVER CAPACITY, DESTROY LOCAL WILDLIFE AND THEIR HABITAT, AND POTENTIALLY LOWER THE PROPERTY VALUES OF THE EXISTING COMMUNITY.

THE AMOUNT OF INCREASED TRAFFIC ON MOUNTAIN VIEW DRIVE AND GRAND PRAIRIE ROAD WOULD CAUSE A MAJOR SAFETY CONCERN TO THE CHILDREN AND PEDESTRIANS IN THE AREA. THE EXISTING COMMUNITY IS VERY ACTIVE WITH CHILDREN PLAYING AND ADULTS OUT WALKING. RECENTLY THERE WAS A NEW APARTMENT COMPLEX BUILT ON THE CORNER OF GRAND PRAIRIE ROAD AND WAVERLY DR SE. I HAVE SPOKEN WITH SEVERAL PEOPLE, AND THEY HAVE WITNESSED AN INCREASE IN VEHICLE TRAFFIC IN THE AREA.

THE TRAFFIC SURGE DURING MORNING RUSH HOURS WILL ALSO NEGATIVELY IMPACT SAFETY FOR CHILDREN, SINCE STUDENTS WALK TO SCHOOL IN THE MORNINGS. IN GENERAL, THE AREA TRAFFIC IS CONTINUING TO INCREASE, AND HEAVY TRAFFIC IS ALREADY COMMON AT TIMES IN THE AREA OF MOUNTAIN VIEW DRIVE, GRAND PRAIRIE ROAD, AND WAVERLY DRIVE. THIS MAY NOT HAVE BEEN ANTICIPATED DURING THE LAST REZONING APPROVAL FOR THE APARTMENT COMPLEX BUILT AT THE CORNER OF WAVERLY DRIVE AND GRAND PRAIRIE ROAD.

SCHOOLS IN THE AREA ARE ALREADY REPORTED AT OVERCAPACITY, AND THE COUNCIL SHOULD NOT APPROVE THE REZONING TO MEDIUM DENSITY RESIDENTIAL AND RESIDENTIAL MEDIUM DENSITY. MULTI-FAMILY DWELLINGS THAT CREATE OR EXACERBATES A SITUATION THAT WILL CAUSE SCHOOL OVERCAPACITY SHOULD NOT BE APPROVED.

WILDLIFE HAS BEEN OBSERVED IN THE AREA, AND DEVELOPMENT WILL DESTROY THEIR HABITAT. I HAVE PERSONALLY WITNESSED A FAMILY OF GRAY FOXES THAT ARE IN THE AREA. I HAVE ALSO WITNESSED BALD EAGLES USING THE TREES DURING THE MATING SEASON. THERE ARE

ALSO DUCKS AND GEESE THAT USE PERIWINKLE CREEK ON A REGULAR BASIS. DEVELOPMENT OF THE PROPERTY WOULD PUSH ALL THE WILDLIFE OUT OF THEIR CURRENT HABITAT.

PROPERTY VALUES ARE LIKELY TO GO DOWN IN THE AREA IF MULTI-FAMILY APARTMENTS, TRIPLEXES, DUPLEXES, OR CONDOMINIUMS ARE BUILT. MULTI FAMILY DWELLINGS ARE INCONSISTENT WITH THE NEIGHBORHOODS DEVELOPED IN THE AREA. THIS IS ALSO NOT IN LINE WITH THE CITY OF ALBANY COMPREHENSIVE PLAN.

THE COMPREHENSIVE PLAN STATES THAT THERE NEEDS TO BE A DEMONSTRATION OF NEED FOR THE PROPOSED ZONING CHANGE. PER THE CITY OF ALBANY COMPREHENSIVE PLAN THERE IS ENOUGH MEDIUM DENSITY LAND IN THE URBAN GROWTH BOUNDARY OUTSIDE OF THE CITY LIMITS, AND IN THE VILLAGE CENTER TO ACCOMMODATE ALL RESIDENTIAL MEDIUM HOUSING NEEDS THROUGH 2040 PER THE PORTLAND STATE UNIVERSITY STUDY. THERE HAS BEEN NO DEMONSTRATION OF HOW THIS ZONING CHANGE WILL BEST MEET THE PUBLIC NEEDS VERSUS OTHER ALTERNATIVES. I BELIEVE THE REZONING WOULD ONLY BE DETRIMENTAL TO THE CURRENT HOMEOWNERS IN THE AREA.

WHEN WE PURCHASED OUR HOME IN 2020 WE DID OUR DUE DILIGENCE AND FOUND THAT ALL THE SURROUNDING PROPERTIES WERE DESIGNATED AS LOW DENSITY RESIDENTIAL. WE PURCHASED OUR HOME KNOWING THAT ONLY SINGLE-FAMILY DETACHED HOMES COULD BE DEVELOPED IN THE AREA. THE COMPREHENSIVE PLAN STATES THAT IT REMAINS RESPONSIVE TO THE COMMUNITY NEEDS. I URGE THE PLANNING COMMISSION AND THE CITY COUNCIL TO PROTECT THE CURRENT COMMUNITY, AND THE CURRENT COMPREHENSIVE PLAN. THE PROPOSED CHANGE WOULD BENEFIT ONE LANDOWNER AND BE DETRIMENTAL TO MULTIPLE HOMEOWNERS IN THE AREA THAT PURCHASED THEIR HOMES KNOWING THAT THE AREA WAS ZONED ONLY FOR LOW DENSITY RESIDENTIAL.

I URGE YOU TO DENY THE COMPREHENSIVE PLAN MAP AMENDMENT; THE ZONING MAP AMENDMENT; PARTITION AND NATURAL RESOURCE REVIEW IMPACT REQUEST. I KNOW MY OPINIONS ARE SHARED BY MANY WHO HAVE NOT MANAGED TO ATTEND MEETINGS OR WRITE LETTERS AND EMAILS.

THANK YOU FOR YOUR CONTINUED SERVICE AND SUPPORT OF OUR COMMUNITIES.