



PLANNING COMMISSION AGENDA

**Monday, June 3, 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
 - May 13, 2024 [Pages 3-6]
4. Business from the public:

Persons wanting to provide comments may:

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

5. Public Hearing: Planning File AN-02-23 & ZC-05-23, Annexation of two "island" parcels of land with concurrent zone map amendments – Type IV-Q, Quasi-Judicial and Type IV-L, Legislative Process [Pages 7-23]

Summary: Annexations with concurrent Zoning Map Amendments - Project Planner David Martineau

6. Public Hearing: Planning File SD-03-23 & VR-03-24, Applicant Appeal of a Type I-L Staff Decision concerning a 113-lot Residential Subdivision and a Minor Variance to the Block Length Standard [Pages 25-93]

Summary: The applicant is appealing the wording of the conditions of approval and proposes their own conditions – Project Planner Alyssa Schrems

7. Business from the commission

albanyoregon.gov



8. Staff updates
9. Next Meeting Date: June 17, 2024
10. 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 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, May 13, 2024
Council Chambers – 5:15 p.m.
Approved: DRAFT

Call to Order

5:15 p.m.

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

Pledge of Allegiance

Roll Call

Commissioners Present: JoAnn Miller, Ron Green, Karen Cardosa, Stacey Bartholomew, Ted Bunch Jr, Bill Ryals, Skylar Bailey

Commissioners Absent: Circe Verba (excused), Kenny Larson

Election of 2024 Chair and Vice-chair Positions

5:16 p.m.

Chair Miller opened the floor for nominations for the position of Chair.

Nominations

Commissioner Cardosa nominated JoAnn Miller. Commissioner Ryals seconded the nomination. Commissioner Miller accepted the nomination. Commissioner Miller called for a vote. All commissioners voted unanimously 7-0 to re-elect Commissioner Miller as Chair.

The Chair called for nominations for Vice-chair. Commissioner Cardosa nominated Commissioner Bartholomew for Vice-chair. Commissioner Ryals seconded the nomination. Commissioner Bartholomew accepted the nomination. A vote was called and was unanimous 7-0 electing Commissioner Stacey Bartholomew, Vice-chair.

Approval of the Minutes

5:18 p.m.

Motion: Commissioner Ryals moved to approve the minutes from the December 18, 2023, meeting as presented. Commissioner Bartholomew seconded the motion, which passed 7-0.

Business from the Public

5:19 p.m.

Current Planning Manager, David Martineau, prefaced the public business by emphasizing that the Commission's scheduled business for the evening was to conduct two public hearings regarding amendments to the Albany Development Code (ADC). He wanted to recognize that there were many people in attendance that wanted to talk about the 80-unit townhouse project off of Gibson Hill in North Albany and addressing the public he advised them that this meeting wasn't the proper venue to respond as the Commission has no jurisdiction over the project. He shared that there is an informational meeting on Wednesday, May 15 from 6:30 to 8:00 p.m. at the Riverfront Community Center to learn about Middle Housing and take questions.

Terry Hoffer asked about the procedure for filing an appeal on the housing project.

Lorraine Johnson shared her concerns regarding the housing project and flooding potential and noted the short timeframe for public appeal.

Trevor Lee voiced his opinion on the Riverwood Crossing Subdivision.

Brad Dennis shared that a group of North Albany residents and their State Representative met regarding HB 2001. The group's concern is that the city infrastructure is not adequate for the increased traffic from the new middle housing project. He provided printed comments* submitted from their Facebook group.

Audrey Eldridge commented that the needs of low and middle-income households won't truly be met by the proposed housing and there is no public transportation or services in walking distance.

Emily May asked about the role of the Commission in Albany's planning. Anne Catlin, Comprehensive Planning Manager, explained that this middle housing project was mandated by the State Legislature and reviewed the public input process. The Commission's function is to review certain land use decisions, which does not middle housing, and makes recommendations to the City Council on changes to the land use code and plans. Commissioner Green read the official description of the Commission's role and responsibility.

The Chair again referred those who had concerns for the housing project to the informational meeting set for May 15, 2024, as the Commission has no authority to make decisions on that matter.

The Chair called the Public Hearing to Order

5:46 p.m.

Public Hearing: Planning File No. DC-03-24 Various Amendments to the Albany Development Code – Type IV-L Legislative Process

David Martineau read the hearing procedures.

Staff Report

Project Planner, Liz Olmstead summarized that the updates to the ADC were to comply with changes in state law and minor clarifications, and revisions of various articles. She then proceeded to describe the specific Articles and amendments.

Olmstead then reviewed the ADC criteria for proposed amendments.

Staff Recommendation:

5:48 p.m.

That the Planning Commission recommends the City Council approve the proposed text amendments, as modified, in Ordinance Exhibit A, for file DC-03-24 as amended.

Anne Catlin reported on some additional proposed modifications to the recommendation based upon technical issues and comments received too late to include in the packet. She noted that all suggestions provided are reflected in the changes or staff were unable to change.

Commissioner Cardoso asked about the definition for Single Room Occupancy (SRO). Catlin responded that the new State Law has a specific definition for SRO (Article 22) that the SRO development units must have at least four attached units in the same building with shared kitchen and bathroom facilities and separate lockable private spaces. There were further clarifying questions regarding minimum lot and unit sizes.

Public Testimony

Scott Lepman testified briefly on the code amendment changes. He had a concern regarding the cover of refuse areas as the containers are already covered. The land use planners he uses suggested he asked for a continuance for further review.

Commissioner Ryals responded to Lepman's request for a continuance. Catlin clarified that for Quasi-Judicial hearings you must allow a continuance of a hearing if requested, but it is not a requirement for Legislative Hearings.

Staff Response

Catlin responded to Mr. Lepman's concerns, and that there still is an opportunity for the public to review these documents as the Council meeting on June 12, 2024.

Procedural Questions

Commissioners Bartholomew and Ryals reiterated that the City Council hearing is over a month from now providing ample time for further review and didn't believe there was a need for a formal continuance. They trust that the staff is willing to consider any comments received prior to the Council meeting.

Chair Miller closed the Public Hearing at 6:21 p.m.

Motion: Commissioner Cardoso moved to recommend that the City Council approve the amendment requests as presented in the staff report for Planning File no. DC-03-24 with the following modifications: Amend Table 3.050-1, not combining middle housing types, and remove the tenancy requirement for

emergency shelters or short-term housing in Section 22.190, and remove the redundancy in Sections 1.105, 2.490(5) and 11.300(b). This motion is based on the findings and conclusions in the May 6, 2024, staff report and findings in support of the application made by the Planning Commission during deliberations on this matter. Commission Ryals seconded the Motion, which passed 7-0.

Public Hearing: Planning File DC-02-24 Updates to Article 6 of the ADC as it pertains to floodplain requirements, definitions and standards – Type IV-L Legislative Process

The Chair called the Public Hearing to order at 6:35 p.m.

Current Planning Manager David Martineau read the hearing procedures.

Staff Report

Project Planner, Jennifer Cepello, summarized the floodplain development code amendments. The City of Albany has been a National Flood Insurance Program (NFIP) community. Albany's rivers and creeks all contain the potential for flood hazards and the city's participation in the NFIP programs with higher CRS regulations provides Albany's citizens with discounts on flood insurance. A recent audit found Albany's ordinance does not meet the State's minimum standards. The proposed amendments will update the floodplain ordinance to align with the FEMA approved Oregon's Model Floodplain Ordinance to meet the NFIP's minimum requirements for development in the floodplain. Staff also included some additional clarifying language. ADC criteria were met with these amendments, and they are consistent with applicable development code.

Commissioner Cardosa asked for clarification on a change requiring three elevation certificates as opposed to two, which Cepello addressed.

Public Testimony

6:32 p.m.

Scott Lepman testified to his concern about the amendments as he has two properties in the floodplain. He is concerned about the effect of these code changes on his properties. He understands the state may mandate these changes but there hasn't been an opportunity for review, and he is requesting a continuance to better understand the changes.

Staff Response

6:37 p.m.

Cepello addressed concerns stating that the interpretation portion comes straight out of the required code amendments from the state. We are not allowed to deviate from that language.

Commissioner Ryals asked about the public request for continuance. He asked what the method is to accept additional comments from the public. Cepello assured him that they are open to receiving comments at any time prior to the city council hearing.

Commissioner Bailey asked if there was any reason behind expediting this recommendation. Cepello shared that the delay would affect the CRS rating because currently the city is behind in our compliance so we would lose our ranking for discounted flood insurance rates. We are doing this to comply with State Requirements and to continue our community ranking.

Procedural Questions

Commissioners wanted clarification about continuance requests of Legislative hearings. Martineau clarified that any additional information can be provided to staff for consideration to the City Council along with the Planning Commission recommendation. Commissioner Ryals agreed that there is adequate time to communicate any concerns to staff prior to the Council meeting on June 12, 2024, and he doesn't consider the public would be at a disadvantage if the continuance is denied.

The Chair called the Public Hearing closed at 6:50 p.m.

Motion: Commissioner Cardosa moved to recommend that the City Council approve the amendment requests as presented in the staff report for planning file no. DC-02-24. This motion is based on the findings and conclusions in the May 6, 2024, staff report and findings in support of the application made by the

Planning Commission during deliberations on this matter. Commissioner Bartholomew seconded the Motion, which passed 7-0.

Staff Updates

6:52 p.m.

Catlin noted there will be an informational meeting on middle housing Wednesday, May 15, from 6:30 to 8:00 p.m. at the Riverfront Community Center and provided a handout about middle housing. Details can be found on the city webpage.

Martineau shared some details regarding the public concerns about the North Albany development. One of the concerns the Commission could take a role in is addressing off-street parking and how wide driveways can be.

Commissioner Green believed that the City should be more proactive in creating a future vision for Albany development rather than reacting to state requirements as they come about.

Catlin agreed that the current housing inventory in the city is approximately 70 percent single detached housing units and the rest is apartments; not much variety in type and size. The City is trying to incentivize smaller square footage to accommodate people downsizing or first-time home buyers. Middle housing may provide some more housing choices. The Housing Needs Analysis indicates that the housing demand is not being met. Middle housing is one way to provide more housing choices but not necessarily low- or moderate- income affordable housing.

Next meeting Date:

June 3, 2024, at 5:15 p.m.

Adjournment

Hearing no further business, Chair Miller adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Reviewed by,

Susan Muniz
Recorder

David Martineau
Planner

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



COMMUNITY DEVELOPMENT

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

Staff Report

Annexation with Zoning Map Amendment

AN-02-23 and ZC-05-23

May 24, 2024

Hearing Information

Review Body: **Planning Commission**

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

Hearing Locations: This hearing will be conducted at the Albany City Council Chambers

Virtual: At 5:15 p.m., join the meeting using the link below:

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

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

In-Person: Appear in person at the meeting and register to speak using the sign-up sheet.

Review Body: **City Council**

Hearing Date and Time: **Wednesday, June 26, 2024, at 6:00 p.m.**

Hearing Location: This hearing will be conducted at the Albany City Council Chambers

Virtual: To comment/testify, please email 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>

In-Person: Appear in person at the meeting and register to speak using the sign-up sheet.

Summary

Annexation into the city is typically initiated voluntarily by the property owner who is seeking city service or desires to develop their property to urban standards. However, sometimes urban development surrounds a property that has not yet been annexed, creating “islands”, and cities must consider the appropriate time to bring those properties into the city limits.

On July 24, 2023, the Albany City Council received a report from staff about several “islands” of Albany properties that could be considered for annexation. After discussion, the council directed staff to proceed with voluntary annexation of these properties, that is to say, only those property owners of an “island” who are interested in annexation would be annexed. Following public outreach and an open house, two property owners consented to annexation if it was initiated by the City.

The first parcel is addressed 215 Expo Parkway NE, and the second parcel is 132 Clover Ridge Road (see Attachment A). The annexation applications are accompanied by a request for assigning City zoning designation(s) to said parcels. The applicant is the City of Albany, and the property owners are Knox Butte

RV Park LLC (215 Expo Parkway NE), and Juan and Fidelina Plascencia (132 Clover Ridge Road NE) concurrent with Zone Map Amendments from Linn County's UGA-UGM-20 zoning designation to City of Albany's Residential Medium Density (RM) and Mixed-Use Residential (MUR) zoning designations, upon annexation. The Comprehensive Plan map designations of the subject properties are Medium Density Residential (MDR), and Neighborhood Village (NV). According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed zoning designations are consistent with the Comprehensive Plan designation of the sites.

The subject properties are eligible for annexation as they are contiguous to the City limits, located within the Albany Urban Growth Boundary (UGB), and can be or are served by public services.

With the annexation, the subject properties will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will be published prior to the City Council public hearing, in accordance with Oregon Revised Statutes (ORS) 222.524.

The criteria for annexation are found in ADC 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in the staff report and must be satisfied to grant approval for this application.

As shown in this report, the proposal satisfies all applicable review criteria; therefore, the staff recommendation for the proposal is to grant APPROVAL with CONDITIONS.

Application Information

Proposal:	Annexation of two "island" parcels of land that are outside the city limits along with adjacent right-of-way together with concurrent Zone Map Amendments.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	David Martineau, Project Planner
Applicant:	City of Albany; 333 Broadalbin Street SW; Albany, OR 97321
Addresses/Locations:	1) Knox Butte RV Park LLC; 215 Expo Parkway NE; Albany, OR 97322 2) Juan and Fidelina Plascencia; 132 Clover Ridge Road NE; Albany, OR 97322
Map/Tax Lot:	1) Linn County Assessor's Map No. 11S-03W-04AC; Tax Lot 701 2) Linn County Assessor's Map No. 11S-03W 04AC; Tax Lot 2100
Zoning:	1) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20) 2) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan Map:	1) Medium Density Residential 2) Neighborhood Village
Acres:	1) 2.84 acres 2) 0.21 acres
Existing Land Use:	1) RV Park 2) Single dwelling residence

Review Process and Appeals

The proposal for annexation concurrent with zoning map amendment is processed through a Type IV quasi-judicial land use review process. The planning commission will hold a public hearing to consider proposed

amendments and will make a recommendation to the city council. The city council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the city council will deliberate and make a final decision.

Within five days of the city council's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. The city council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the notice of decision is mailed [ADC 1.250(8) and (9)].

Public Notice

Public notice was provided in accordance with Type IV legislative and quasi-judicial procedures. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on April 5, 2024, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and ADC 1.250(4) and 1.260(2).

Public notices were mailed to 28 property owners within 300 feet of each of the subject properties being annexed on May 13, 2024, in accordance with ADC 1.250(3) and ADC 1.260(2). Public notices were posted on each of the subject properties on May 24, 2024, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on May 18, 2024, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexation with concurrent zoning map amendment was posted on the City's website on May 24, 2024, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had received no written comments regarding the proposed project.

Analysis of Development Code Criteria

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

Annexation (ADC 2.110)

The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

Criteria 1

Eligibility Criteria: *The City shall determine that property is eligible for annexation based on the following criteria:*

- (a) ***The property is contiguous to the existing city limits; and***
- (b) ***The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.***

Findings of Fact

- 1.1 The proposed annexations consist of two properties, and a section of right-of-way along Clover Ridge Road.
- 1.2 The subject properties are each contiguous to the current city limits or are contiguous when the adjoining right-of-way is also annexed.
- 1.3 The subject properties are located within the Albany Urban Growth Boundary (Attachment A).

Conclusions

- 1.1 The subject properties are contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject properties are eligible for annexation and these criteria are satisfied.

Criteria 2

Infrastructure Criteria: *The City shall determine that it is timely to annex property based on the following criterion:*

- (a) *An adequate level of urban services and infrastructure is available or will be made available in a timely manner.*
- (b) *As used in this section:*
 - i. *“Adequate level” means conforms to adopted plans and ordinances.*
 - ii. *“Urban services” means police, fire, and other City-provided services.*
 - iii. *“Infrastructure” means sanitary sewer, water, storm drainage, and streets.*
 - iv. *“Be made available in a timely manner” means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.*

Findings of Fact

- 2.1 Fire: Adequate public water for fire protection is currently available for these areas. The Albany Fire Department currently provides fire protection to both properties and right-of-way. With the annexation, the subject properties will be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD).
- 2.2 Police: Police service to these properties would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show that both properties have eight-inch sewer mains adjacent to the properties. The sewer mains are deep enough to serve the properties in the future.
- 2.4 Water: City utility maps show that water is adjacent to both properties. The property at 132 Clover Ridge Road NE can be served by the 12-inch water main, and the property at 215 Expo Parkway NE can be served from an 8-inch main from Expo Parkway.
- 2.5 Storm Drainage: Storm drainage facilities are available to serve both properties.
- 2.6 Transportation Infrastructure: Both properties are developed and connected to the public street system.
- 2.7 Clover Ridge Road is classified as a minor collector street in Albany’s Transportation System Plan and is constructed to city standards. Improvements include curb and gutter; sidewalk along the frontage of the development; a vehicle travel lane in each direction; and bike lanes.
- 2.8 Expo Parkway is classified as a major collector street in Albany’s TSP and is partially improved to City standards with curb and gutter and sidewalks on the east side of the street, a travel lane in each direction, and storm drainage improvements.
- 2.9 The TSP shows Expo Parkway, a major collector street, being extended across the western portion of this annexation area. The extension is listed as project L17 in the TSP.
- 2.10 The majority of the required Expo Parkway right-of-way dedication will come from the western parcel (Tax Lot 702) which contains an existing residence. The applicant is prepared to dedicate 30 feet of right-of-way for the future extension of Expo Parkway to the north (see Attachment E). If the annexation is successful, the dedication will be recorded.

Conclusions

- 2.1 Police and Fire services are currently available to serve the properties proposed for annexation.
- 2.2 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject properties.

- 2.3 The areas proposed for annexation adjoin improved streets.
- 2.4 The transportation system already supports the existing development in each area.
- 2.5 A 30-foot right-of-way dedication will be required to the west of the parcel at 215 Expo Parkway NE in order to provide sufficient right-of-way for the future extension of Expo Parkway.
- 2.6 This criterion is satisfied with the following condition.

Condition

- Condition 1 The applicant for the annexation at 215 Expo Parkway NE shall dedicate right-of-way in the amount of 30 feet along the west side of the lot for future expansion of Expo Parkway upon approval of the annexation.

Criteria 3

Planning Criteria: *The City shall determine that adequate planning has occurred based on the following criterion:*

Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.

Findings of Fact

- 3.1 Public infrastructure facility plans in this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.2 The proposed annexations consist of two properties. The right-of-way adjacent to the property at 132 Clover Ridge Road will also be annexed.
- 3.3 The Comprehensive Plan map designations of the subject properties are Medium Density Residential for the property at 215 Expo Parkway NE, and Neighborhood Village for the property at 132 Clover Ridge Road NE. The request includes the application of the City's zoning designation of Residential Medium Density (RM), and Mixed-Use Residential (MUR) which is consistent with the respective plan map designations.
- 3.4 Public facilities required to serve future development on the subject properties are available at or near each site.
- 3.5 As discussed under Criterion 2 (above), an adequate level of urban services and infrastructure are available to serve the subject properties; those findings are included here by reference.

Conclusions

- 3.1 As discussed under Criterion 2, an adequate level of urban services and infrastructure are available to serve the subject properties.
- 3.2 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering these areas.

Criteria 4

Reasonableness: *The city council shall determine that the proposed annexation is reasonable.*

Findings of Fact

- 4.1 The subject properties about the existing city limits, and the properties proposed for annexation lie within the UGB. Because the property proposed for annexation is within the UGB, the area is intended to be served by City services.
- 4.2 An adequate level of urban services and infrastructure is currently available to serve the properties proposed for annexation.

- 4.3 The owners of both properties submitted Consent for Annexation Forms whereby they acknowledge that the annexation may have property tax implications, that it's a voluntary act on behalf of the owners, and that city zoning designations will be applied to the properties.
- 4.4 The proposed annexations and zoning designations are consistent with the Comprehensive Plan.

Conclusions

- 4.1 The proposed annexation is reasonable because the property abuts the city limits, it is located within the UGB, it can be served by City services and infrastructure, and it is consistent with the Comprehensive Plan.
- 4.2 This criterion is satisfied.

Zoning Map Amendments (ADC 2.740)

Zoning Map amendments will be approved if the council finds that the applicant has shown that all of the following criteria are met.

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 proposed annexations consist of two properties. The parcels are identified on Linn County Assessor's Map No. 11S03W04AC Tax Lots 701 and 2100 (Attachment C).
- 1.2 The subject properties are zoned Linn County's Urban Growth Area – Urban Growth Management UGA-UGM-20.
- 1.3 The proposal is for a zoning map amendment from Linn County's zoning to the Albany's Residential Medium Density (RM) district for the property at 215 Expo Parkway NE and the Mixed-Use Residential (MUR) zone for 132 Clover Ridge Road NE zone upon annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The Comprehensive Plan Map designation for the properties is Medium Density Residential and Neighborhood Village respectively.
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC Table 2.760-1, the RM zoning district is consistent with the Medium Density Residential Comprehensive Plan Map designation. Likewise, the MUR zone is consistent with the Neighborhood Village Comprehensive Plan Map designation.

Conclusion

- 1.1 The proposed RM and MUR zones are consistent with the Comprehensive Plan Map Designations and the long-range land use designations that are planned for the subject property.
- 1.2 This criterion is satisfied.

Criterion 2

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

Findings of Fact

- 2.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support further development of the properties under the proposed RM and MUR zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RM and MUR zoning districts.
- 2.2 This criterion is satisfied.

Criterion 3

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

Findings of Fact

- 3.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 3.2 Public services and infrastructure are available to accommodate potential development of the sites, as permitted under the proposed RM and MUR zoning districts.
- 3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.
- 3.4 The proposed zoning of property to RM zoning would allow for multiple dwellings at a density of up to 25 units per acre among a range of other permitted uses. The proposed MUR zoning of the property at 132 Clover Ridge Road would permit residential dwelling units at a range of densities. The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time this staff report was published. Any new residential development on the sites may be obligated to pay school system development charges to support the school system infrastructure and services.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed RM and MUR zoning districts.
- 3.2 This criterion is satisfied.

Criterion 4

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

Findings of Fact

- 4.1 The current zone of the subject properties is Linn County's UGA-UGM-20, and the proposed zoning for the properties is Albany's RM and MUR zoning districts.
- 4.2 According to ADC 3.020(5), the RM zoning district is "*primarily intended for medium-density residential urban development. Multi-family and townhouse development may not exceed 25 units per gross acre.*" The intent and purpose of the RM zone is consistent with Medium Density Residential (MDR) Comprehensive Plan Map Designation.
- 4.4 According to ADC 5.030(4), the MUR zoning district is "*intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents.*" The intent and purpose of the MUR zone is consistent with Neighborhood Village (NV) Comprehensive Plan Map Designation.
- 4.5 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM and MUR zoning designation "best satisfies" the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in bold italic print.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Policy 2: When making land use and other planning decisions:

- a. ***Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. ***Utilize all criteria relevant to the issue.***

- c. *Ensure the long-range interests of the general public are considered.*
- d. *Give particular attention to input provided by the public.*
- e. *Where opposing viewpoints are expressed, attempt to reach consensus where possible.*

Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.

Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.

- 4.6 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV legislative and quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject properties and affected government agencies. Notice of the public hearings was also posted on the subject properties and published in the *Albany Democrat Herald*. People who were notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.

At the public hearings, the application is reviewed based on all criteria relevant to the proposal. Public hearings provide the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

Statewide Planning Goal 2: Land Use Planning-Land Use Designations (Chapter 9)

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- 4.7 According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix’. This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation”. The MDR Comprehensive Plan Map Designation includes the RM zoning district, and the NV Designation includes the MUR zoning district.

Statewide Planning Goal 10: Housing (Chapter 4)

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 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 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.

- 4.8 As discussed under Annexation Criterion 2, the subject properties are located in an area accessible to employment and public services. All City services are available to serve residential development on the subject properties; those findings and conclusions are included here by reference.

- 4.9 The proposed zone amendments from UGA-UGM-20 to RM and MUR are the type of zoning anticipated by the Comprehensive Plan. ADC Table 2.760-1 states that RM is compatible with the MDR designation, and MUR is the compatible zoning district for the NV Comprehensive Plan Map designation. Therefore, the zoning map amendment from UGA-UGM-20 to RM and MUR is consistent with applicable housing policies of the Comprehensive Plan.
- 4.10 In 2019, the City conducted a buildable lands inventory and prepared a Housing Needs Analysis to better understand its capacity for residential growth within city limits and the Urban Growth Boundary to 2040. As proposed, the zone designation of RM and MUR would increase the amount of buildable land supply for development of residential housing at different densities.

Statewide Planning Goal 14: Urbanization (Chapter 8)

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

Policy 1: Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).

Policy 2: Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.

Policy 3: Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

- 4.11 Goal 14 requires the City to forecast future growth needs and establish an urban growth boundary to separate land needed for urbanization from rural land. Goal 14 further states "land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses." The subject properties are located within the Urban Growth Boundary.
- 4.12 Public facilities that would be required to serve future development on the subject properties are available at or near the site.
- 4.13 The proposed RM and MUR zones will ensure that development potential is known, and the properties are subject to the applicable City development regulations. By annexing, land can be developed more intensely in this case allowing for residential development at urban-level densities, discouraging low-density sprawl, and supporting the logical and efficient extension of public facilities and City services consistent with Comprehensive Plan Policies 1, 2, 3, and 8.
- 4.14 The proposed annexation consists of two properties. The property at 215 Expo Parkway lies to the north of an existing RV park, and the property at 132 Clover Ridge Road is occupied by a single dwelling unit. All City services are available to serve further development on the subject properties.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendments adhere to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendments to RM and MUR are compatible with the Medium Density Residential and Neighborhood Village Comprehensive Plan Map designations respectively.
- 4.3 Goal 10, Housing. The proposed zoning map amendments will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.
- 4.4 Goal 14, Urbanization. The proposed zones are consistent with policies contained in the Comprehensive Plan. The logical extension of public facilities allows development at urban level densities, consistent with Goal 14, Urbanization.

- 4.5 The intent and purpose of the proposed RM and MUR zoning districts best satisfy the goals and policies of the Comprehensive Plan.
- 4.6 This criterion is satisfied.

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.

Findings of Fact and Conclusion

- 5.1 The Transportation Plan relevant for the subject property is the Albany TSP. The TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 OAR 660-012-0060(1) and (2) require land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect", if:
- A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
 - The City has an acknowledged Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and
 - The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject properties comply with these criteria as follows:

- Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject properties as Residential Medium Density and Neighborhood Village. The proposed zoning amendments would not change the comprehensive plan map designations and the RM and MUR zoning districts are implementing zones for the Medium Density Residential and Neighborhood Village Comprehensive Plan Map designations.
 - The Albany TSP assumed these sites would be annexed into the city and developed. The proposed RM and MUR zones are compatible with the long-range plans.
 - The subject properties have been in the City's UGB since the time of adoption of the Comprehensive Plan and were not exempted from the Transportation Planning Rule. The City can find that all three of these requirements are met.
- 5.3 The subject properties have access to improved streets.

Conclusions

- 5.1 The proposed zone amendments to RM and MUR will not modify the transportation pattern envisioned by the TSP.
- 5.2 This criterion is satisfied.

Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with a Zoning Map Amendment from Linn County zone UGA-UGM-20 to Albany Residential Medium Density (RM) and Mixed-Use Residential (MUR) zones satisfy all applicable review criteria outlined in this report.

Conditions

- Condition 1: The applicant for the annexation at 215 Expo Parkway NE shall dedicate right-of-way in

the amount of 30 feet along the west side of the lot for future expansion of Expo Parkway upon approval of the annexation.

Condition 2: At the time of annexation, the subject properties shall be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD) into the Albany Fire District.

Options for the Planning Commission

The planning commission has three options with respect to the proposed annexation with zone change:

- Option 1: Recommend the city council approve the request as proposed.
- Option 2: Recommend the city council approve the request with conditions; or
- Option 3: Recommend the city council deny the request.

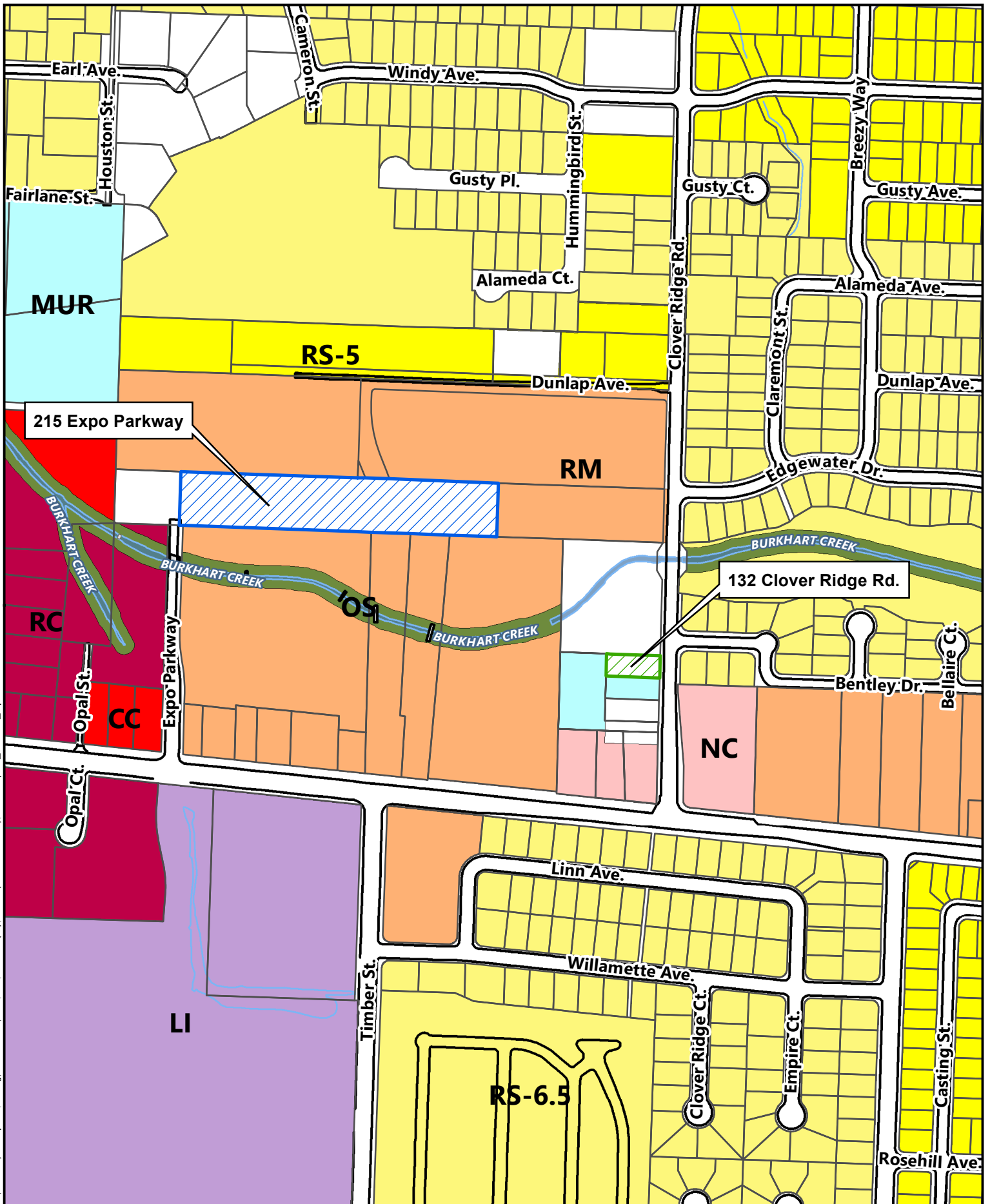
Motion

Based on findings and conclusions presented in this report, staff recommends the planning commission choose Option 2 and recommend approval of the annexation and zone change as conditioned. If the planning commission follows this recommendation, the following motion is suggested:

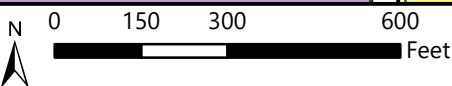
I move that the planning commission recommend that the city council approve the land use applications for annexation with concurrent rezoning to RM and MUR under planning files AN-02-23 and ZC-05-23, as described in the May 24, 2024, staff report as conditioned. This motion is based on the findings and conclusions in the 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. Legal Descriptions
- C. Tax Lot Map
- D. Proposed Zoning Map
- E. Expo Parkway Right-of-Way Dedication



G:\Community Development\Planning\Land Use Cases\2020s\2023 Amexation (AM) AH-02-23 (Stand Amexations)\Location Map\132_Clover_21.5_Expo.mxd



215 Expo Parkway & 132 Clover Ridge Rd.

Date: 4/4/2024 Map Source: City of Albany

Location Map

Exhibit A – Legal Description for 132 Clover Ridge Road Island Annexation

Annexing a portion of Clover Ridge Road NE and 132 Clover Ridge Road NE, more particularly described below.

All of Lot 1 of Harvey's Subdivision, recorded in Volume 9, Page 44, Book of Plats in Linn County, Oregon.

ALSO, commencing at the northeast corner of said Lot 1, thence easterly on the extension of the north property line of Lot 1 to the Albany City Limit line, lying within the Right of Way of Clover Ridge Road NE; thence southerly on said Albany City Limit line and parallel to the east line of Lot 1 to its intersection with the extension of the south property line of Lot 1; thence westerly on said extension to the southeast corner of said Lot 1.

As shown on attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.

Exhibit A – Legal Description for 215 Expo Parkway NE Island Annexation

Annexing an island area surrounded by City limits at 215 Expo Parkway NE, more particularly described below.

Beginning at the northeast corner of that tract of land conveyed to Burkhart Creek, LLC, by a deed recorded in Linn County Deed Records 2019-05884, said point lying on the Albany City limits line; thence easterly 855 feet more or less, on the existing Albany City limits line, to the west property line of the property conveyed to Grace Point Church of the Nazarene by a deed recorded in Linn County Deed Records 2009-09358, said west property line also being the Albany City limit line; thence southerly 144 feet more or less, on the west property line of said Grace Point Church of the Nazarene property, said line also being the Albany City limit line, to the southwest corner of said Grace Point Church of the Nazarene property, said southwest corner also being coincident to the north line of the property conveyed to Knox Butte Apartments LLC by a deed recorded in Linn County Deed Records MF1146-0639, said property line also being the Albany City limits line; thence westerly 855 feet more or less, on the Albany City limit line, to the east property line of the property conveyed to Burkhart Creek, LLC, by deed recorded in Linn County Deed Records 2019-05884; thence northerly 145 feet more or less, on the east line of said Burkhart Creek, LLC property, to the point of beginning.

As shown on attached Exhibit B, attached hereto and made a part hereof this legal description.

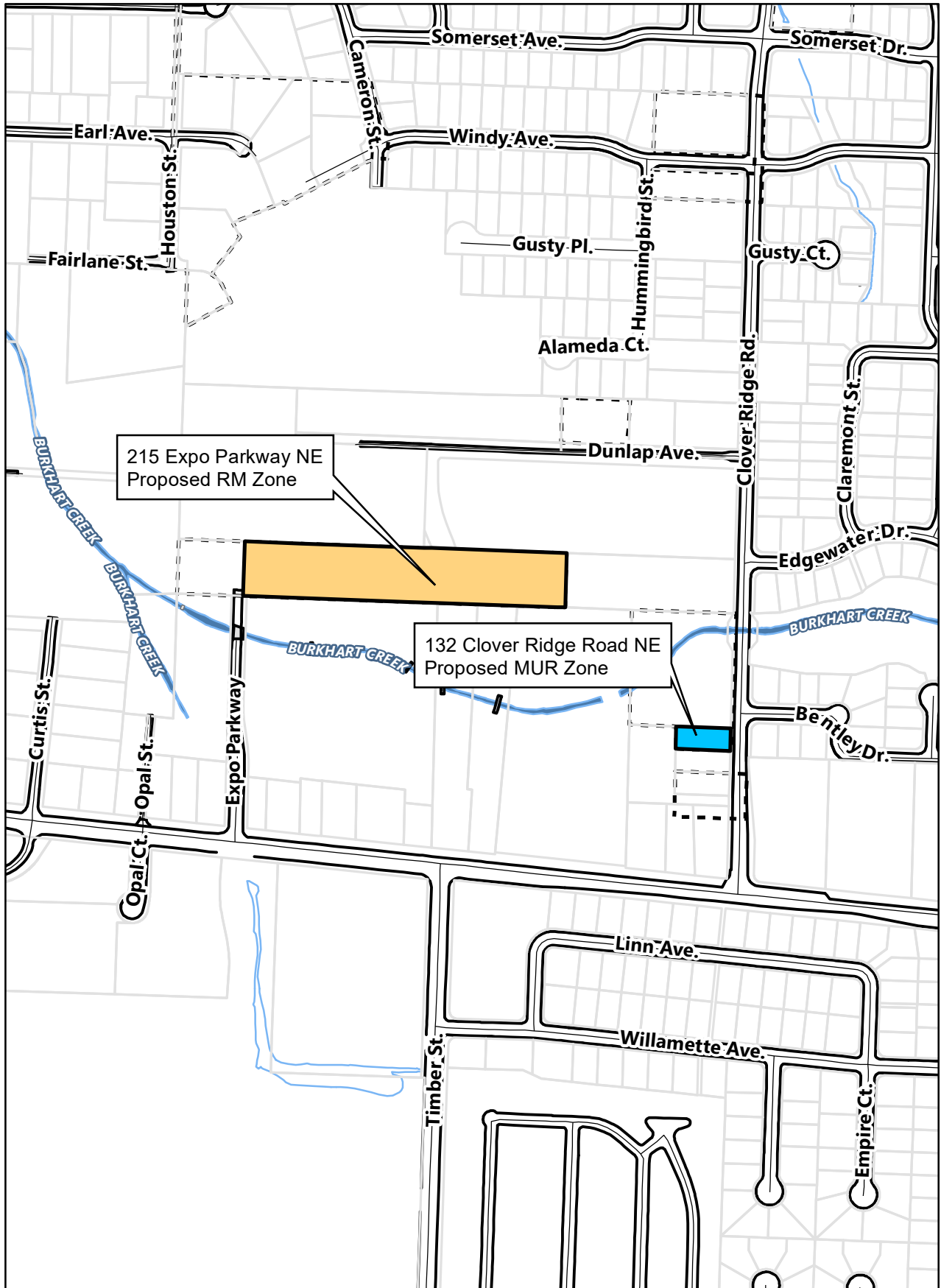


EXHIBIT 'A'

AN EVEN WIDTH THIRTY FOOT WIDE STRIP LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN DEED DOCUMENT NO. 2019-05884; THENCE NORTH 00°05'00" EAST 145.00 FEET TO THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 89°39'00" WEST 30.00 FEET; THENCE SOUTH 0°05'00" WEST 145.00 FEET TO THE SOUTH LINE OF SAID LAND; THENCE SOUTH 89°39'00" EAST 30.00 FEET TO THE POINT OF BEGINNING.

DESCRIBED AREA IS 4,323 SQUARE FEET, MORE OR LESS.

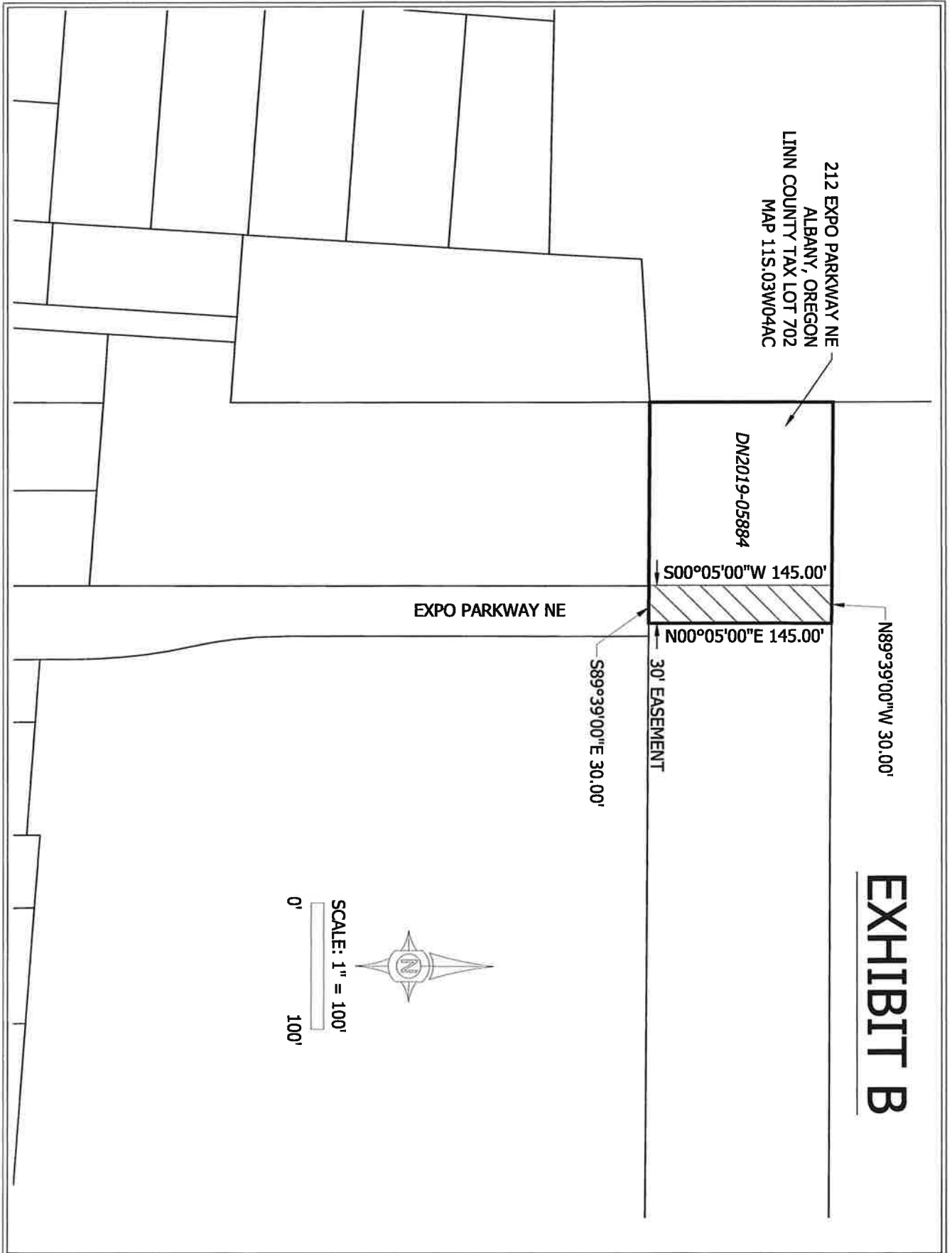
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally signed by
Kyle W Latimer
Date: 2024.01.26
09:43:43-08'00'

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

RENEWS: 12/31/24

Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366





COMMUNITY DEVELOPMENT

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

Staff Report Addendum

Tentative Subdivision Plat and Minor Variance

SD-03-23 & VR-03-24

May 24, 2024

Summary

The proposal is to subdivide approximately 21.94 acres of land into 113 lots for future residential development. The site is located at the terminus of Lochner Road SE, along the south side of Ellingson Road. Land use applications include Tentative Subdivision Plat Review and a Minor Variance to the block length standard. A location map is included as Attachment A.

The project is proposed to be a two-phase development which will include public street right-of-way construction of Combine Street, Perennial Avenue, Bentgrass Street, Windrow Avenue, and Cayuse Street, with connections to Ellingson Road SE and Lochner Road SE. Open space lots will also be provided that will be used for stormwater detention and preservation of existing wetlands. The proposed Tentative Plat is shown on Attachment B.

The applicant appealed the Planning Director’s decision on May 10, 2024. This staff report addendum addresses the concerns raised in the notice of appeal and additional communication.

Application Information

Type of Application:	Land Division (Tentative Subdivision Plat) for a 113-lot subdivision for future residential lots with a minor variance to the block length standard.
Review Body:	Staff Review (Type I-L)
Property Owner:	Justin Gross; 3483 Buena Vista Road S, Jefferson, OR 97352
Applicant:	Woodhill Homes, C/O Ryan Johnston, 70 SW Century Drive, Suite 100, Bend, OR 97702
Applicant’s Agent:	MultiTech Engineering, Attn: Brandie Dalton, 1155 SE 13th Street, Salem, OR 97302
Address/Location:	Unaddressed; west of 1252 Ellingson Road SE
Map/Tax Lot:	Linn County Assessor’s Map No. 11S-03W-29-00501
Zoning:	RM – Residential Medium Density/ RS-5 Residential Single Dwelling Unit
Overlay District:	None
Total Land Area:	21.94 acres
Prior Land Use Approvals	ZC-01-22 (Zone Change) and AN-01-22 (Annexation)



Appeal & Analysis (Staff Report Addendum)

The applicant appealed the approval of the decision on May 10th, prior to the expiration of the appeal deadline at 5:00 pm on May 10th. The applicant is appealing the wording of the conditions of approval and proposes their own conditions as detailed in this section.

Condition 3 Prior to or with recordation of the final plat map the applicant shall:

- Dedicate 40 feet of right-of-way along the site’s west frontage for an extension of Lochner Road.
- Dedicate 26 feet of right-of-way dedication along the site’s frontage on the south side of Ellingson Road.
- Dedicate right-of-way for construction of a roundabout at the Lochner Road/Ellingson Road intersection as shown on the approved tentative site plan.

Applicant Proposed Condition:

Under bullet point two, the applicant proposes: Dedicate **23** feet of right-of-way dedication along the site’s frontage on the south side of Ellingson Road.

Staff Analysis

Under bullet point two, the applicant requests that “dedicate 26 feet” be amended to read “dedicate 23 feet”. This is noted as a scrivener’s error and Public Works only needs 23 feet. Public Works-Roads agrees that the amended condition requires the correct amount of right-of-way dedication. Staff recommends approval of this amended condition.

* * *

Condition 6 Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, the following improvements along Ellingson Road:

- An eastbound 6.3-foot-wide concrete cycle track and a 6-foot concrete sidewalk on the south side of Ellingson along the frontage of both Phase 1 and Phase 2. The back of the sidewalk shall be located 6-inches north of the new right-of-way line.
- A median island shall be installed at the Combine Street intersection. The design of the island shall restrict vehicle movements to right in and right out.

Applicant Proposed Condition:

The applicant requests an additional section added to the condition that reads: **The Applicant shall have the option of setting up a separate SI for the above noted improvements for Ellingson Road.**

Staff Analysis

Public Works states that the condition is not written in a way that restricts the applicant to one SI (System Improvement). Typically, it is preferred for the applicant to only have one SI but it is not required. Staff does not recommend adopting the new language because there is no inherent restriction in the existing condition.

* * *

Condition 16 Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct

a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the proposed subdivision. The sanitary sewer main in Perennial Avenue shall be extended across Tract A with Phase 1 and terminate to the east of the sensitive areas shown on the plans. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Applicant Proposed Condition:

The applicant proposes a revised condition that reads: Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the proposed subdivision. The sanitary sewer main in Perennial Avenue **shall be extended to the proposed phase 1 boundary**. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Staff Analysis

Public Works responds that postponing all improvements that impact wetlands from Phase 1 puts a disproportionate burden on Phase 2 which includes 100-200 feet of local street and utility extensions to improve frontages across Tracts being dedicated to the City that will have no development potential. This also includes 100-200 feet of water, sewer, and storm main extensions as well. Phase 2 will be burdened with two creek crossings through sensitive areas as well as with the local street improvements. Furthermore ADC 12.430 and 12.490 require water distribution mains and sewer collection mains respectively to be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. For water mains, extensions may be required through the interior of properties when necessary to provide service to other properties or to provide looping for fire flows. For public sewers, when private sanitary sewer services will exceed 100 feet long, as measured from the public main to the structure, the City Engineer may require extension of public sewers into the interior of the property. Based on analysis by the City Engineer, the full sanitary sewer main should be extended through the sensitive areas in order to accommodate the likely system expansion. Without the proposed expansion at the time of Phase 1 development, the cost of public infrastructure has the potential to make Phase 2 development infeasible. Based on this, the City Engineer has determined that the point necessary to accommodate likely system expansion is the eastern boundary of the sensitive area. Staff does not recommend adopting the new language because it is contrary to City policies.

* * *

Condition 17 Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Applicant Proposed Condition & Concerns:

The applicant proposes a revised condition that reads: Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road

along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. **The water main in Perennial Avenue shall be extended to the proposed Phase 1 boundary.** In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

The applicant also expresses concern about the condition and what they understand is occurring with potential water extensions related to another subdivision. The applicant first contends that Curry Meadows (SD-09-22) is installing a public water main from Lochner Road to Columbus Road and they do not see a need for any water main in Ellingson Road. If a water main is required, "it is also unclear what the Curry Meadows project is, # one, providing a connection point to the 24 at Ellingson for the 16" main. Second, why would the City want us to cut a new roadway and install the 16" water main, which be City Standards, would need to be installed in the northern side of Ellingson Road in the new pavement."

Staff Analysis

As discussed above for Condition 16, Public Works has determined that the water main should be extended through the sensitive areas in order to accommodate the likely system expansion. Without the proposed expansion at the time of Phase 1 development, the cost of public infrastructure has the potential to make Phase 2 development infeasible. Based on this, the City Engineer has determined that the point necessary to accommodate likely system expansion is the eastern boundary of the sensitive area. Staff does not recommend adopting the new language because it is contrary to City policies.

Regarding the applicant's general concerns regarding the condition of approval, Public Works states that this application was reviewed as a standalone project with the existing infrastructure that is owned by the City of Albany. The proposed project is responsible for the master plan 16-inch main across the frontage of the subject property. Since Curry Meadows has approved plans and an issued SI Permit, the condition of approval was written to take this into account. In the event that Curry Meadows installs this main, then this development will not need to install the 16-inch main and shall pay a connection fee instead as water will be provided to this property. Curry Meadows has not started the water main infrastructure and the City is unaware of the timeline for that work to occur. The City of Albany's utility master plan shows that a 16-inch water main is intended to be installed in Ellingson Road. It is the responsibility of the individual or entity developing to install this utility service. The intent of this condition is to have the first to develop install the utility service with the subsequent developer paying the connection fee.

* * *

Condition 22 Prior to the signing of the Final Plat the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Applicant Proposed Condition:

The applicant proposes a revised condition that reads: Prior to the signing of the Final Plat **for Phase 2**, the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Staff Analysis

This condition is intended to assure compliance with the Department of State Lands permitting requirements for ground disturbing activities in wetlands. Depending on the decisions made regarding the conditions

discussed before, staff recommends making it a condition of approval for any phase that conducts ground disturbing activities.

* * *

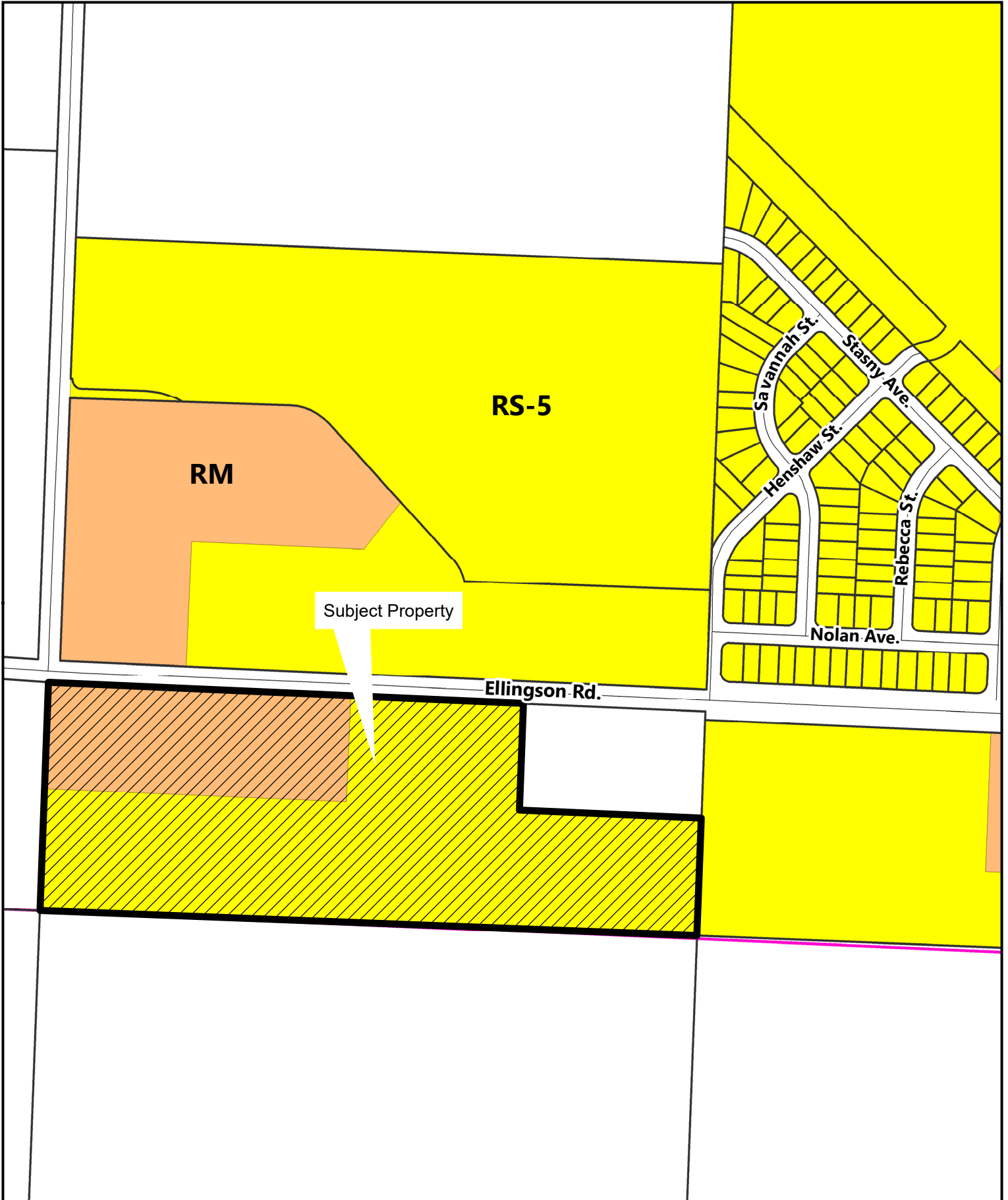
Revised Phase Line:

The applicant provides a revised phase line “due to conversations with staff and Conditions of Approval”. This Phase line revision does not affect the number of lots within each phase or street connections.

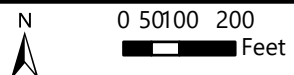
Staff Analysis

Staff does not recommend approval of this revised phase line. It is intended to defer the Conditions of Approval discussed above to the second phase.

- A. Location Map
- B. Site Maps
- C. Applicant Appeal Findings
- D. Staff Report

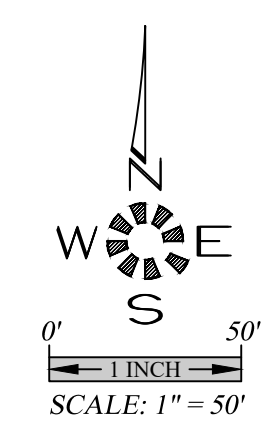
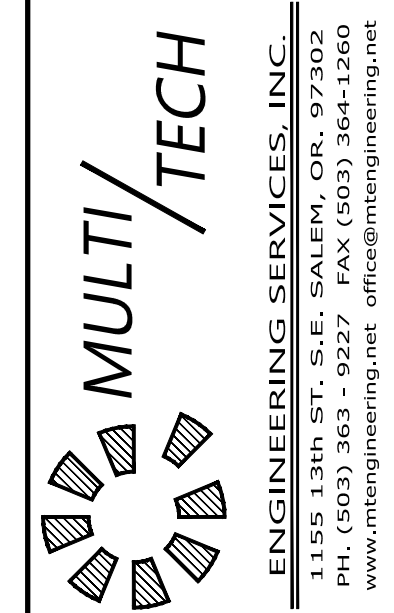


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Unaddressed; next to 1252 Ellingson SE

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



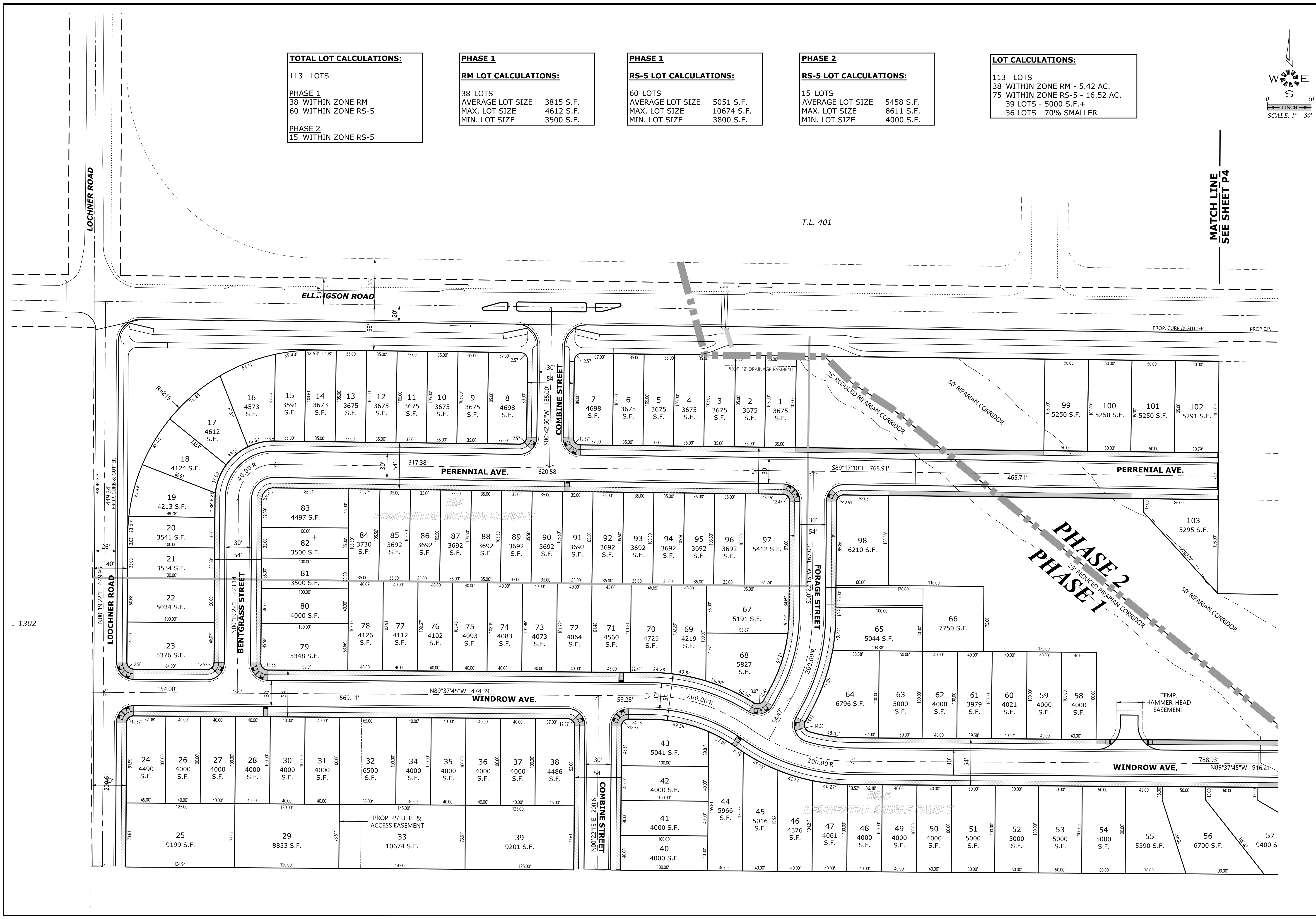
TOTAL LOT CALCULATIONS:
 113 LOTS
 PHASE 1
 38 WITHIN ZONE RM
 60 WITHIN ZONE RS-5
 PHASE 2
 15 WITHIN ZONE RS-5

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

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

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

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

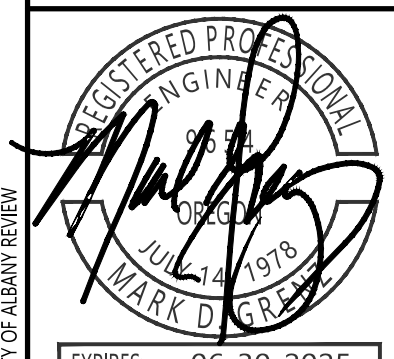


TENTATIVE PLAT PLAN

ELLINGSON FARM SUBDIVISION

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

J.P.H. 2024.02.06
 7601P PA WEST TENT
 Design: M.D.G.
 Drawn: D.G.G.
 Checked: B.M.G.
 Issue Date: 2/18/24
 Scale: AS SHOWN
 As-Built: _____



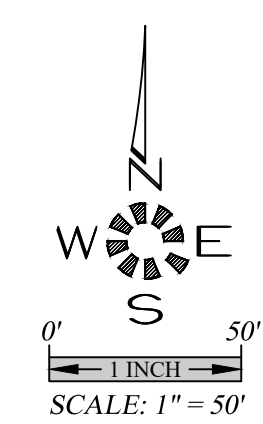
EXPIRES: 06-30-2025

JOB # 7601

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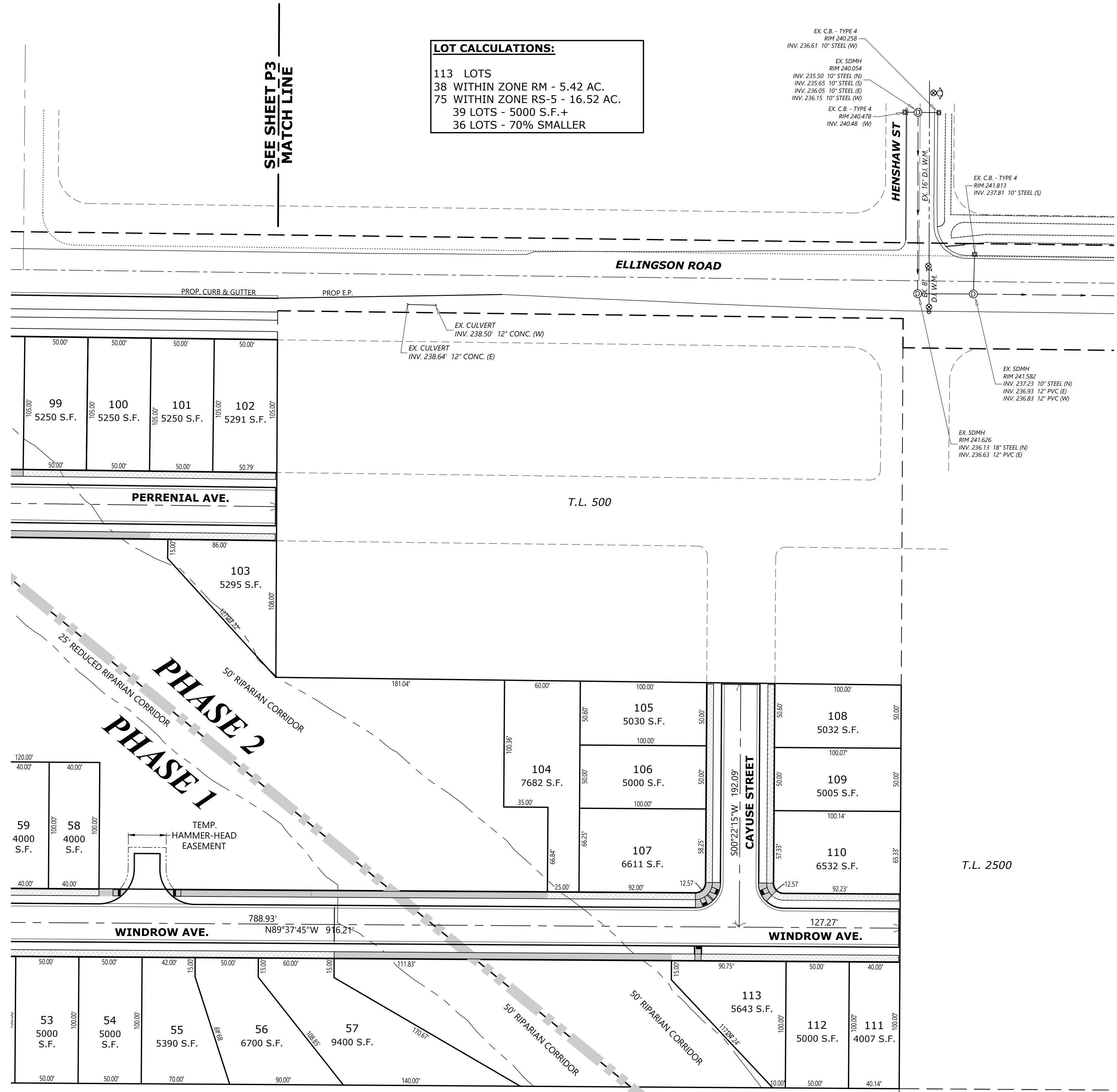
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 15 WITHIN ZONE RS-5

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**PHASE 1
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 60 LOTS
 AVERAGE LOT SIZE 5051 S.F.
 MAX. LOT SIZE 10674 S.F.
 MIN. LOT SIZE 3800 S.F.

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

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

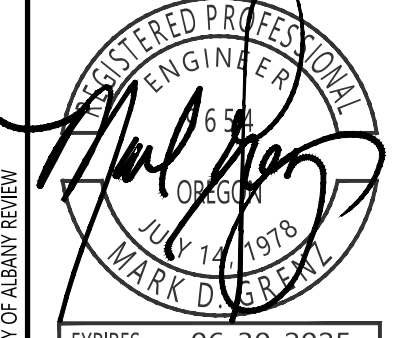


TENTATIVE PLAT PLAN

ELLINGSON FARM SUBDIVISION

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

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



EXPIRES: 06-30-2025

JOB # 7601

P4

Ellingson Subdivision **SD-03-23/VR-03-24 Appeal**

BACKGROUND:

On April 30, 2024, the decision for SD-03-23/VR-03-24 was approved by the Planning Administrator with twenty-four (24) Conditions of Approval.

The applicant was Ryan Johnston with Woodhill Homes, the applicant's representing agents were Mark Grenz and Brandie Dalton with Multi-Tech Engineering. Therefore, the applicant and the applicant's representatives have standing to appeal the SD-03-23/VR-03-24 decision.

APPEAL ISSUES:

The applicant is appealing Conditions 3, 6, 16, 17, 22, and revising the Phase 1/Phase 2 phase line:

Condition 3: **Prior to or with recordation of the final plat map the applicant shall:**

***Dedicate 40 feet of right-of-way along the site's west frontage for an extension of Lochner Road.**

***Dedicate 26 feet of right-of-way dedication along the site's frontage on the south side of Ellingson Road.**

***Dedicate right-of-way for construction of a roundabout at the Lochner Road/Ellingson Road intersection as shown on the approved tentative site plan.**

Condition 6: **Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, the following improvements along Ellingson Road:**

***An eastbound 6.3-foot-wide concrete cycle track and a 6-foot concrete sidewalk on the south side of Ellingson along the frontage of both Phase 1 and Phase 2. The back of the sidewalk shall be located six inches north of the new right-of-way line.**

***A median island shall be installed at the Combine Street intersection. The design of the island shall restrict vehicle movements to right in and right out.**

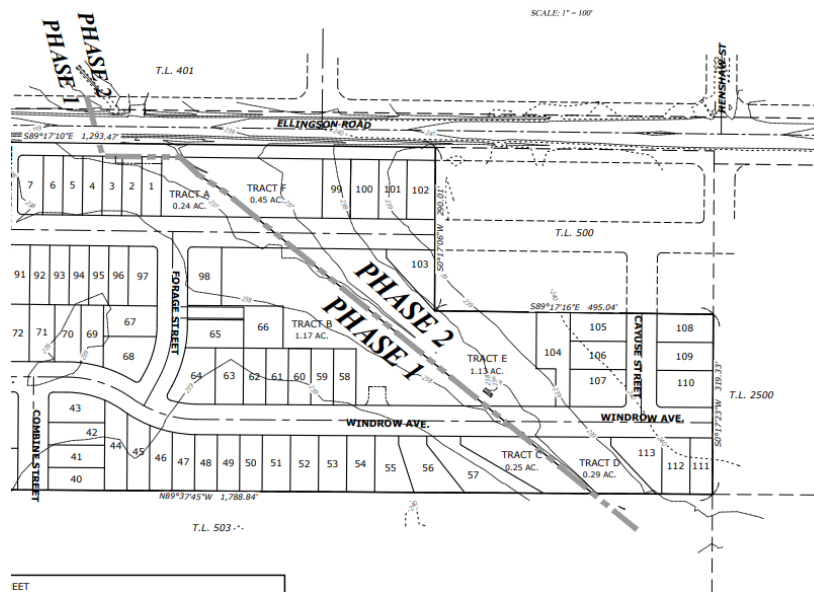
Condition 16: **Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the proposed subdivision. The sanitary sewer main in Perennial Avenue shall be extended across Tract A with Phase 1 and**

terminate to the east of the sensitive areas shown on the plans. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Condition 17: Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assistance for this work, in a form acceptable to the City Attorney.

Condition 22: Prior to the signing of the Final Plat the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Approved Phase Line:



Applicant Response:

The applicant proposes to subdivide approximately 21.94 acres into 113 lots within two phases on property zoned RS-5 and RM.

- *Phase 1 (Zoned RM and RS-5)- 98 Lots
 - 38 lots within the RM zone
 - 60 lots within the RS-5 zone
- *Phase 2 (Zoned RS-5)- 15 Lots

The applicant and their representatives are appealing the SD-03-23/VA-03-24 decision and requesting Conditions 3, 6, 16, 17, and 22 be revised as outlined below, along with a revised Phase 1/Phase 2 phase line:

Condition 3: Prior to or with recordation of the final plat map the applicant shall:

- *Dedicate 40 feet of right-of-way along the site's west frontage for an extension of Lochner Road.
- *Dedicate 23 feet of right-of-way dedication along the site's frontage on the south side of Ellingson Road.
- *Dedicate right-of-way for construction of a roundabout at the Lochner Road/Ellingson Road intersection as shown on the approved tentative site plan.

Condition 6: Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, the following improvements along Ellingson Road:

- *An eastbound 6.3-foot-wide concrete cycle track and a 6-foot concrete sidewalk on the south side of Ellingson along the frontage of both Phase 1 and Phase 2. The back of the sidewalk shall be located six inches north of the new right-of-way line.
- *A median island shall be installed at the Combine Street intersection. The design of the island shall restrict vehicle movements to right in and right out.

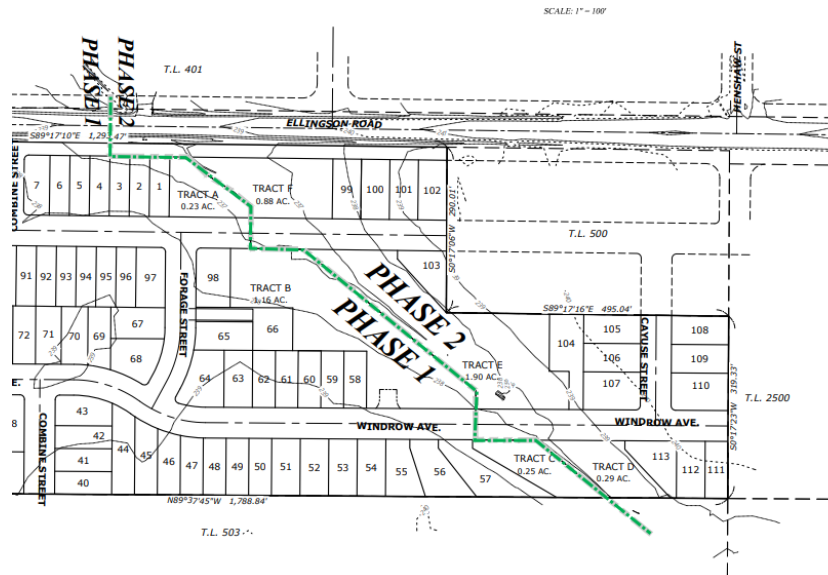
The Applicant shall have the option of setting up a separate SI for the above noted improvements for Ellingson Road.

Condition 16: Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the proposed subdivision. The sanitary sewer main in Perennial Avenue **shall be extended to the proposed Phase 1 boundary**. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Condition 17: Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1. **The water main in Perennial Avenue shall be extended to the proposed Phase 1 boundary.** The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assistance for this work, in a form acceptable to the City Attorney.

Condition 22: Prior to the signing of the Final Plat **for Phase 2**, the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Revised Phase Line: Due to conversations with staff and Conditions of Approval, the applicant is proposing to revise the Phase 1/Phase 2 phase line. This Phase line revision does not affect the number of lots within each phase or street connections. See attached site plans.



Schrems, Alyssa

From: Brian Grenz <BGrenz@mtengineering.net>
Sent: Friday, May 17, 2024 5:03 PM
To: Schrems, Alyssa; Martineau, David
Cc: Hiemstra, Aaron; Belcastro, Staci; Irish, Ron; Mark Grenz, P.E.; EXTERNAL - Dalton, Brandie
Subject: Ellingson Appeal Filing
Attachments: Curry Water Plans.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Another condition to be discussed with the appeal of the Ellingson Farms Subdivision:

Condition 17 Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

We are confused by this condition with what we understand is occurring on the north side of Ellingson Road regarding water master plan facilities.

The condition above would appear to require the construction of a new 16" water main in Ellingson Road running east from Lochner Road to the eastern limits of the Ellingson Farms development.

Reviewing the Curry Meadows plans along with the Henshaw Farms project, a 16" water main is being constructed from the 24" water line in Lochner Road to Columbus Road. (some of the Curry Meadows water plan is attached)

With that occurring, what is the need for the 16" water main called out in the condition above?

At present, there is in our opinion, no need for any water main in Ellingson Road.

We need Public Works to provide a much better explanation of the requirement and clarification of this projects responsibility.

If the water main is required, it is also unclear what the Curry Meadows project is, # one, providing a connection point to the 24 at Ellingson for the 16" main. Second, why would the City want us to cut a new roadway and install the 16" water main, which be City Standards, would need to be installed in the northern side of Ellingson Road in the new pavement.

As can be seen from our comments and questions above, considerable clarification and explanation is needed.

Thanks
Brian M Grenz
Project Manager

Multi/Tech Engineering Services, Inc.

1155 13th St SE
Salem, OR 97302
Office: 503-363-9227
bgrenz@mtengineering.net

From: Hiemstra, Aaron <Aaron.Hiemstra@albanyoregon.gov>
Sent: Friday, May 17, 2024 10:06 AM
To: Brian Grenz <BGrenz@mtengineering.net>; Ruetters, Matthew <Matthew.Ruetters@albanyoregon.gov>; Martineau, David <David.Martineau@albanyoregon.gov>; Irish, Ron <Ron.Irish@albanyoregon.gov>; Belcastro, Staci <Staci.Belcastro@albanyoregon.gov>
Cc: Schrems, Alyssa <Alyssa.Schrems@albanyoregon.gov>; Brandie Dalton <BDalton@mtengineering.net>; Mark Grenz, P.E. <MGrenz@mtengineering.net>
Subject: RE: SD-03-23 / VR-03-24

Good morning Brian,
The water line is required for Curry Subdivision and is part of their plans to get it to the Lochner and Ellinson intersection. The timing of that work starting and being completed is unknown.



Aaron Hiemstra, P.E.
Engineering Manager | Assistant City Engineer
541-704-2325 phone
Public Works Engineering
City of Albany, Oregon
333 Broadalbin St SW, Albany, Oregon 97321
www.albanyoregon.gov

From: Brian Grenz <BGrenz@mtengineering.net>
Sent: Friday, May 17, 2024 10:04 AM
To: Hiemstra, Aaron <Aaron.Hiemstra@albanyoregon.gov>; Ruetters, Matthew <Matthew.Ruetters@albanyoregon.gov>; Martineau, David <David.Martineau@albanyoregon.gov>; Irish, Ron <Ron.Irish@albanyoregon.gov>; Belcastro, Staci <Staci.Belcastro@albanyoregon.gov>
Cc: Schrems, Alyssa <Alyssa.Schrems@albanyoregon.gov>; EXTERNAL - Dalton, Brandie <bdalton@mtengineering.net>; Mark Grenz, P.E. <MGrenz@mtengineering.net>
Subject: RE: SD-03-23 / VR-03-24

Good morning. Can you confirm that the 16" public water main that is required to be installed in Ellingson is indeed being included with the Curry Subdivision improvements.

Brian M Grenz
Project Manager

Multi/Tech Engineering Services, Inc.

1155 13th St SE
 Salem, OR 97302
 Office: 503-363-9227
bgrenz@mtengineering.net

From: Hiemstra, Aaron <Aaron.Hiemstra@albanyoregon.gov>
Sent: Wednesday, May 8, 2024 3:14 PM
To: Brian Grenz <BGrenz@mtengineering.net>; Ruettgers, Matthew <Matthew.Ruettgers@albanyoregon.gov>; Martineau, David <David.Martineau@albanyoregon.gov>; Irish, Ron <Ron.Irish@albanyoregon.gov>; Belcastro, Staci <Staci.Belcastro@albanyoregon.gov>
Cc: Schrems, Alyssa <Alyssa.Schrems@albanyoregon.gov>; Brandie Dalton <BDalton@mtengineering.net>; Mark Grenz, P.E. <MGrenz@mtengineering.net>
Subject: RE: SD-03-23 / VR-03-24

Good afternoon Brian,
 Most of the comments you have are related to the public works comments. Below are response to the conditions that you have mentioned.

Conditions 3, per conversations with Ron and David. There was a typo in the notice of decision that the correct right-of-way dedication should be 23 feet. David didn't feel that we would have to do a modification to the notice of decision and that on the final plat we can just accept the 23-foot right-of-way dedication instead of the 26 feet.

Condition 6, I discussed this with Ron. The condition does allow for providing a financial assurance in order to obtain final plat approval prior to the construction of the listed street improvements. The intent, however, is that the walkways along Ellingson should be in place when residents begin to move into the development. This would be at the time of occupancy of any building permits. It's not intended that the walkways be deferred indefinitely.

Condition 16 & 17, these conditions were written this way because of the proposed phase line. The phase line between the two tracts terminates in the middle of the sensitive area. We did not think termination of the infrastructure in the middle of the sensitive area for both Perennial Avenue and Windrow Ave was a good termination point for infrastructure as part of the to and through standards. Perennial Avenue was picked because this was closer to meeting the to and through standard for tax lot 500 to utilize the infrastructure and easier for city crew to access from Ellingson if needed. The intent was not to require all the improvements extended into the middle of wetlands but just get water and sewer across as a temporary wetland impact and keep the streets outside of the wetlands. The condition does allow for providing a financial assurance in order to obtain final plat approval prior to the construction of the listed improvements. As part of the SI these would need to be completed before the City could accept the SI and allow use of the systems.

Condition 22, this is because of the required improvements in the conditions and the sensitive areas on the site. It looks like the utility crossing, Ellingson culvert extension and street improvements would all be impacting the wetlands.

Please let me know if you have any more questions or need more clarification.

Thank you,



Aaron Hiemstra, P.E.
 Engineering Manager | Assistant City Engineer
 541-704-2325 phone

Public Works Engineering

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321

www.albanyoregon.gov**From:** Brian Grenz <BGrenz@mtengineering.net>**Sent:** Tuesday, May 7, 2024 11:37 AM**To:** Ruettgers, Matthew <Matthew.Ruettgers@albanyoregon.gov>; Martineau, David <David.Martineau@albanyoregon.gov>; Irish, Ron <Ron.Irish@albanyoregon.gov>; Hiemstra, Aaron <Aaron.Hiemstra@albanyoregon.gov>; Belcastro, Staci <Staci.Belcastro@albanyoregon.gov>**Cc:** Schrems, Alyssa <Alyssa.Schrems@albanyoregon.gov>; EXTERNAL - Dalton, Brandie <bdalton@mtengineering.net>; Mark Grenz, P.E. <MGrenz@mtengineering.net>**Subject:** SD-03-23 / VR-03-24

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

Good morning. We have reviewed the conditions sent out with this decision and we have questions / clarifications. Who and how should we address these before the end of this week?

Condition No. 3 requires the dedication of 26 feet of right of way along Ellingson Road. Our understanding is that Ellingson is to be a 106 foot wide right of way. On our side presently there is 30 feet of right of way. That would mean that we would be dedicating an additional 23 feet of right of way.

Is the requirement of 26 feet a error?

Condition No. 6:

Confirmation that we have the option to post financial security and NOT construct the walkways along Ellingson Road.

Condition No. 16:

....The sanitary sewer main in Perennial Avenue shall be extended across Tract A with Phase 1 and terminate to the east of the sensitive areas shown on the plans. *Is it really to the East side of the sensitive area, maybe it should be the West side of the sensitive area.*

The extension of the sewer beyond the end of the phase 1 street improvement in Perennial will impact wetlands/waterway. The intent is to make that extension with Phase 2 when we have the needed permits from DSL and the Corp.

Can we post financial security for the portion beyond the end of the street improvements?

Condition No. 17:

.... In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1 .

We assume some text is missing and that the intent of the condition is to extend the water main in Perennial to the east side of the sensitive area. *Is it really to the East side of the sensitive area, maybe it should be the West side of the sensitive area.*

The same concerns as noted above for Condition No. 17 related to wetlands and waterway impacts.

Can we post financial security for the portion beyond the end of the street improvements?

Condition 22:

Prior to the signing of the Final Plat the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL)

We have attached a copy of the approved delineation report for the site. Based on our intent to post security for the sidewalks along Ellingson and the intent to stop the utility improvements in Perennial at the end of the street improvements.

With those proposals, NO wetlands areas will be impacted with Phase 1

Does this approach satisfy this condition?

Brian M Grenz
Project Manager

Multi/Tech Engineering Services, Inc.

1155 13th St SE
Salem, OR 97302
Office: 503-363-9227
bgrenz@mtengineering.net

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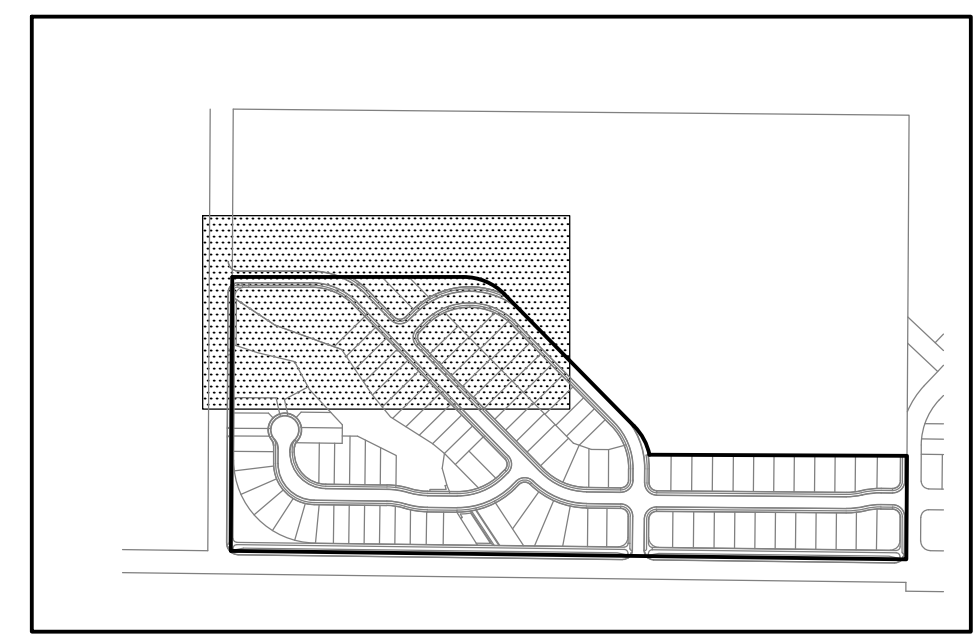
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WATERLINE CONSTRUCTION NOTES

- 1 INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 14+76.39, 17.00' LT (NOLAN AVENUE), SEE C.O.A. STANDARD DETAIL 504. INSTALL 16"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- 2 INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 14+84.08, 17.00' RT (CURRY STREET), SEE C.O.A. STANDARD DETAIL 504. INSTALL 8"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- 3 INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 17+84.32, 21.00' RT (LOCHNER ROAD), SEE C.O.A. STANDARD DETAIL 504. INSTALL 24"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG) TO THE EAST AND 24" MJ PLUG TO THE NORTH. SEE DETAIL A ON SHEET C7.1.
- 4 INSTALL 1 - 16" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 12+55.28, 12.00' LT (NOLAN AVENUE). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- 5 INSTALL 1 - 16" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 13+60.11, 11.84' LT (NOLAN AVENUE). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- 6 INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 10+99.38, 12.00' LT (CURRY STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- 7 INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 11+91.91, 12.00' LT (CURRY STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- 8 INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 12+44.68, 12.00' LT (CURRY STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- 9 INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 13+37.21, 12.00' LT (CURRY STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- 10 INSTALL 24" x 16" FLG TEE W/ (2) 24" MJXFLG BUTTERFLY VALVES TO NORTH AND SOUTH AND (1) 16" MJXFLG BUTTERFLY VALVE TO THE EAST, ST STA 17+53.14, 10.00' RT (LOCHNER ROAD).
- 11 INSTALL 16" x 8" FLG TEE W/ (2) 16" MJXFLG BUTTERFLY VALVES TO NORTHWEST AND SOUTHEAST AND (1) 8" MJXFLG GATE VALVE TO THE EAST, ST STA 15+12.75, 10.00' RT (NOLAN AVENUE).
- 12 INSTALL 1" RESIDENTIAL COPPER WATER SERVICE FOR A 3/4" WATER METER TO PROVIDE IRRIGATION TO POND PER C.O.A STANDARD DETAIL #507.
- 13 INSTALL 1" RESIDENTIAL COPPER WATER SERVICE FOR A 3/4" WATER METER, TYP. PER C.O.A STANDARD DETAIL #507.
- 14 INSTALL 2" COMBINATION AIR AND VACUUM VALVE PER C.O.A. STANDARD DETAIL #509.



LEGEND

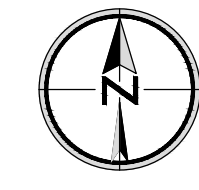
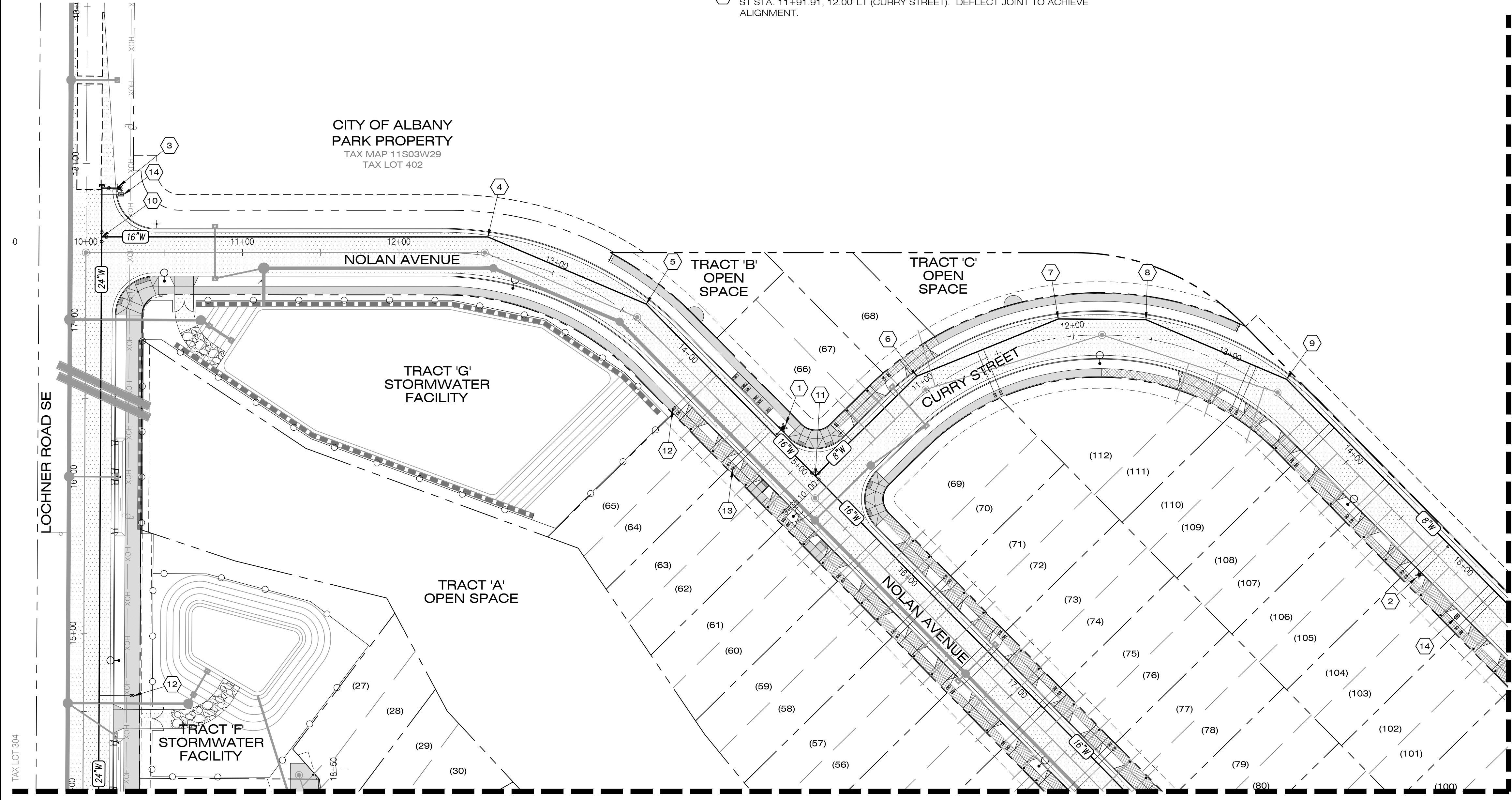
- PROPOSED EASEMENT LINE
- - - - - PROPOSED CENTERLINE
- - - - - PROPOSED RIGHT-OF-WAY
- - - - - PROPOSED LOT LINE
- - - - - MIDDLE HOUSING LOT LINE
- - - - - EXISTING BOUNDARY LINE
- ▬ PROPOSED CONCRETE SIDEWALK (BY DEVELOPER)
- ▬ PROPOSED CONCRETE SIDEWALK (BY HOMEBUILDER)
- ▬ PROPOSED PAVEMENT
- ▬ PROPOSED CURB & GUTTER
- PROPOSED STORM LINE & MANHOLE
- PROPOSED SANITARY LINE & MANHOLE
- PROPOSED WATER LINE AND VALVE
- PROPOSED 1" WATER SERVICE & METER
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- 100 LOT NUMBERS
- (100) LOT NUMBERS FOLLOWING MIDDLE HOUSING

WATER MAIN NOTES

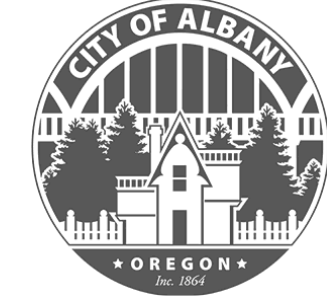
- ALL NEW BENDS SHALL REQUIRE MECHANICAL JOINT RESTRAINTS, AS SHOWN IN CITY OF ALBANY ENGINEERING STANDARDS SECTION B 3.02. USE LOCKING GASKETS ON ALL PUSH-ON JOINTS & RETAINER GLANDS ON ALL M.J. CONNECTIONS. ALL NEW WATER LINE & FITTINGS HAVE TO BE INTERNALLY RESTRAINED PER CITY OF ALBANY STANDARDS AND SPECIFICATIONS.
- CONTRACTOR TO CONTACT ADJACENT PROPERTY OWNERS 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.
- CATHODIC PROTECTION IS REQUIRED FOR NEW COPPER SERVICES AND TAPS ON EXISTING MAINS PER C.O.A. STANDARD DETAIL #507 AND C.O.A STANDARD CONSTRUCTION SPECIFICATIONS SECTION 501.01.08.

MATCHLINE - SEE SHEET C7.1

MATCHLINE - SEE SHEET C7.2



CITY OF ALBANY - PUBLIC WORKS



Reviewed by: Aaron Hiemstra
Date of Approval: Apr 05, 2024
Approval: Aaron Hiemstra

CONSTRUCTION DRAWINGS FOR THE PRIVATE CONSTRUCTION OF PUBLIC FACILITIES

PIONEER DESIGN GROUP
 CIVIL ENGINEERING • LAND USE PLANNING • LAND SURVEYING • LANDSCAPE ARCHITECTURE
 PORTLAND, OREGON | HONOLULU, HAWAII
 PH: 503.643.8286 | WWW.PD-GRP.COM



WATERLINE PLAN - NORTH

CURRY MEADOWS
ALBANY, OREGON

Designed by	Date	WID
	07/2023	

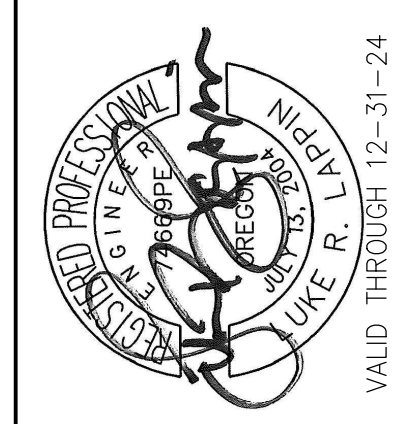
Drawn by	Date	TLS
	07/2023	

Reviewed by	Date	LRL	REF.
	07/2023		

Project No. 384-003
 Horiz. Scale:
 Vert. Scale:

No.	Date	Revision
1	11/21/2023	2ND CITY SUBMITTAL
2	01/10/2024	3RD CITY SUBMITTAL
3	02/01/2024	4TH CITY SUBMITTAL
4	03/29/2024	ELLINGSON CULVERT REVISION

Project
CURRY MEADOWS
No.
384-003
Type
ENGINEERING
Sheet
C7.0

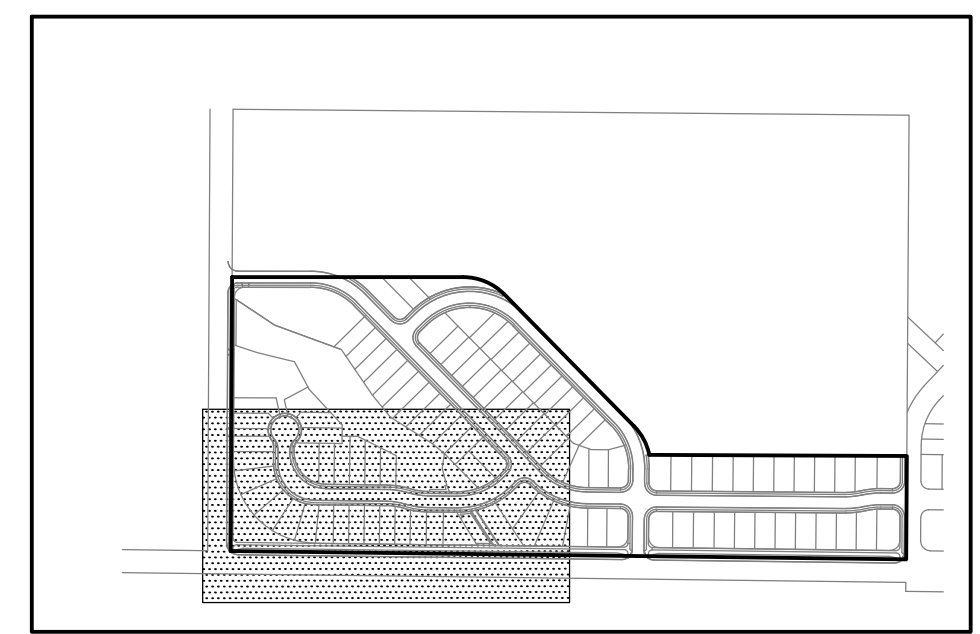


WATERLINE PLAN - SOUTH
CURRY MEADOWS
ALBANY, OREGON

Designed by	Date	Drawn by	Date	Reviewed by	Date
WID	07/2023	TLS	07/2023	URL	07/2023
Project No.	384-003	REF.			
Horiz. Scale:		Vert. Scale:			

By	Date	Revision
WID	11/21/2023	2ND CITY SUBMITTAL
WID	01/10/2024	3RD CITY SUBMITTAL
WID	02/01/2024	4TH CITY SUBMITTAL
WID	03/29/2024	ELLINGSON CULVERT REVISION

Project: CURRY MEADOWS
No.: 384-003
Type: ENGINEERING
Sheet: **C7.1**

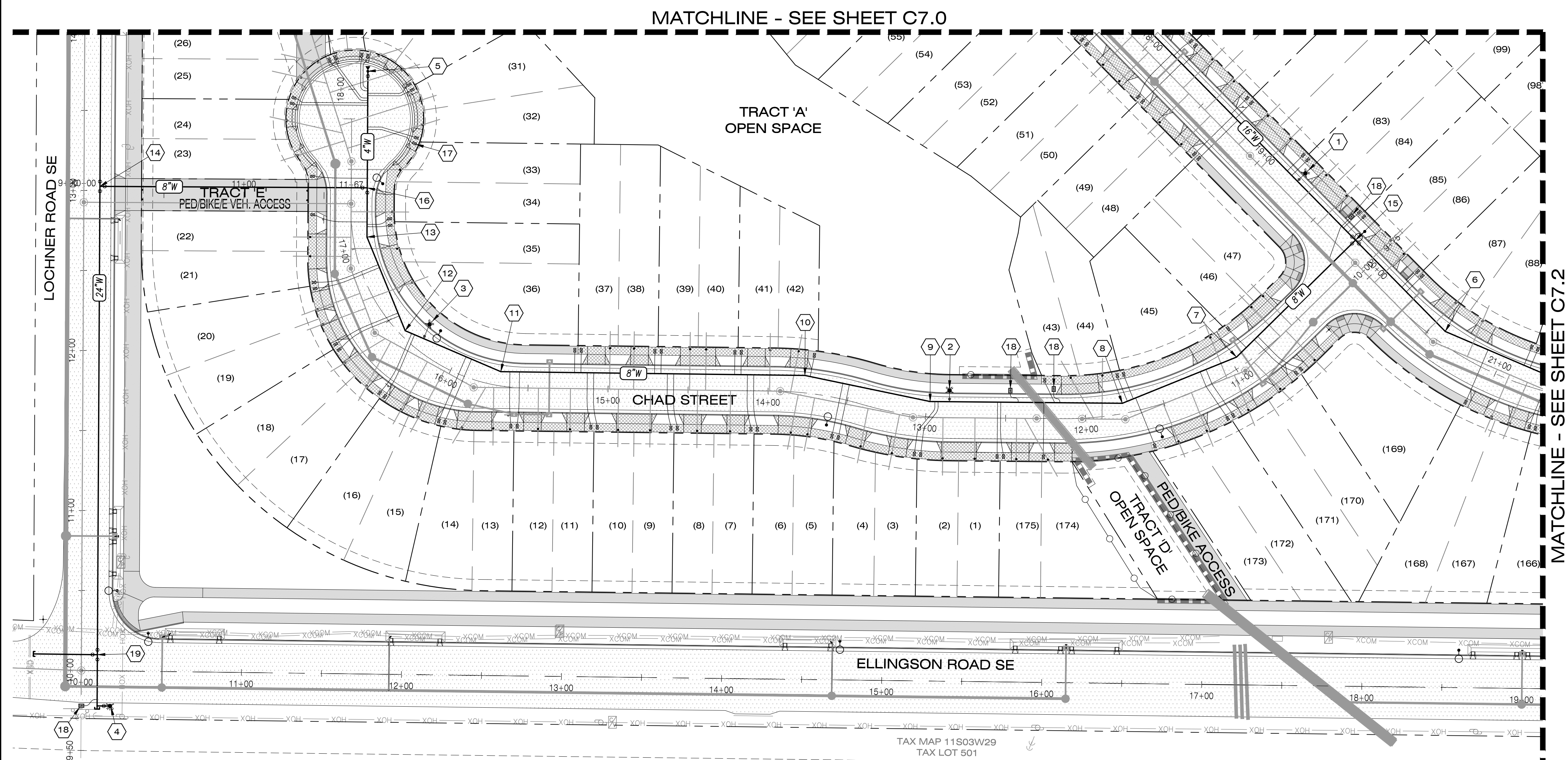


LEGEND

- PROPOSED EASEMENT LINE
- PROPOSED CENTERLINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED LOT LINE
- MIDDLE HOUSING LOT LINE
- EXISTING BOUNDARY LINE
- PROPOSED CONCRETE SIDEWALK (BY DEVELOPER)
- PROPOSED CONCRETE SIDEWALK (BY HOMEOWNER)
- PROPOSED PAVEMENT
- PROPOSED CURB & GUTTER
- PROPOSED STORM LINE & MANHOLE
- PROPOSED SANITARY LINE & MANHOLE
- PROPOSED WATER LINE AND VALVE
- PROPOSED 1" WATER SERVICE & METER
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- LOT NUMBERS
- (100) LOT NUMBERS FOLLOWING MIDDLE HOUSING

WATER MAIN NOTES

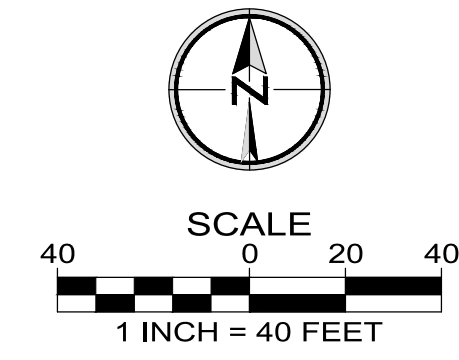
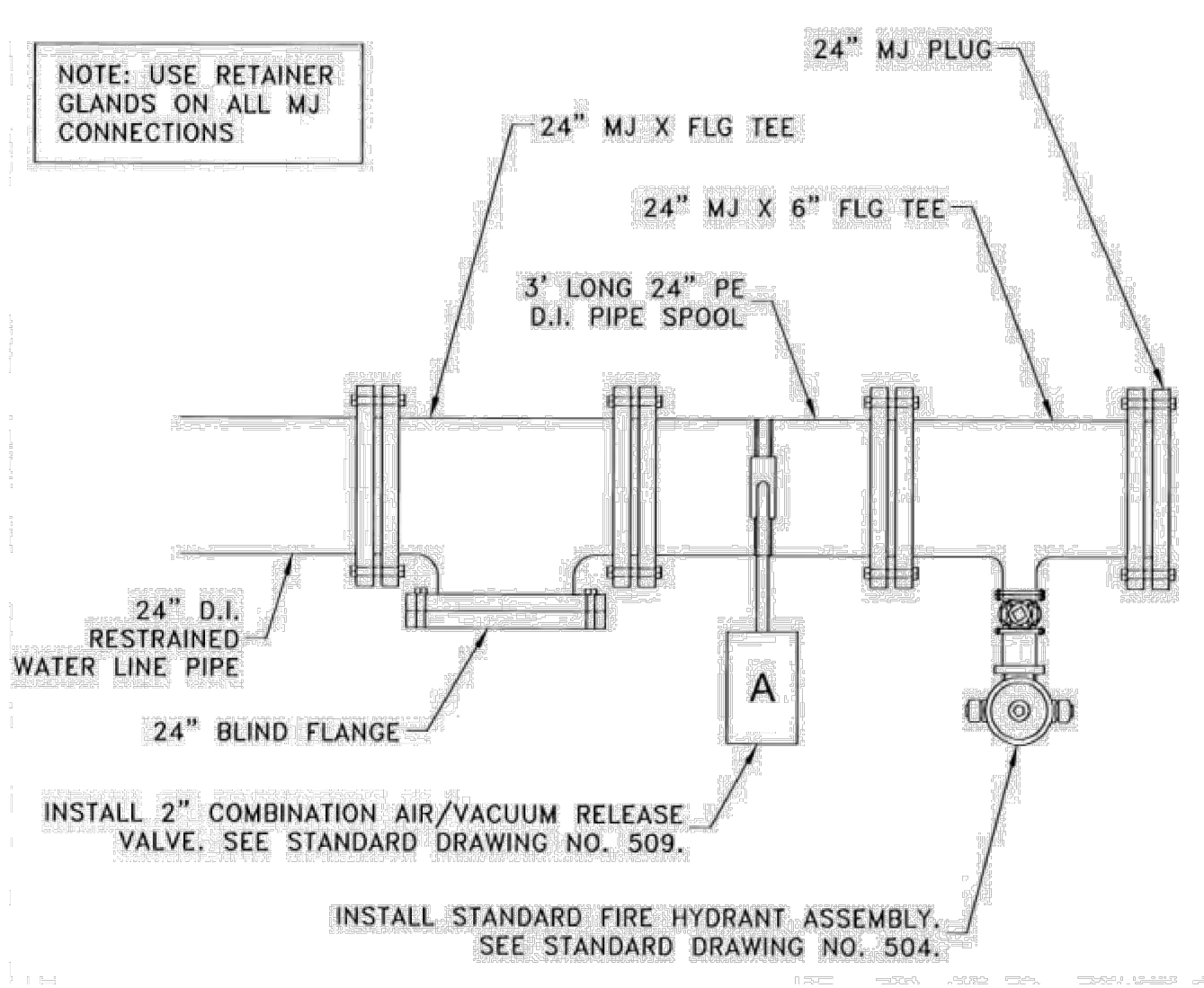
- ALL NEW BENDS SHALL REQUIRE MECHANICAL JOINT RESTRAINTS, AS SHOWN IN CITY OF ALBANY ENGINEERING STANDARDS SECTION B 3.02. USE LOCKING GASKETS ON ALL PUSH-ON JOINTS & RETAINER GLANDS ON ALL M.J. CONNECTIONS. ALL NEW WATER LINE & FITTINGS HAVE TO BE INTERNALLY RESTRAINED PER CITY OF ALBANY STANDARDS AND SPECIFICATIONS.
- CONTRACTOR TO CONTACT ADJACENT PROPERTY OWNERS 72 HOURS PRIOR TO BEGINNING CONSTRUCTION.
- CATHODIC PROTECTION IS REQUIRED FOR NEW COPPER SERVICES AND TAPS ON EXISTING MAINS PER C.O.A. STANDARD DETAIL #507 AND C.O.A. STANDARD CONSTRUCTION SPECIFICATIONS SECTION 501.01.08.



WATERLINE CONSTRUCTION NOTES

- INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 19+25.79, 17.00' LT (NOLAN AVE), SEE C.O.A. STANDARD DETAIL 504. INSTALL 16"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 12+85.27, 17.00' RT (CHAD STREET), SEE C.O.A. STANDARD DETAIL 504. INSTALL 8"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 16+29.17, 17.00' RT (CHAD STREET), SEE C.O.A. STANDARD DETAIL 504. INSTALL 8"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 10+18.15, 22.00' RT (ELLINGSON ROAD), SEE C.O.A. STANDARD DETAIL 504. INSTALL 24"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG) TO THE EAST AND 24" MJ PLUG TO THE SOUTH. SEE DETAIL A ON THIS SHEET.
- INSTALL BLOW-OFF, ST STA. 18+11.25, 10.00' RT (CHAD STREET). SEE C.O.A. STANDARD DETAIL 506.
- INSTALL 1 - 16" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 20+58.90, 7.31' LT (NOLAN AVE). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 10+95.68, 6.41' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 11+75.68, 6.40' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 11.25° MJ BEND W/ RESTRAINT JOINT, ST STA. 12+97.93, 9.56' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 11.25° MJ BEND W/ RESTRAINT JOINT, ST STA. 13+78.03, 10.84' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 15+68.50, 8.85' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 45° MJ BEND W/ RESTRAINT JOINT, ST STA. 16+38.38, 3.64' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 1 - 8" 22.5° MJ BEND W/ RESTRAINT JOINT, ST STA. 17+06.22' 8.70' RT (CHAD STREET). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 24" x 8" FLG TEE W/ (2) 24" FLGxMJ BUTTERFLY VALVES TO NORTH AND SOUTH AND (1) 8" MJXFLG GATE VALVE TO THE EAST, ST STA 13+02.63, 10.00' RT (LOCHNER ROAD).
- INSTALL 16" x 8" FLG TEE W/ (2) 16" FLGxMJ BUTTERFLY VALVES TO NORTH AND SOUTH AND (1) 8" MJXFLG GATE VALVE TO THE WEST, ST STA 19+77.53, 10.00' LT (NOLAN AVE).
- INSTALL 8" x 8" FLG TEE W/ (1) 8" FLGxMJ GATE VALVES TO SOUTH, (1) 8" MJXFLG GATE VALVE TO THE WEST, AND AN 8"x4" REDUCER TO THE NORTH, ST STA 17+38.45, 10.00' RT (CHAD STREET).
- INSTALL 1" RESIDENTIAL COPPER WATER SERVICE FOR A 3/4" WATER METER, TYP. PER C.O.A. STANDARD DETAIL #507.
- INSTALL 2" COMBINATION AIR AND VACUUM VALVE PER C.O.A. STANDARD DETAIL #509.
- INSTALL 24" x 24" FLG TEE W/ (3) 24" MJXFLG BUTTERFLY VALVES TO NORTH, SOUTH, AND WEST, ST STA 10+10.00, 10.00' RT (LOCHNER ROAD).

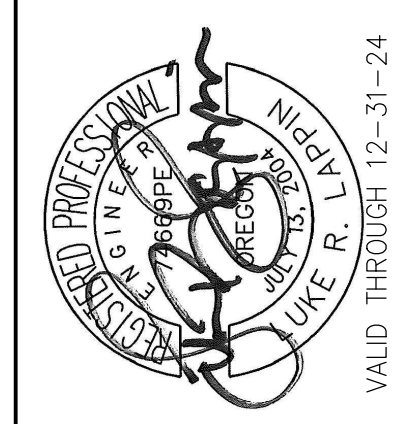
DETAIL A
NOT TO SCALE



CITY OF ALBANY - PUBLIC WORKS

Reviewed by: Aaron Hiemstra
Date of Approval: Apr 05, 2024
Approval: Aaron Hiemstra

CONSTRUCTION DRAWINGS FOR THE PRIVATE CONSTRUCTION OF PUBLIC FACILITIES



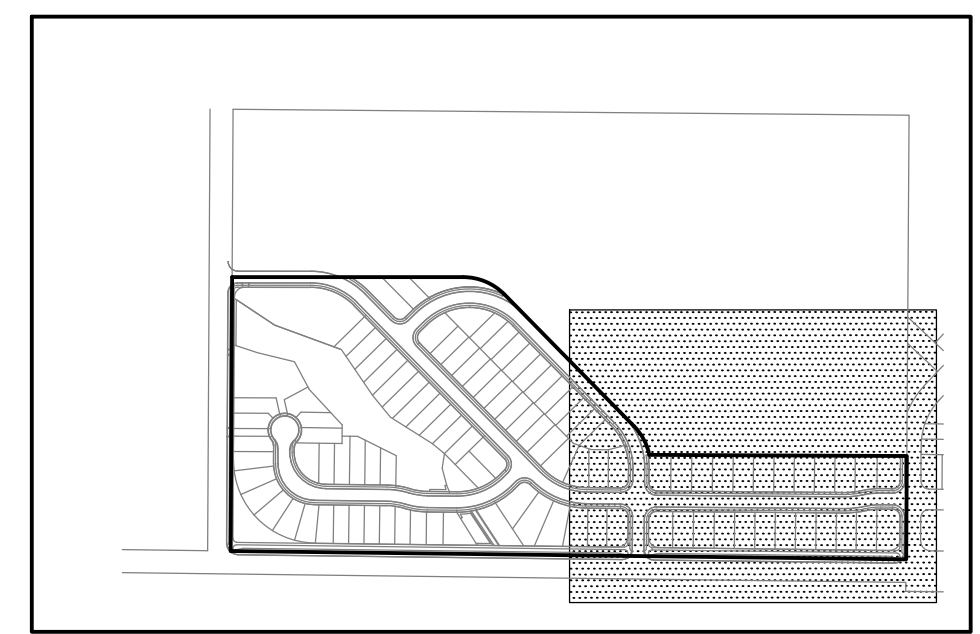
Designed by	WID	Date	07/2023
Drawn by	TLS	Date	07/2023
Reviewed by	LRL	Date	07/2023
Project No.	384-003	REF.	
Horiz. Scale:			
Vert. Scale:			

By	WID	WID	WID	WID
Revision				
Date	11/21/2023	2ND CITY SUBMITTAL		
No.	1	01/10/2024	3RD CITY SUBMITTAL	
	2	02/01/2024	4TH CITY SUBMITTAL	
	3	03/29/2024	ELLINGSON CULVERT REVISION	
	4			

Project	CURRY MEADOWS
No.	384-003
Type	ENGINEERING
Sheet	C7.2

WATERLINE CONSTRUCTION NOTES

- INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 27+99.29, 17.00' LT (NOLAN AVE), SEE C.O.A. STANDARD DETAIL 504. INSTALL 16"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- INSTALL FIRE HYDRANT ASSEMBLY, ST STA. 19+05.29, 17.00' LT (CURRY STREET), SEE C.O.A. STANDARD DETAIL 504. INSTALL 8"x6" TEE (MJXFLG) W/ 6" GATE VALVE (MJXFLG).
- CUT IN 16" TEE (MJXFLG) W/ 16" BUTTERFLY VALVE (MJXFLG). ST STA. 11+91.95, 10.00' RT (HENSHAW STREET)
- INSTALL BLOW-OFF, ST STA. 21+01.00, 15.00' RT (ELLINGSON ROAD). SEE C.O.A. STANDARD DETAIL 506.
- INSTALL 1 - 16" 22.5" MJ BEND W/ RESTRAINT JOINT, ST STA. 21+47.72, 7.23' LT (NOLAN AVE). DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- DEFLECT ALL PIPE JOINTS TO ACHIEVE ALIGNMENT (SHOWN AS CURVED).
- DEFLECT JOINT TO ACHIEVE ALIGNMENT.
- INSTALL 16" x 8" FLG CROSS W/ (2) 16" FLGXMJ BUTTERFLY VALVES TO WEST AND EAST AND (2) 8" MJXFLG GATE VALVE TO THE NORTH AND SOUTH ST STA 23+21.42, 10.00' LT (NOLAN AVE).
- INSTALL 1" RESIDENTIAL COPPER WATER SERVICE FOR A 3/4" WATER METER, TYP. PER C.O.A. STANDARD DETAIL #507.
- INSTALL 2" COMBINATION AIR AND VACUUM VALVE PER C.O.A. STANDARD DETAIL #509.



LEGEND

- PROPOSED EASEMENT LINE
- - - PROPOSED CENTERLINE
- - - PROPOSED RIGHT-OF-WAY
- - - PROPOSED LOT LINE
- - - MIDDLE HOUSING LOT LINE
- - - EXISTING BOUNDARY LINE
- [Pattern] PROPOSED CONCRETE SIDEWALK (BY DEVELOPER)
- [Pattern] PROPOSED CONCRETE SIDEWALK (BY HOMEOWNER)
- [Pattern] PROPOSED PAVEMENT
- [Pattern] PROPOSED CURB & GUTTER
- [Symbol] PROPOSED STORM LINE & MANHOLE
- [Symbol] PROPOSED SANITARY LINE & MANHOLE
- [Symbol] PROPOSED WATER LINE AND VALVE
- [Symbol] PROPOSED 1" WATER SERVICE & METER
- [Symbol] PROPOSED FIRE HYDRANT
- [Symbol] PROPOSED STREET LIGHT
- 100 LOT NUMBERS
- (100) LOT NUMBERS FOLLOWING MIDDLE HOUSING

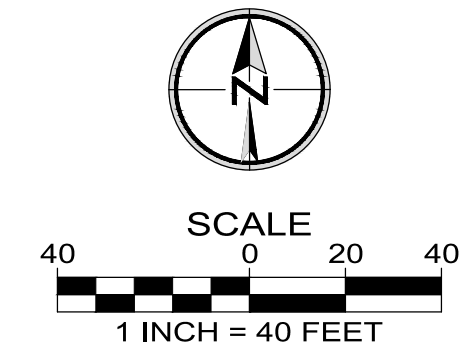
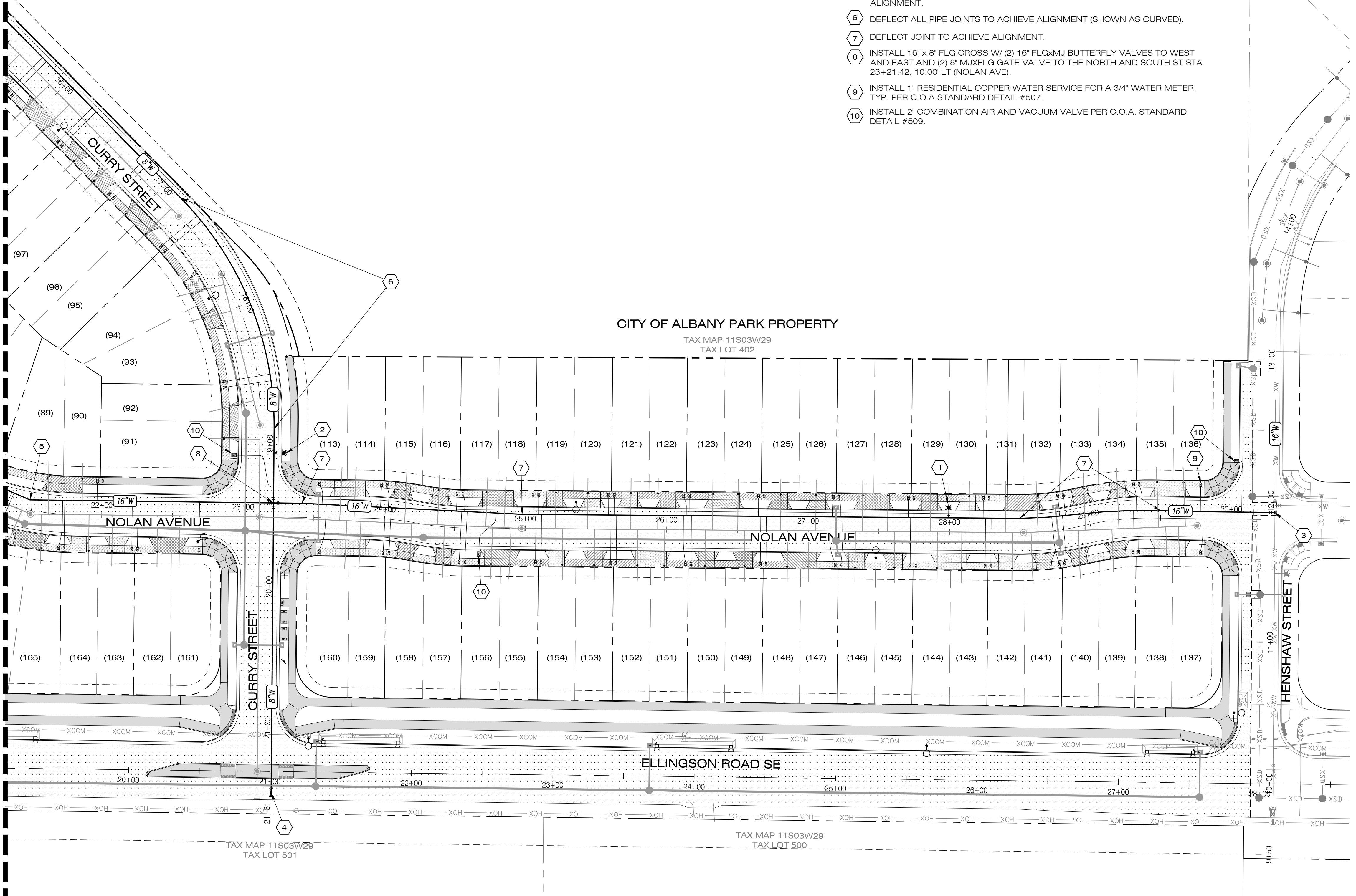
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MATCHLINE - SEE SHEET C7.0

MATCHLINE - SEE SHEET C7.1

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CITY OF ALBANY - PUBLIC WORKS

Reviewed by: Aaron Hiemstra
Date of Approval: Apr 05, 2024
Approval: Aaron Hiemstra

CONSTRUCTION DRAWINGS FOR THE PRIVATE CONSTRUCTION OF PUBLIC FACILITIES



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Subdivision Plat and Minor Variance

SD-03-23 & VR-03-24

April 30, 2024

Summary

The proposal is to subdivide approximately 21.94 acres of land into 113 lots for future residential development. The site is located at the terminus of Lochner Road SE, along the south side of Ellingson Road. Land use applications include Tentative Subdivision Plat Review and a Minor Variance to the block length standard. A location map is included as Attachment A.

The project is proposed to be a two-phase development which will include public street right-of-way construction of Combine Street, Perennial Avenue, Bentgrass Street, Windrow Avenue, and Cayuse Street, with connections to Ellingson Road SE and Lochner Road SE. Open space lots will also be provided that will be used for stormwater detention and preservation of existing wetlands. The proposed Tentative Plat is shown on Attachment B.

The following review criteria are applicable for this project: Tentative Plat Review under Albany Development Code (ADC) 11.180 and Minor Variance Criteria under ADC 2.696. These criteria are addressed in this report and must be satisfied to grant approval of this application.

Application Information

Type of Application:	Land Division (Tentative Subdivision Plat) for a 113-lot subdivision for future residential lots with a minor variance to the block length standard.
Review Body:	Staff Review (Type I-L)
Property Owner:	Justin Gross; 3483 Buena Vista Road S, Jefferson, OR 97352
Applicant:	Woodhill Homes, C/O Ryan Johnston, 70 SW Century Drive, Suite 100, Bend, OR 97702
Applicant's Agent:	MultiTech Engineering, Attn: Brandie Dalton, 1155 SE 13th Street, Salem, OR 97302
Address/Location:	Unaddressed; west of 1252 Ellingson Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-29-00501
Zoning:	RM – Residential Medium Density/ RS-5 Residential Single Dwelling Unit
Overlay District:	None
Total Land Area:	21.94 acres
Prior Land Use Approvals	ZC-01-22 (Zone Change) and AN-01-22 (Annexation)

albanyoregon.gov/cd



Appeals

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

Neighborhood Meeting

As required by ADC Table 1.100-1 and 1.140 of the July 1, 2023, Development Code in effect at the time, a neighborhood meeting for the proposal was held on November 29, 2023, at 6:00 p.m. virtually. Notice was mailed to the surrounding property owners and there were five attendees including the applicant's representatives, and city staff.

Notice Information

A Notice of Filing was mailed on March 8, 2024, to owners of property located within 1,000 feet of the subject property in accordance with ADC 1.220. At the end of the 14-day comment period on March 22, 2024, no comments had been received.

Staff Analysis

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

Tentative Plat Review Criteria (ADC 11.180)

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

Criterion (1)

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

Findings of Fact

- 1.1 Zoning. The applicant has applied for a Tentative Subdivision Plat Review and a Minor Variance to block length to create a 113-lot residential subdivision. The subject property is unaddressed and located to the west of 1252 Ellingson Road SE and is a total of approximately 21.94 acres in size. The property is currently split-zoned with approximately 5.42 acres within the Residential Medium Density (RM) zoning district and approximately 16.52 acres within the Residential Single Dwelling Unit (RS-5) zoning district.
- 1.2 The proposed development will create new lots intended for construction of future single unit dwellings. Residential Single Dwelling Unit (RS-5) is intended primarily for low- to moderate-density residential development, which permits a detached, single residential dwelling unit, a duplex, or a triplex on lots 5,000 square feet or larger. Fourplexes are permitted on lots 7,000 square feet or larger. Residential Medium Density (RM) is intended primarily for medium- to high-density urban residential development with a maximum density of 25 units per gross acre. The RM zoning district allows for a detached, single residential dwelling unit and a duplex on lots 3,500 square feet or larger; a triplex on a lot 5,000 square feet or larger, and a fourplex upon a lot 7,000 square feet or larger. A location map is included as Attachment A, and the proposed Tentative Plat Maps is shown on Attachment B.

- 1.3 Lot Sizes. The ADC Table 3.190-1 contains the minimum lot size requirements for properties within the RM and RS-5 zoning district. The minimum lot size in the RM is 3,500 square feet for a single dwelling unit and duplexes, a 5,000 square foot minimum for a triplex and a 7,000 square foot minimum for a fourplex. The RM zoning district has a minimum lot width of 30 feet. The applicant proposes a total of 38 lots within the RM zoned portion of the subject property. The average lot size within the RM portion of the site is approximately 3,859 square feet with all 38 lots exceeding the 3,500 square foot minimum lot size. All 38 lots will meet or exceed the minimum width and depth standards found in Table 3.190-1 as shown on Attachment B.
- 1.4 The RS-5 zoning district has a minimum lot size of 5,000 square feet for single dwelling units, duplexes and triplexes and a 7,000 square foot minimum for fourplexes. The RS-5 zoning district has minimum lot width standard is 40 feet. The applicant proposes a total of 75 lots within the RS-5 zoning designation. The average lot size within the RS-5 portion of the subject property is approximately 5,133 square feet, exceeding the 5,000 square foot minimum lot size of the zone. However, pursuant to ADC 3.200, up to 50 percent of the total number of detached single-dwelling unit or duplex lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after accounting for all density bonuses. The applicant proposes a total of 36 of the 75 lots (48 percent) below the minimum lot size with the smallest lot consisting of 3,979 square feet, 20.4 percent smaller than the minimum lot size. Any lots smaller than the minimum lot size, 5,000 square feet, may not be developed with middle housing.
- 1.5 Lot and Block Standards. The lot and block standards under ADC 11.090 are addressed later in this report. The applicant has requested a minor variance to this standard as well; those findings and conclusions are included here by reference.
- 1.6 Development Standards. No development is proposed with this application; however, according to the submittal, the applicant intends to develop each lot with a detached single dwelling unit.
- 1.7 At the time of building permit processing, setback, lot coverage, and height standards will be applied to ensure construction of new dwellings meet the applicable development standards of the underlying zoning district.

Conclusions

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

Criterion (2)

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

Findings of Fact

- 2.1 The subject property is unaddressed and located to the west of 1252 Ellingson Road SE, at the current terminus of Lochner Road SE, and on the south side of Ellingson Road SE. The parcel is identified upon the Linn County Assessor's Map as 11S-03W-29; Tax Lot 501. The land is owned in its entirety by Justin Gross.
- 2.2 The site consists of approximately 21.94 acres and is currently vacant. The applicant proposes to subdivide the property into 113 lots ranging from 3,500 square feet to 5,412 square feet in the RM zone and from 3,979 square feet to 10,675 square feet in the RS-5 zone.
- 2.3 The applicant proposes six separate open space tracts totaling 3.53 acres, including stormwater facilities. The remainder of the land will be used for utilities such as public roadways, sidewalks,

and bike easements. This comprises the entirety of the 21.94 acres, therefore there is no remaining land to be developed.

- 2.4 As proposed, there is no remaining land to develop. The subdivision does not create any remainder property.

Conclusions

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

Criterion (3)

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

Findings of Fact

- 3.1 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by the city council to require only that adjoining land either have access or be provided access to public streets. The property currently has frontage on Ellingson Road and proposes to extend Lochner Road SE further south from its current terminus to the southern boundary of the property where it is proposed to terminate at the City limits.
- 3.2 As shown on the Tentative Plat (Attachment B), the proposed development would develop six new local streets within the subdivision, Combine Street, Perennial Avenue, Bentgrass Street, Windrow Avenue, Forage Street, and Cayuse Street. Perennial Avenue and Cayuse Street are configured to provide 1252 Ellingson Road internal connections in the future. Combine Street is configured to provide access to the south if development is proposed in the future.
- 3.3 Property to the north: North of the subject property is a 20.00-acre unit of land that is under development as the Curry Meadows Subdivision. This property has frontage onto Lochner Road SE, Ellingson Road SE, and Nolan Avenue SE. The applicant has obtained an easement across the southern portion of this property for the development of a public right-of-way. The proposed land division does not affect future development of this lot.
- 3.4 Property to the south: South of the subject property is farmland that is not annexed into the City of Albany. This land has access through common ownership to Columbus Street SE. The proposed land division provides additional access opportunities for the future via the extension of Lochner Road SE and the creation of Combine Street SE. Approval of this application would allow development in the future.
- 3.5 Property to the east: East of the subject property is an existing vacant lot. This parcel has frontage on Columbus Street SE and Ellingson Road SE. Windrow Avenue is proposed to provide access along the western property line in the future. Property at 1252 Ellingson Road SE is also to the east of the subject property and is developed with a single dwelling unit. The property has frontage on Ellingson Road SE and has proposed connections to Perennial Ave and Cayuse Street for potential future development. The proposed land division does not preclude future development of these lots.
- 3.6 Property to the west: West of the subject property is a 5.32-acre property developed with a single unit dwelling. This property is currently within the Linn County's jurisdiction and not within the City's Urban Growth Boundary (UGB). The property has existing access from Ellingson Road SE. This proposed land division does not affect the future development of this property.

Conclusions

- 3.1 All adjoining properties have access to public streets through the existing transportation system, and the proposed subdivision plan will not remove that access.
- 3.2 As proposed, the new street network will connect and provide access to adjacent undeveloped land, thereby facilitating future development of those properties.
- 3.3 This criterion is met without conditions.

Criterion (4)

The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

Findings of Fact

- 4.1 The proposed development will subdivide a 21.94-acre parcel into 113 residential single-unit lots and size open space tracts.
- 4.2 The applicant proposes to construct the development in two phases.
- 4.3 The development is located on the southeast corner of Ellingson Road and Lochner Road.
- 4.4 Ellingson Road is classified as a principal arterial road and is not constructed to city standards. The road lacks curbs, gutters, sidewalks, and bike lanes. Existing street improvements consist of a vehicle travel lane in each direction.
- 4.5 Lochner Road does not yet extend south of Ellingson Road into this site. Albany's Transportation plan envisions a future roundabout at the intersection and an extension of Lochner Road to the south as a local street.
- 4.6 The applicant submitted a traffic impact analysis with the application. The analysis was performed by Ferguson & Associates, Inc. and is dated February 2024. The single unit lots created by the development were estimated to generate 1,006 vehicle trips per day, of which 106 would occur during the peak PM traffic hour.
- 4.7 Albany requires that level of service (LOS) "D" or better be maintained at signalized and all-way stop-controlled intersections. The performance of two-way stop-controlled intersections is evaluated based upon the worst-case movement and not the "average" of all movements. At two-way stop-controlled intersections, the City's minimum performance standard for the worst-case movement is a volume to capacity ratio (v/c) of 0.85.
- 4.8 The Ferguson & Associates study evaluated impacts on the public street system at year 2028 and year 2033. The evaluation included a projection of LOS and v/c for all study intersections.
- 4.9 The Ferguson & Associates study evaluated the development's impact on the operation of the following intersections:
 - *Lochner Road/Site Access*—The intersection would be controlled by a stop sign on the local street approach and is projected to operate at LOS "A" during the PM peak traffic hour for year 2028 and year 2033. The v/c of the worst-case movement in 2033 would be less than 0.50.
 - *Ellingson Road/Site Access*—The intersection was assumed to be controlled by a stop sign on the local street approach. The intersection was projected to operate at LOS "A" during the PM peak traffic hour for year 2028 and 2033. The v/c of the worst-case movement in 2033 would be less than 0.50.

- *Ellingson Road/Lochner Road* – The intersection would be controlled by a stop sign on the local street approach. The worst-case movement at the intersection was projected to operate at LOS “C” during the PM peak traffic hour for year 2028 and 2033. The v/c of the worst-case movement in 2033 would be less than 0.50.
 - *Columbus Street/Ellingson Road* – The intersection was assumed to be stop-controlled by a stop sign on the Ellingson Road approach. The worst-case movement at the intersection was projected to operate at LOS “E” for the year 2028 and LOS “F” for year 2033. The v/c of the worst-case movement in 2033 with the development would be 0.97. The projected operation in year 2033 would fall below the City’s performance standard for a two-way stop-control intersection. Addressing that issue will require conversion of the intersection to all-way stop control as an interim step prior to installation of the roundabout envisioned by Albany’s TSP.
- 4.10 The Ferguson & Associates study concluded that with the development the operation of all study intersections with the exception of Columbus/Ellingson would meet or exceed City performance standards through year 2033. If traffic volumes increase as projected by the study, the Columbus/Ellingson intersection will need to be converted to all-way stop-control at some point between year 2028 and 2033.
- 4.11 ADC 12.040 and 12.050 require that public street and other infrastructure within and adjoining new development comply with adopted masterplans and allow for conditions requiring infrastructure implementing those plans to be placed on new development.
- 4.12 Albany’s Transportation System Plan (TSP) includes three projects that adjoin this site. All three are also identified in the adopted South Albany Area Plan (SAAP).
- *Project I-41*: Installation of a roundabout at the Ellingson Road/Lochner Road intersection.
 - *Project L53*: An urban upgrade of Ellingson Road to urban standards with curb, gutter, sidewalks, and bike facilities. The road will have: a vehicle travel lane in each direction; a two-way center turn lane/median island; cycle tracks, and setback sidewalks. The SAAP calls for right in/right out turn restrictions to be implemented at selected intersections. The typical right of way is 106 feet, 24 of which is intended for the addition of a future vehicle lane in each direction to accommodate traffic demand beyond the TSP’s horizon year of 2030.
 - *Project L54-b*: An urban upgrade of Lochner Road to urban standards with curb, gutter, and bike facilities. The road will have: a vehicle travel lane in each direction, a two-way center left turn lane; setback sidewalk and a southbound bike lane on the west side; and a setback multiuse path on the east side.
- 4.13 With the exception of the intersection improvement identified by TSP project I-41, the applicant proposal includes construction of the street improvements along the site’s frontage on Ellingson Road envisioned by the TSP and the South Albany Area Plan. The proposed improvements include along the south side of the road: curb and gutter; a separated eastbound cycle track; public sidewalk; and a median island at the Combine Street intersection to restrict vehicle movements to right in and right out turns.
- 4.14 The Ellingson Road/Lochner Road roundabout (TSP project I -41) is identified in the city’s System Development Charge funding methodology as being funded 50 percent by system development charges, and 50 percent by developers. The east two quadrants of the intersection are in the city limits and have right-of-way dedicated for the roundabout. The west two quadrants are currently outside the city limits and have not dedicated right-of-way for the intersection

- improvement. As a result, it is not possible to construct a roundabout at the intersection with this development. The applicant has proposed interim improvement for the intersection, together with an offer to make a proportionate financial contribution toward the developments share of the ultimate intersection improvement. The interim improvement provides for a typical stop-controlled intersection together with the installation of interim bicycle and pedestrian improvements within the area that will ultimately be improved with a roundabout.
- 4.15 All of the development's interior roads are classified as local streets and are designed with a right-of-way width of 54 feet and a curb-to-curb width of 30 feet. The cross sections proposed for the site's interior streets meet the design standards for minor local streets contained in ADC section 12.122 of the development code.
- 4.16 The applicant has proposed a partial width street for the extension of Lochner Road along the site's west boundary. The proposed design includes right-of-way dedication of 40 feet; curb, gutter, and sidewalk along the east side of the road, and partial width pavement allow for two lanes of traffic. ADC 12.200 allows for the construction of partial width streets in situations where a proposed street adjoins a neighboring parcel with development potential.
- 4.17 The development of Phase 1 will result in Windrow Avenue extending and temporarily dead-ending approximately 600 feet east of its intersection with Forage Street. With Phase 2, Windrow Avenue will be extended east and interconnected with future local streets. The applicant has proposed construction of a temporary hammerhead with Phase 1 in order to provide for turnaround movements by residents and emergency vehicles.
- 4.18 The internal street system proposed by the applicant includes a 90-degree corner at the Bentgrass Street/Perennial Avenue intersection. The proposed design has a centerline radius less than what is required under ADC 12.210 (200 feet). Because on-street parking is allowed on the street, the proposed radius design could limit the ability of emergency vehicles to navigate the corner.

Conclusions

- 4.1 The development will create 113 residential lots.
- 4.2 The applicant submitted a traffic study with the application. The study evaluated the impact that traffic generated by the development would have on the transportation system. The study concluded that with the development all intersections will meet or exceed the City's performance standards at year 2028. With the exception of Ellingson Road/Columbus Street, all study intersections would also meet or exceed the City's performance standards through year 2033. In order to accommodate anticipated future traffic volumes, the Ellingson Road/Columbus Street intersection will need to be converted to an all-way stop sometime between year 2028 and 2033.
- 4.3 Ellingson Road adjoins the north boundary of the site, is classified as a principal arterial, and is not constructed to city standards. Albany's TSP and the South Albany Area Plan include improvement standards for the streets. Improvement of public streets adjoining a new development is a requirement of ADC 12.060.
- 4.4 Right-of-way dedication is needed along the site's frontage on Ellingson Road in order to allow for the improvement of the street in accordance with the city's TSP and the SAAP. The tentative plan map submitted by the applicant provides for right-of-way dedication needed for both the street improvement as well as the future roundabout at the Ellingson Road/Lochner Road intersection.
- 4.5 The applicant's development proposal includes an interim improvement for the intersection of Lochner Road and Ellingson Road, together with street frontage improvement along the site's remaining frontage on both roads. The frontage improvements proposed by the developer comply with the TSP and the South Albany Area Plan.

- 4.6 Insufficient right-of-way currently exists at the Ellingson Road/Lochner Road intersection to allow for construction of the roundabout is identified by the TSP and the South Albany Area Plan. The interim improvement proposed by the developer also included an offer to make a proportionate financial contribution toward the ultimate intersection improvement. The City's TSP funding methodology shows the roundabout as being funded 50 percent by system development charges and 50 percent by development. This development occupies one quadrant of the intersection. A roughly proportionate share for this development of the ultimate intersection improvement would be one eighth of the total estimated construction cost for the roundabout. The project construction estimate in the TSP for year 2010 was \$500,000, and that number (and associated system development charges) are adjusted annually based on the Engineering News Record (ENR) Construction Cost Index (Seattle).
- 4.7 In order to assign right-of-way and provide for safe and efficient pedestrian access, crosswalks and stop signs are needed at the local approaches to Lochner Road and Ellingson Road.
- 4.8 Interior local streets are designed with a right of way width of 54 feet and a curb-to-curb width of 30 feet. That design complies with Albany's standard for local street design.
- 4.9 The development of Phase 1 will result in Windrow Avenue extending and temporarily dead-ending approximately 600 feet east of its intersection with Forage Street. The applicant has proposed construction of a temporary hammerhead with Phase 1 in order to provide for turnaround movements by residents and emergency vehicles.
- 4.10 The internal street system proposed by the applicant includes a 90-degree corner at the Bentgrass Street/Perennial Avenue intersection that could limit the ability of emergency vehicles to navigate the corner. Potential treatments to avoid that result would include redesigning the intersection to include a "knuckle" or modifying the radius of the inside and outside curbs to add additional width through the intersection.
- 4.11 ADC 12.290 requires installation of sidewalk with street construction and allows some exemptions on local streets with the approval of the City Engineer. Because those tracts are non-developable, sidewalk installation along their frontages cannot be deferred.

Conditions

All Phases

- Condition 1** The applicant shall dedicate right-of-way and construct, or financially assure the construction of, all interior public streets. The right-of-way widths and curb to curb widths shall be as identified on the Tentative Plat Map.
- Condition 2** The applicant shall install public sidewalks with the construction of street improvements along the public street frontage of all lots and tracts of land that do not have future development potential. Sidewalk installation along the frontage on newly created parcels adjoining streets with a local street classification may be deferred to development of individual lots if approved by the City Engineer.

Phase 1

- Condition 3** Prior to or with recordation of the final plat map the applicant shall:
- Dedicate 40 feet of right-of-way along the site's west frontage for an extension of Lochner Road.
 - Dedicate 26 feet of right-of-way dedication along the site's frontage on the south side of Ellingson Road.

- Dedicate right-of-way for construction of a roundabout at the Lochner Road/Ellingson Road intersection as shown on the approved tentative site plan.
- Condition 4** Prior to recordation of the final plat map, the applicant shall provide a Petition for Improvement/Waiver of Remonstrance for construction of non-roundabout related street improvements to Ellingson Road.
- Condition 5** Prior to recordation of the final plat map, the applicant shall provide a financial contribution of the site's contribution to the future construction of a roundabout at the Lochner Road/Ellingson Road intersection. The amount of the contribution shall be one eighth of the adjusted total project cost of project I41 in Albany's 2010 Transportation System Plan. The adjusted project cost shall be determined by using the Engineering News Record (ENR) Construction Cost Index (Seattle) between February 2010 and the date of map recordation.
- Condition 6** Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, the following improvements along Ellingson Road:
- An eastbound 6.3-foot-wide concrete cycle track and a 6-foot concrete sidewalk on the south side of Ellingson along the frontage of both Phase 1 and Phase 2. The back of the sidewalk shall be located six inches north of the new right-of-way line.
 - A median island shall be installed at the Combine Street intersection. The design of the island shall restrict vehicle movements to right in and right out.
- Condition 7** Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, partial width improvements to local street standards for Lochner Road along the site's west boundary:
- Curb, gutter, and setback sidewalk along the east side of the road. The face of curb shall be located 14 feet east of the new right-of-way line as shown on the approved tentative plat map.
 - 24 feet of pavement as measured from the new face of curb.
- Condition 8** In lieu of the improvements described in Phase 1, Conditions 4 and 5 (above), the City Engineer may agree to accept alternative improvements within the area planned for future roundabout construction. That area consists of Lochner Road north of the south property line of lot 20, and Ellingson Road west of the east property line of lot 14.
- Condition 9** The 90-degree corner of Bentgrass Street and Perennial Avenue shall be designed to the approval of the City Engineer, accommodate emergency vehicle movements, and not require imposition of on-street parking restrictions.
- Condition 10** A temporary hammerhead shall be installed on the north side of Windrow Avenue just west of Lot 58 as shown on the approved site plan. The hammerhead shall be striped and posted "No Parking".
- Condition 11** A crosswalk and stop sign shall be installed on the Combine Street approach to Lochner Road.
- Condition 12** A stop sign and stop bar shall be installed on the northbound Lochner Road approach to Ellingson Road.

Phase 2

- Condition 13** Prior to recordation of the final plat map, the applicant shall construct, or financially assure the construction of street improvements along the site's frontage on Ellingson Road from the

“interim improvements” at the Lochner Road Ellingson Road intersection to the site’s east boundary. Improvements shall conform to the South Albany Area Plan and include:

- Curb and gutter along the south side of the street. The face of curb shall be located 20 feet south of the centerline of the ultimate road right-of-way.
- New pavement from the new curb and gutter to the south edge of the eastbound vehicle travel lane.

Condition 14 Upon completion of Phase 2 interior street improvements, the temporary hammerhead installed on Windrow Avenue with Phase 1 improvements may be removed and replaced with standard curb, gutter, and sidewalk.

Criterion (5)

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

Findings of Fact

Sanitary Sewer:

- 5.1 City utility maps show no public sanitary sewer adjacent to the subject property. Public sanitary sewer facilities east of the site (Henshaw Farms) serve a different sewer basin and are not able to serve this project. The nearest public sanitary sewer intended to serve this property is located approximately 2,150 feet west of the subject property.
- 5.2 Oregon Revised Statutes (ORS) 92.090 states no subdivision plat shall be approved unless sanitary sewer service from an approved sewage disposal system is available to the lot line of every lot depicted in the proposed subdivision plat.
- 5.3 Albany Municipal Code (AMC) 10.01.010 (1) states the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 5.4 ADC 12.490 states sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.
- 5.5 Land Use Case SD-09-22 proposes to install a public sanitary sewer in Ellingson Road to the Ellingson and Lochner intersection, which is currently under construction. If SD-09-22 does not move forward with the completion of the sewer extension project, then this project shall extend public sanitary sewer in Ellingson Road to Lochner Road. In order to provide public sanitary sewer service to the proposed development and provide access to other properties near the site and for future system expansion, the applicant must extend public sewer in Lochner Road to the southern boundary line as shown on the preliminary utility plan.
- 5.6 The minimum size of the public sanitary sewer main to be installed must be eight inches in diameter where a larger size is not needed to provide an adequate system, conform with the

size of existing mains, meet future needs, or conform to the size specified by the utility's sewer system facility plan (AMC 10.01.110(2)(a)).

- 5.7 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110(2)(b)).
- 5.8 All public sanitary sewer mains must be installed in accordance with the City's Standard Construction Specifications. Before any work is done on or around a public sanitary sewer main, the applicant must obtain a Site Improvement Permit for the City's Engineering Division.

Water:

- 5.9 City utility maps show a 16-inch main in the Henshaw Street and Ellingson Road intersection.
- 5.10 ORS 92.090 states no subdivision plat shall be approved unless water service from an approved water supply system is available to the lot line of each and every lot depicted in the proposed subdivision plat.
- 5.11 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 5.12 ADC 12.450 requires that all new development within the City, where appropriate, provide for the extension of existing water lines serving the surrounding area.
- 5.13 AMC 11.01.120(2)(e) states all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.
- 5.14 AMC 11.01.120(2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water system improvements to be built under a private contract require that the developer obtain a Permit for Private Construction of Public Improvements.
- 5.15 AMC 11.01.120(2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 5.16 AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.
- 5.17 Water Facilities Master Plan calls for a 16-inch public water main to be installed in Ellingson Road to Lochner intersection. Land Use Case SD-09-22 proposes to install a public water main to the Ellingson and Lochner intersection, which is currently under construction. If SD-09-22 does not move forward with the completion of the water main project, then this project shall extend the public water main in Ellingson Road to Lochner Road. SD-09-22 will also provide stub outs to the subject property for connection. The applicant's preliminary utility plan shows

the extension of an eight-inch public main in Lochner Road and Ellingson Road intersection south to serve the site, and eight-inch mains along the other internal streets of the development. Final design details will be reviewed as part of the Public Work's Site Improvement Permit plan review and must adhere to all applicable City of Albany specifications.

- 5.18 AMC 15.30.010 states a Connection Charge shall be due and payable when accessing the City's water distribution facilities 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 water facilities has not been paid by the property owner or predecessor thereof. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee.

Stormwater Drainage:

- 5.19 City utility maps show no piped public storm drainage facilities in Ellingson Road or in Lochner Road. Storm water runoff in this area generally flows to the northwest and is picked up by roadside ditches along Ellingson Road and Lochner Road. A drainage swale passes through the subject property and into a culvert under Ellingson Road.
- 5.20 It is the property owner's responsibility to ensure any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 5.21 ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer. Also, no storm water may be discharged to the public sanitary sewer system.
- 5.22 ADC 12.580 states all new development within the City must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 5.23 ADC 12.550 states any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 5.24 ADC 12.560 states where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
- 5.25 The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the

- City's Engineering Standards. In most circumstances, detention will be required unless it can be satisfactorily demonstrated by the applicant that there is no adverse impact.
- 5.26 Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. Before beginning work, the applicant must submit to the Public Works Engineering Division, a storm drainage plan for the site that shows the proposed slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow from storm water across the sidewalk and in the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. Also, no storm water (including roof drainage) may be discharged to sanitary sewer (ADC 12.530).
 - 5.27 AMC 12.45.030 and 12.45.040 requires a post-construction stormwater quality permit be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than 8,100 square feet or more of impervious surface is created and/or replaced, cumulatively. (Ord. 5841 § 3, 2014)
 - 5.28 Because the site is larger than one acre and more than 8,100 square feet of impervious surfaces will be created or replaced, the applicant must obtain a stormwater quality permit and construct stormwater quality facilities that meet all City Engineering Standards pertaining to stormwater quality.
 - 5.29 The City's Stormwater Master Plan calls for new public storm drainage mains in Lochner Road and in Ellingson Road. A new public storm drainage main in Ellingson Road shall collect runoff from Ellingson Road and discharge to the drainage swale (culvert crossing). A new public storm drainage main in Lochner Road shall collect runoff and discharge to the ditch north of the site. The length of the storm drainage main extension will be determined by the storm drainage design meeting City of Albany engineering standards. The design shall determine the discharge point of the storm drain system which is approximately 1,850 feet north of the Lochner Road and Ellingson Road intersection. Land Use Case SD-09-22 proposes to install these new public storm drainage mains with that development, which is under construction. The applicant's preliminary utility plan shows the subject property connected to these two master-planned public storm drainage mains. Runoff from the new streets and adjacent lots will be collected by new public storm drainage facilities where it will be routed through a pair of detention/water quality facilities. Stormwater will then be discharged to the new public storm drainage main to be constructed in Lochner Road to a discharge point towards Oak Creek.
 - 5.30 Land Use SD-09-22 proposed to replace existing culverts under Ellingson Road with a new box culvert with Ellingson improvements. This project shall extend the box culvert with Ellingson Road improvements. If SD-09-22 does not move forward, then this project shall replace the existing culverts under Ellingson Road with new culverts with street improvements.
 - 5.31 The applicant has submitted a storm drainage report for this project. The City has reviewed the report and has determined that it is generally acceptable. Final design details must be reviewed and approved as part of the Public Work's Site Improvement Permit and Stormwater Quality Permit review process.

Fire Safety:

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

Conclusions

- 5.1 Public sanitary sewer, water, and storm drainage facilities must be constructed within the development to serve the proposed lots. While the applicant's preliminary utility plan appears to be generally acceptable, final design details must be reviewed and approved by the Public Works Department in conjunction with the required site improvement permit.
- 5.2 Because the subject property lies in a different sewer basin than the development to the east (Henshaw Farms), an extension of the public sanitary sewer main in Ellingson Road from the west is needed to serve the site. In order to provide access to the public sewer for adjacent and downstream properties for future development and system expansion (ADC 12.490), the required sewer extension must bring public sewer to the south boundary of the subject on Lochner Road. Land Use Case SD-09-22 proposes to install a public sanitary sewer main in Ellingson Road from the west to the Lochner Road and Ellingson Road intersection, which is under construction.
- 5.3 The City's Water Facility Plan calls for the extension of the 16-inch water main in Ellingson Road to Lochner Road along the subject property's frontage. The public water main shall be extended in Lochner Road to the south boundary of the subject property. Land Use Case SD-09-22 proposes to install public water from the east to the Lochner Road and Ellingson intersection, which is under construction.
- 5.4 In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road.
- 5.5 The City's Stormwater Master Plan calls for new public storm drainage mains in Lochner Road and in Ellingson Road to serve the proposed development. A new public storm drainage main in Ellingson Road shall collect runoff from Ellingson Road and discharge to the drainage swale (culvert crossing). A new public storm drainage main in Lochner Road shall be installed to serve the subject property. This public drainage main shall discharge to the roadside ditch north of the Lochner Road and Ellingson Road intersection.
- 5.6 Storm water quality facilities must be constructed for the proposed development. These facilities must be constructed according to City of Albany standards. The applicant must obtain a permit from the Public Works Department before constructing the improvements.

Conditions

- Condition 15** Before the City will approve the final subdivision plat for each phase, the applicant must construct public utilities (water, sanitary sewer, and storm drainage) within the proposed streets for the development and for future extensions. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 16** Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the proposed subdivision. The sanitary sewer main in Perennial Avenue shall be extended across Tract A with Phase 1 and terminate to the east of the sensitive areas shown on the plans. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 17** Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the

subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

- Condition 18** Before the City will approve the final subdivision plat for any phase, the applicant must construct a public storm drainage main in Lochner Road to serve the proposed development. In addition, the applicant must construct a public storm drainage main in Ellingson Road to collect runoff from Ellingson Road and discharge to the drainage swale. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 19** Before the City will approve the final subdivision plat for any phase, the applicant shall replace the existing culvert crossings under Ellingson Road with the Ellingson Road street improvements. In the event that SD-09-22 completes the culvert replacement, the applicant shall extend the culvert with road improvements. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 20** Before the City will approve the final subdivision plat, the applicant must construct stormwater quality and detention facilities for the proposed development. The facilities must be designed and constructed according to City Standards. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 21** Prior to City approval of the final subdivision plat for the development, the applicant shall submit plans that demonstrate standards of the Oregon Fire Code are met.

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

Criterion (6)

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

Findings of Fact

- 6.1 Article 4 Airport Approach Overlay District
- According to Figure 4.410-1 of the ADC, the subject property is not located within the Airport Horizontal Surface area, as indicated on the Albany Municipal Airport Approach and Clear Zone plan.
- 6.2 Article 6 Floodplain Overlay District
- According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0529G, dated September 29, 2010, the subject property is located in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).
- 6.3 Article 6 Hillside Development Overlay District
- According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District
- The subject property is not located within the Riparian Corridor Overlay District.
- 6.5 Article 6 Significant Wetlands Overlay District
- The subject property is not located within the Significant Wetlands Overlay District.
 - The subject property contains multiple inventoried wetlands. A wetland delineation is approved on the subject property under Department of State Lands (DSL) file number WD2022-0375 (Attachment E). As a condition of approval, the applicant shall comply with the delineation and permitting requirements of DSL.
- 6.6 Article 6 Habitat Assessment Overlay District
- The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Article 7 Historic Overlay District
- According to Chapter 11, Plate 9 of the Comprehensive Plan The subject property is not located within the Historic Overlay District. There are no known archaeological sites on the property.

Conclusions

- 6.1 The proposed development is not located within special purpose districts described in Article 7 (Historic Overlay District), as applicable.
- 6.2 According to the FEMA Flood Insurance Rate Map, the proposed development is not located within the Floodplain Overlay District or Hillside Development Overlay District described in Article 6.
- 6.3 The proposed development is not located within the Riparian Corridor Overlay District.
- 6.4 The subject property contains inventoried wetlands and is approved for a wetland delineation. As a condition of approval, the applicant shall comply with the wetland delineation requirements and permits.
- 6.5 This criterion is met with the following condition.

Conditions

Condition 22 Prior to the signing of the Final Plat the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Lot and Block Arrangements Review Criteria (ADC 11.090)

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

Criterion (1)

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

Findings of Fact

- 1.1 The applicant submitted findings stating: “The minimum lot width in the RS-5 zone is 40 feet for single-family detached dwellings. The minimum lot width in the RM zone is 30 feet for single-family detached dwellings. The majority of the proposed lots have lot widths ranging from 30 feet (RM zone) to 40 feet (RS-5 zone).
- 1.2 The proposed 113-lot subdivision, as submitted in the application, complies with the minimum dimensional and lot area standards of the underlying RM and RS-5 zoning districts.
- 1.3 The subject property is not located in an area with steep slopes. The proposed subdivision has been designed to accommodate the existing topography ensuring building permits may be issued for each lot. The subject property contains identified wetlands has an approved wetland delineation with DSL (DSL file no. WD2022-0375). Based upon the site map submitted with the application (Attachment B.16) the proposed development will reserve the wetland as open space and will not be developed.
- 1.4 Based on these factors, there will be no difficulty in obtaining building permits for all lots within the proposed development.

Conclusion

- 1.1 This criterion is met.

Criterion (2)

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

Findings of Fact

- 2.1 The proposed development will create new lots intended for construction of future residential dwelling units. The subject property is split-zoned Residential Medium Density (RM), which permits medium density residential development, per ADC 3.020(5), and Residential Single-Family (RS-5) which permits low to moderate density residential development per ADC 3.020(4).
- 2.2 Per ADC Table 3.190-1 the minimum lot size in the RM zoning district is 3,500 square feet for single dwelling unit development with a minimum width of 30 feet. The minimum lot size in the

RS-5 zoning district is 5,000 square feet with a minimum width of width of 40 feet. Pursuant to ADC 3.200, up to 50 percent of the total number of detached single-family or duplex lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zoned provided that the average lot size for lots in the development is at least the standard required in the zone after accounting for all density bonuses.

- 2.3 The applicant states that there are 38 lots within the RM zoning district, all of which meet or exceed the 3,500 square foot minimum. The average lot size within the RM zoning district is 3,858 square feet, with the maximum lot size (Lot 97) consisting of 5,412 square feet and the minimum lot size (Lots 81 and 82) consisting of 3,500 square feet. No lots in the RM zone are double the minimum lot size.
- 2.4 The applicant states there are 75 proposed lots within the RS-5 zoning district. The average lot size within the RS-5 zoning district is approximately 5,132 square feet, with the maximum lot size (Lot 33) consisting of 10,675 square feet and the minimum lot size (Lot 61) consisting of 3,979 square feet. Of the 75 proposed lots, 39 lots meet or exceed the 5,000 square foot minimum lot size, with 36 of the 39 lots below the 5,000-square foot minimum lot size. The 36 proposed sub-standard lots constitute less than 50 percent of all the lots and are less than 30 percent of the minimum lot standard for lots within the RS-5 zoning district. The one lot that exceeds the minimum lot size could support up to a fourplex without division and could also be served by an access easement if divided in the future.

Conclusion

- 2.1 The proposed development will create a total of 113 lots, with 38 lots within the RM zoning district and 75 lots within the RS-5 zoning district.
- 2.2 The proposed 38 lots within the RM zoning district meet and/or exceed the minimum lot dimensions pursuant to ADC Table 3.190-1.
- 2.3 The proposed 75 lots within the RS-5 zoning will, within the allowances found in ADC 3.200, on average meet the minimum lot dimensions pursuant to ADC Table 3.190-1.
- 2.4 One proposed lot, Lot 33, within the RS-5 zoning district is more than double the minimum lot size for the RS-5 zoning district. As a condition of approval, the applicant shall provide an urban conversion plan indicating how Lot 33 can be further divided.

Conditions

- Condition 23 Prior to the signing of the Final Plat the applicant shall provide an urban conversion plan indicating how Lot 33 can further be divided.

Criterion (3)

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

Findings of Fact

- 3.1 As shown on the Tentative Plat, Attachment B, Lots 1 through 15, Lots 20 through 23, and Lots 99 through 102 will abut Ellingson Road, in addition to their primary frontage to an internal local

street. No individual access points to the arterials are proposed. Double frontage lots are proposed in this instance to provide circulation and access to internal streets throughout the subdivision.

- 3.2 This condition arises out of the necessity to provide separation from the residential development's collector streets, (Perennial Avenue and Windrow Avenue) from the existing arterial streets, (Ellingson Road). Therefore, as noted above, the double frontage lots in this case are an allowable exception to this criterion.
- 3.3 Driveway access to Ellingson Road is not proposed, and only one lot (lot 25) is proposed to have access onto Lochner Road.

Conclusion

- 3.1 This criterion is met.

Criterion (4)

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

Findings of Fact

- 4.1 As shown on the Tentative Plat, Attachment B, lot lines run at right angles to the streets for the length of the required setbacks, or radial to the curved portions of the streets. Therefore, the side yards of the lots will run at right angles as well.

Conclusion

- 4.1 This criterion is met.

Criterion (5)

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

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

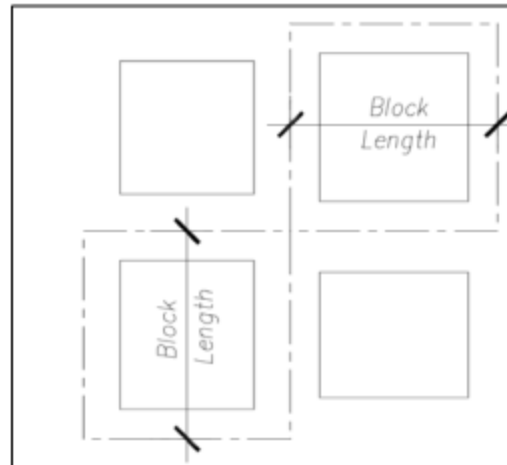


FIGURE 11.090-1. Block Length

Findings of Fact

- 5.1 The Tentative Plat, Attachment B, depicts the layout of the proposed development and the relationship between the streets at the intersections of Ellingson Road and Combine Street, Lochner Road and Windrow Avenue, Perennial Avenue and Combine Street, Forage Street and Perennial Avenue, Windrow Avenue and Combine Street, Forage Street and Windrow Avenue, Windrow Avenue and Bentgrass Steet, and Windrow Avenue and Cayuse Street.
- 5.2 As measured along the street between the center line of two intersecting through streets, the proposed blocks within the development are as follows:
- Combine Street, from Ellingson Road to Perennial Ave ~185 ft
 - Combine Street from Windrow Avenue to the southern property line: ~200 ft
 - Perennial Avenue, from Forage Street to the 90-degree corner that creates Bentgrass Street: ~620 ft
 - Perennial Avenue from Forage Street to the eastern property line: ~465 ft
 - Bentgrass Street from Perennial Avenue to Windrow Avenue: ~223 ft
 - Forage Street from Perennial Avenue to Windrow Avenue: ~421 ft
 - Windrow Avenue from Lochner Road to Bentgrass Street: ~154 ft
 - Windrow Avenue from Bentgrass Street to Combine Street: ~413 ft
 - Windrow Avenue from Combine Street to Forage Street: ~259 ft
 - Windrow Avenue from Forage Street to Cayuse Street: ~1116 ft
 - Windrow Avenue from Cayuse Street to the eastern property line: ~127 ft
 - Cayuse Street from Windrow Avenue to the northern property line: ~192 ft
- Average Block Length = ~364 ft.

The average block length based upon the proposed development is approximately 364 feet, which does not exceed the average block length standard.

- 5.3 Access to the site will be provided via two proposed new public street connections: one access onto Ellingson Road SE located at the northern property line, and a second access onto Lochner Road SE on the west side of the development. As Ellingson Road SE is designated as a principal arterial street in the City of Albany Transportation System Plan, no additional access points are allowed, and the existing access point has been located to maximize the safe operation of these existing public streets.

Conclusion

- 5.1 The average block length within the development is approximately 364 feet.
- 5.2 The subject property is constrained by existing transportation facilities consisting of Ellingson Road, which is considered a principal arterial road.
- 5.3 This criterion is met.

Criterion (6)

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

Findings of Fact

- 6.1 At the time of building permit processing, off-street pedestrian pathways will be established in compliance with Articles 8 and 11 of the ADC as applicable.

Conclusion

- 6.1 This criterion is met.

Criterion (7)

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

Findings of Fact

- 7.1 The tentative site map, Attachment B, indicates there are no proposed cul-de-sacs.

Conclusion

- 7.1 This criterion is not applicable.

Criterion (8)

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

Findings of Fact

- 8.1 The applicant does not propose any flag lots, however, one easement of 25 feet in width is proposed to serve lots 29 and 33.
- 8.2 ADC 12.090 contains the following criteria for the creation of an access easement: 1. No more than two residentially zoned parcels or uses will be served by the access easement. 2. There is not enough room for a public right-of-way, due to topography, lot configuration, or placement of existing buildings; and 3. The City Engineer has determined that there is no need for a public street in this location.
- 8.3 The proposed access easement will serve lots 29 and 33, which satisfies criterion 1. Due to lot configuration along Windrow Avenue, there is not enough room for a public right-of-way without sacrificing a whole proposed lot. This satisfies criterion 2. Finally, the City Engineer has reviewed the plan and did not submit comments requesting a public street in this location. Based on these facts, the criteria in ADC 12.090 are met.

Conclusion

8.1 This criterion is met.

Criterion (9)

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

Findings of Fact

- 9.1 The arcs along the property lines at all street intersections will be established so that a minimum 20-foot radius of the curb line can be constructed.
- 9.2 The 90-degree corner of Perennial Avenue to Bentgrass Street maintains a minimum 30-foot radius.

Conclusion

9.1 The applicant must ensure that the final subdivision plat for the development complies with this 20-foot radius requirement.

Conditions

Condition 24 Prior to City approval of the final subdivision plat for the development, the applicant must demonstrate that the arc along the property lines at all street intersections are established so that the construction of the curb line has a radius that is not less than twenty feet.

Minor Variance Review Criteria (ADC 2.696)

The Minor Variance review allows the Director to approve limited modifications to the application of numeric standards for unusual situations specific to the site. Minor Variances will not be considered to avoid a review process or standard in this Code. Minor Variances are typically for requests that are 10 percent or less of a numeric standard.

Criterion (1)

The Minor Variance is not requested to avoid a land use review process or increase density; AND

Criterion (2)

The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the side, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

Criterion (3)

The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Findings of Fact and Conclusions:

- 1.1 The applicant applied for a minor variance to allow the average block length to exceed 600 feet, as noted in ADC 11.090(5). The applicant subsequently modified the tentative plat, which resulted in an average block length of approximately 364 feet. Due to this adjustment, a minor variance is no longer required. These criteria are no longer applicable.

Overall Conclusion

As proposed and conditioned, the application under planning files SD-03-23 and VR-03-24 for a Tentative Plat Review with Minor Variance to develop a 113-lot subdivision satisfies all applicable review criteria as outlined in this report.

Overall Conditions

Transportation:

All Phases

- Condition 1** The applicant shall dedicate right-of-way and construct, or financially assure the construction of, all interior public streets. The right-of-way widths and curb to curb widths shall be as identified on the Tentative Plat Map.
- Condition 2** The applicant shall install public sidewalks with the construction of street improvements along the public street frontage of all lots and tracts of land that do not have future development potential. Sidewalk installation along the frontage on newly created parcels adjoining streets with a local street classification may be deferred to development of individual lots if approved by the City Engineer.

Phase 1

- Condition 3** Prior to or with recordation of the final plat map the applicant shall:
- Dedicate 40 feet of right-of-way along the site's west frontage for an extension of Lochner Road.
 - Dedicate 26 feet of right-of-way dedication along the site's frontage on the south side of Ellingson Road.
 - Dedicate right-of-way for construction of a roundabout at the Lochner Road/Ellingson Road intersection as shown on the approved tentative site plan.
- Condition 4** Prior to recordation of the final plat map, the applicant shall provide a Petition for Improvement/Waiver of Remonstrance for construction of non-roundabout related street improvements to Ellingson Road.
- Condition 5** Prior to recordation of the final plat map, the applicant shall provide a financial contribution of the site' contribution to the future construction of a roundabout at the Lochner Road/Ellingson Road intersection. The amount of the contribution shall be one eighth of the adjusted total project cost of project I41 in Albany's 2010 Transportation System Plan. The adjusted project cost shall be determined by using the Engineering New Record (ENR) Construction Cost Index (Seattle) between February 2010 and the date of map recordation.
- Condition 6** Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, the following improvements along Ellingson Road:
- An eastbound 6.3-foot-wide concrete cycle track and a 6-foot concrete sidewalk on the south side of Ellingson along the frontage of both Phase 1 and Phase 2. The back of the sidewalk shall be located 6-inches north of the new right-of-way line.
 - A median island shall be installed at the Combine Street intersection. The design of the island shall restrict vehicle movements to right in and right out.

- Condition 7** Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, partial width improvements to local street standards for Lochner Road along the site's west boundary:
- Curb, gutter, and setback sidewalk along the east side of the road. The face of curb shall be located 14-feet east of the new right-of-way line as shown on the approved tentative plat map.
 - 24-feet of pavement as measured from the new face of curb.
- Condition 8** In lieu of the improvements described in Phase 1, Conditions 4 and 5 (above), the City Engineer may agree to accept alternative improvements within the area planned for future roundabout construction. That area consists of Lochner Road north of the south property line of lot 20, and Ellingson Road west of the east property line of lot 14.
- Condition 9** The 90-degree corner of Bentgrass Street and Perennial Avenue shall be designed to the approval of the City Engineer, accommodate emergency vehicle movements, and not require imposition of on-street parking restrictions.
- Condition 10** A temporary hammerhead shall be installed on the north side of Windrow Avenue just west of Lot 58 as shown on the approved site plan. The hammerhead shall be striped and posted "No Parking".
- Condition 11** A crosswalk and stop sign shall be installed on the Combine Street approach to Lochner Road.
- Condition 12** A stop sign and stop bar shall be installed on the northbound Lochner Road approach to Ellingson Road.

Phase 2

- Condition 13** Prior to recordation of the final plat map, the applicant shall construct, or financially assure the construction of street improvements along the site's frontage on Ellingson Road from the "interim improvements" at the Lochner Road Ellingson Road intersection to the site's east boundary. Improvements shall conform to the South Albany Area Plan and include:
- Curb and gutter along the south side of the street. The face of curb shall be located 20-feet south of the centerline of the ultimate road right-of-way.
 - New pavement from the new curb and gutter to the south edge of the eastbound vehicle travel lane.
- Condition 14** Upon completion of Phase 2 interior street improvements, the temporary hammerhead installed on Windrow Avenue with Phase 1 improvements may be removed and replaced with standard curb, gutter, and sidewalk.

Utilities:

- Condition 15** Before the City will approve the final subdivision plat for each phase, the applicant must construct public utilities (water, sanitary sewer, and storm drainage) within the proposed streets for the development and for future extensions. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 16** Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the

proposed subdivision. The sanitary sewer main in Perennial Avenue shall be extended across Tract A with Phase 1 and terminate to the east of the sensitive areas shown on the plans. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

- Condition 17** Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 18** Before the City will approve the final subdivision plat for any phase, the applicant must construct a public storm drainage main in Lochner Road to serve the proposed development. In addition, the applicant must construct a public storm drainage main in Ellingson Road to collect runoff from Ellingson Road and discharge to the drainage swale. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 19** Before the City will approve the final subdivision plat for any phase, the applicant shall replace the existing culvert crossings under Ellingson Road with the Ellingson Road street improvements. In the event that SD-09-22 completes the culvert replacement, the applicant shall extend the culvert with road improvements. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 20** Before the City will approve the final subdivision plat, the applicant must construct stormwater quality and detention facilities for the proposed development. The facilities must be designed and constructed according to City Standards. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Fire:

- Condition 21** Prior to City approval of the final subdivision plat for the development, the applicant shall submit plans that demonstrate standards of the Oregon Fire Code are met.

Natural Resources:

- Condition 22** Prior to the signing of the Final Plat the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Lot and Block Standards:

- Condition 23** Prior to the signing of the Final Plat the applicant shall provide an urban conversion plan indicating how Lot 33 can further be divided.
- Condition 24** Prior to City approval of the final subdivision plat for the development, the applicant must demonstrate that the arc along the property lines at all street intersections are established so that the construction of the curb line has a radius that is not less than twenty feet.

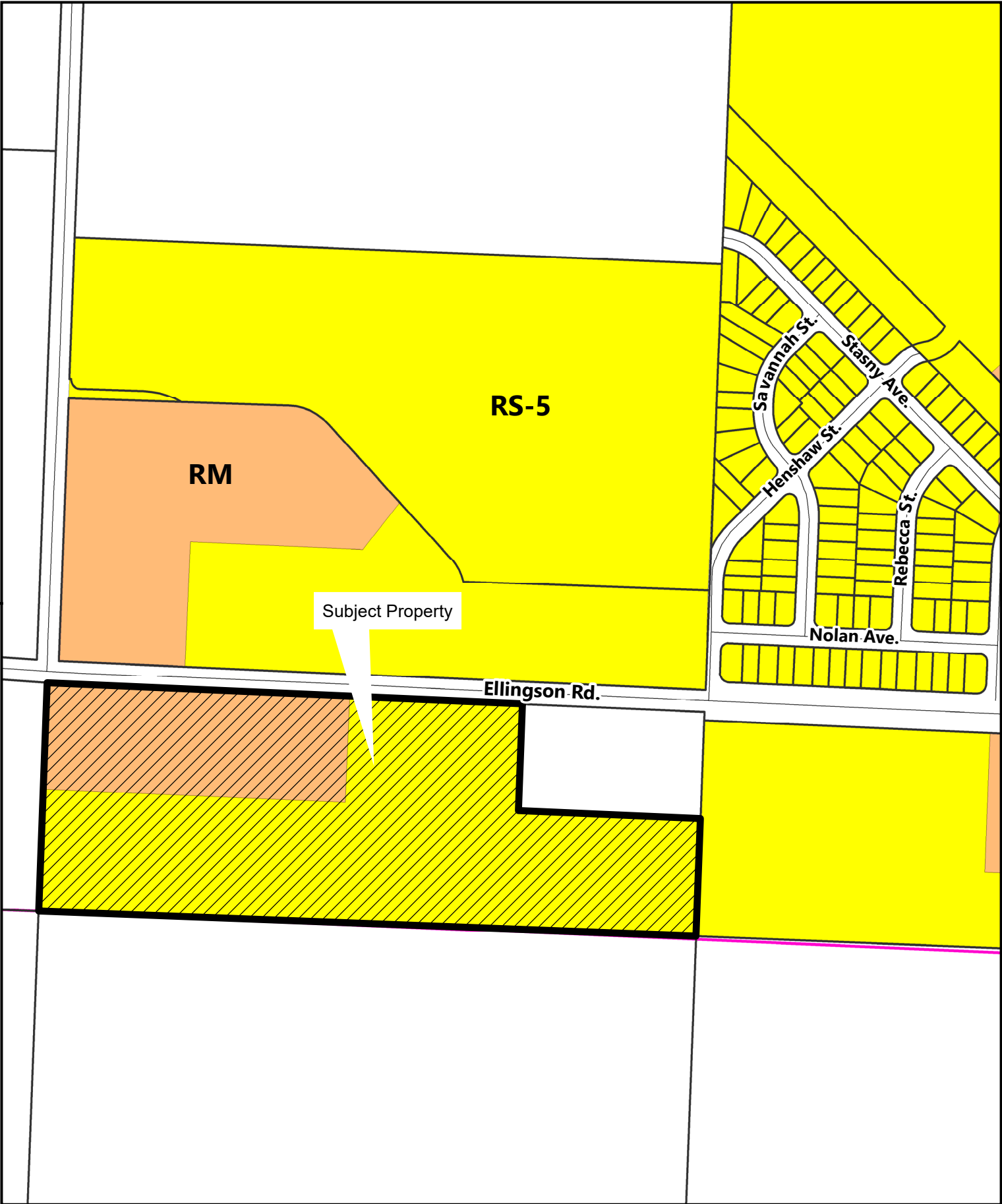
NOTE: *All required permits must be obtained through the Public Works Department before beginning work on any of the aforementioned improvements. Final design and construction details will be reviewed as part of the required permits. Reference is hereby made to the comments provided by the Public Works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

Attachments

- A Location Map
- B Site Maps
- C Applicant Findings
- D Albany Fire Department Comments
- E DSL Comments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
DSL	Department of State Lands
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GIS	Geographic Information Systems
ITE	Institute of Transportation Engineers
LOS	Level of Service
RM	Residential Medium Density Zoning District
RS-5	Residential Single-Dwelling Unit Zoning District
SI	Site Improvement Permit
SAAP	South Albany Area Plan
TSP	Transportation System Plan
V/C	Volume of Capacity Ratio



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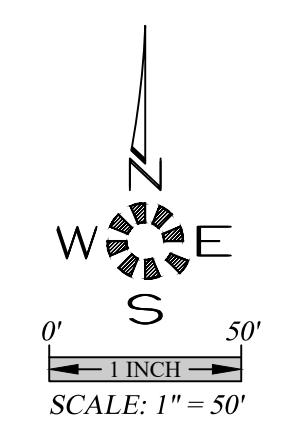


0 50 100 200
 Feet

Unaddressed; next to 1252 Ellingson SE

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

Location Map



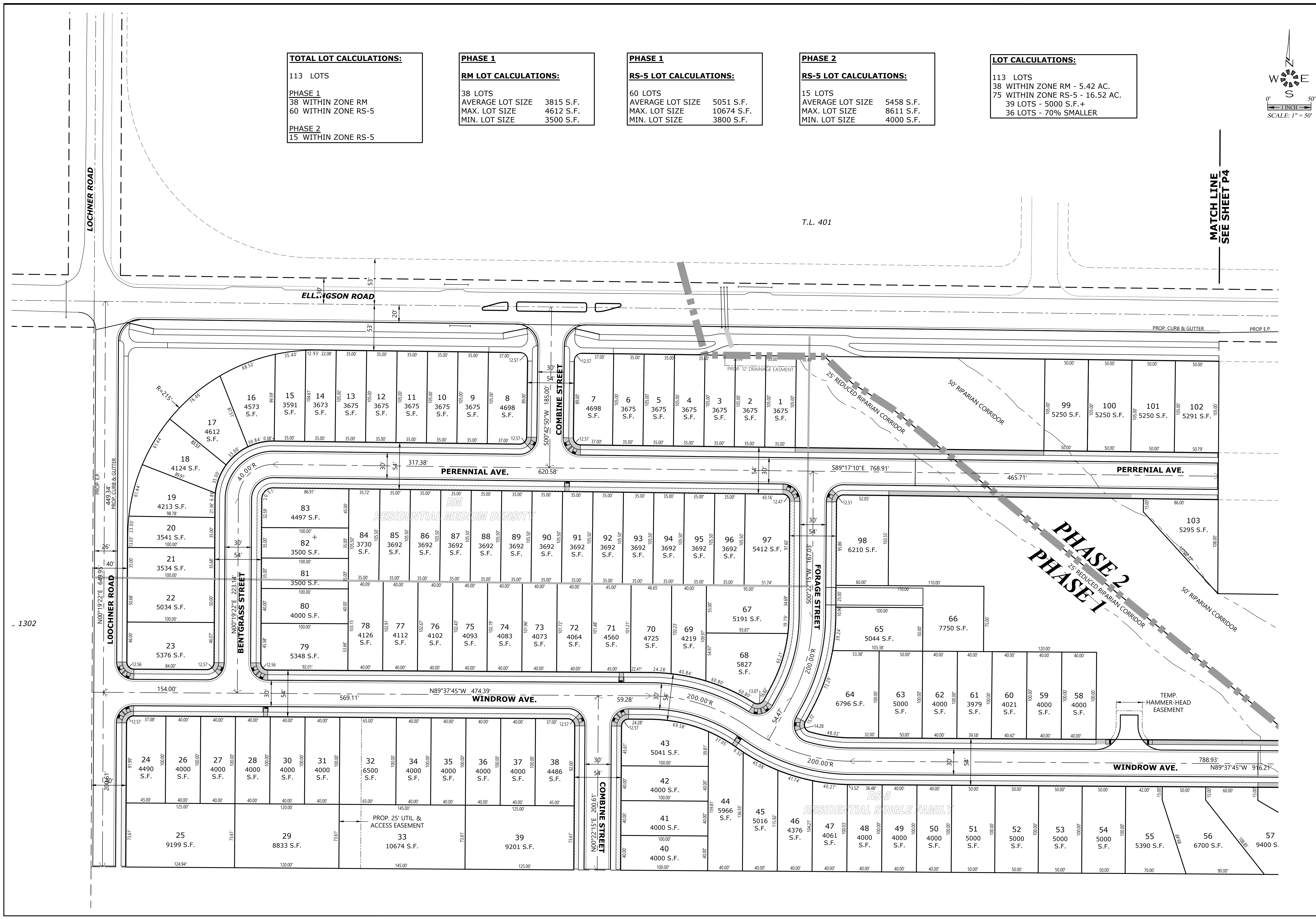
TOTAL LOT CALCULATIONS:
 113 LOTS
 PHASE 1
 38 WITHIN ZONE RM
 60 WITHIN ZONE RS-5
 PHASE 2
 15 WITHIN ZONE RS-5

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

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

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

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

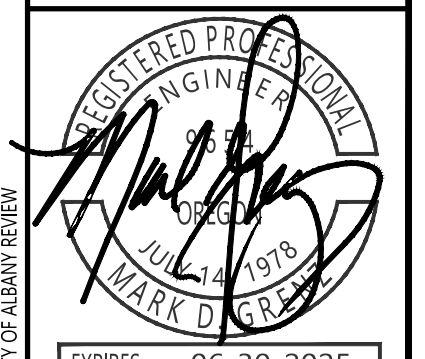


**TENTATIVE PLAT
 PLAN**

**ELLINGSON FARM
 SUBDIVISION**

NO CHANGES, MODIFICATIONS
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 AUTHORIZATION FROM THE
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 DIMENSIONS & NOTES TAKE
 PRECEDENCE OVER
 GRAPHICAL REPRESENTATION.

J.P.H. 2024.02.06
 7601P PA WEST TENT
 Design: M.D.G.
 Drawn: D.G.G.
 Checked: B.M.G.
 Issue Date: 2/18/24
 Scale: AS SHOWN
 As-Built: _____



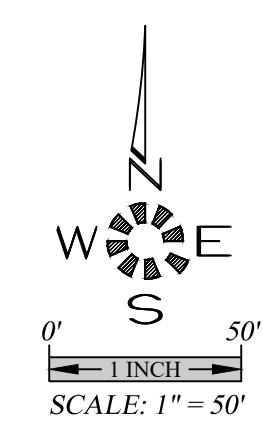
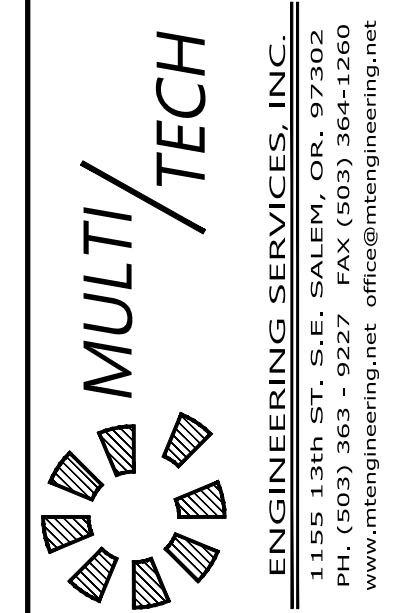
EXPIRES: 06-30-2025

JOB # 7601

P3

1302

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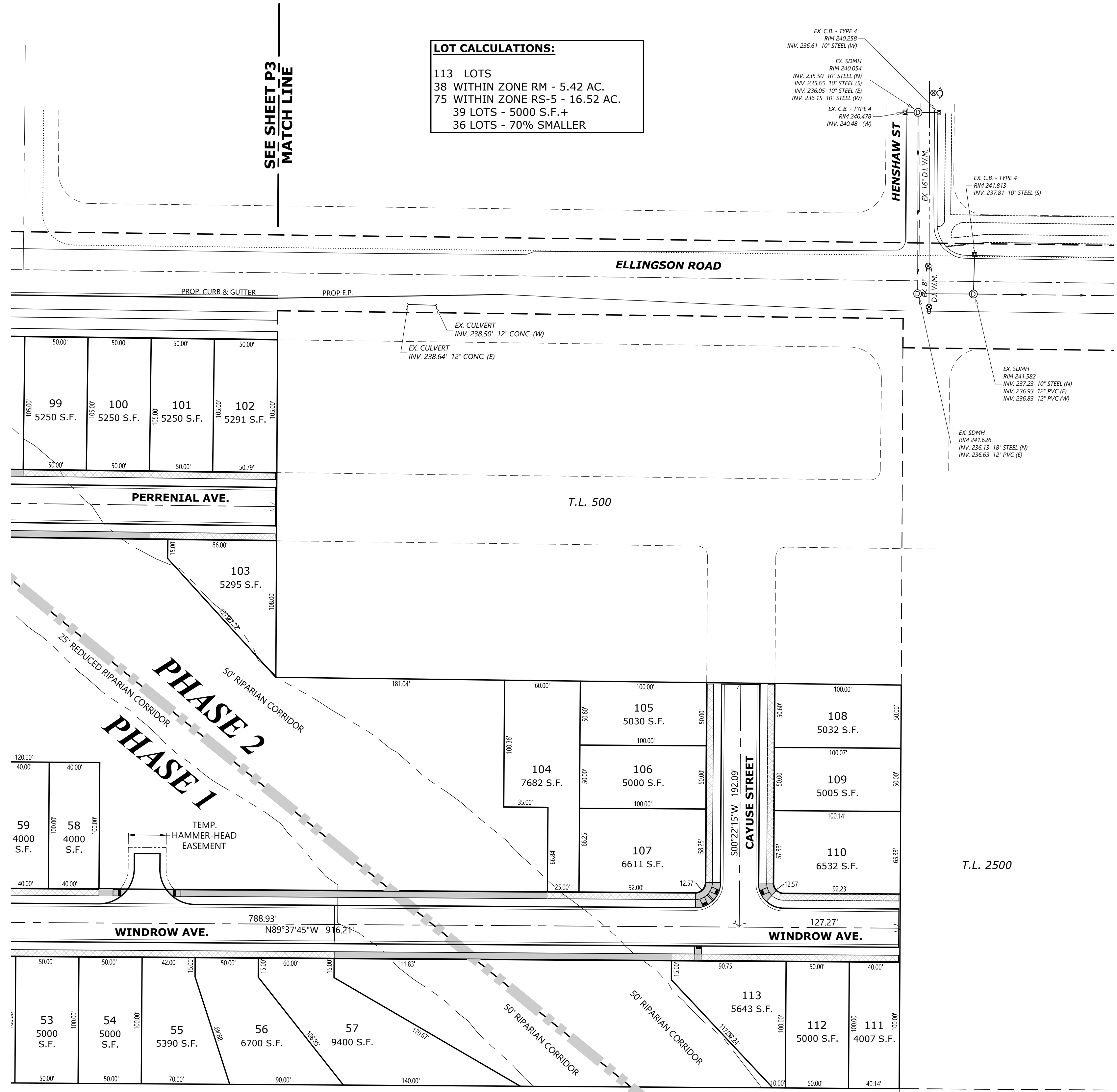
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 MIN. LOT SIZE 3800 S.F.

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 AVERAGE LOT SIZE 5458 S.F.
 MAX. LOT SIZE 8611 S.F.
 MIN. LOT SIZE 4000 S.F.

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



**TENTATIVE PLAT
 PLAN**

**ELLINGSON FARM
 SUBDIVISION**

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



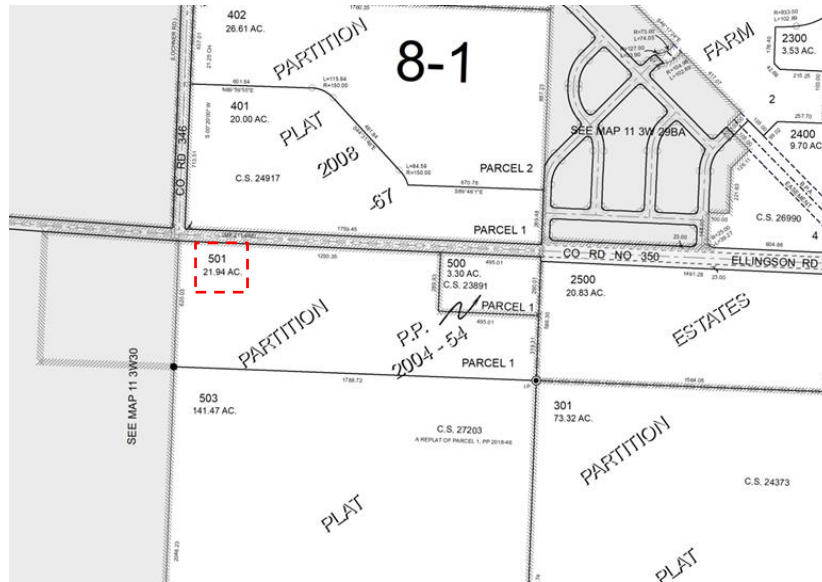
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JOB # 7601

P4

Ellingson Farm-Subdivision

Subject Property: Tax Lot 501



Owner/Developer:

Ryan Johnston
 Woodhill Homes
 70 SW Century Drive, Suite 100
 Bend, Oregon 97702

Applicant's Representative:

Brandie Dalton, Land-Use Consultant
 Multi/Tech Engineering Services
 1155 SE 13th Street
 Salem, Oregon 97302
 (503) 363-9227
bdalton@mtengineering.net

Background:

The subject property is located on the south side of Ellingson Road (011S03W29/Tax Lot 501). The following are the applicants' statements regarding the Subdivision Criteria (Albany Municipal Code Chapter 11.180). The subject property is zoned RS-5 and RM.

On July 12, 2023, Pre-Application Conference PR-26-23 was held with City staff to discuss the development of the subject property.

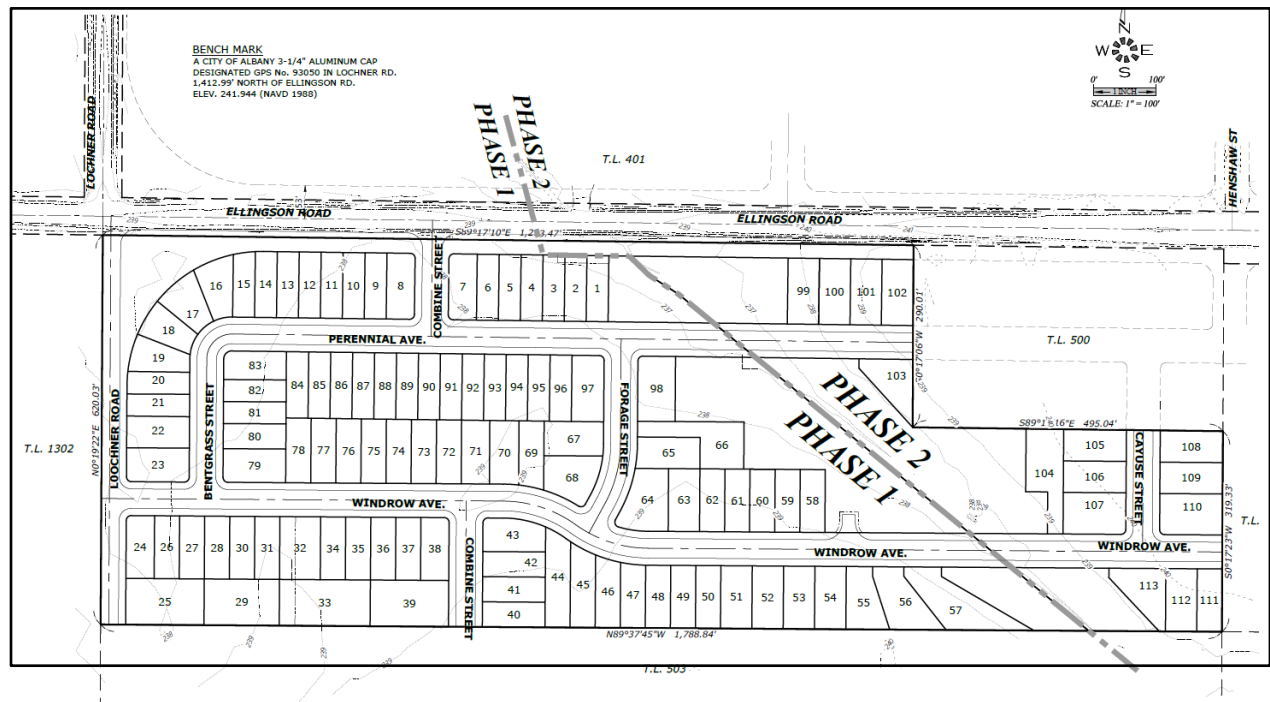
A virtual Neighborhood Meeting was held on November 29, 2023, to discuss the proposed subdivision with adjacent property owners.

Proposal:

The applicant proposes to subdivide approximately 21.94 acres into 113 lots within two phases on property zoned RS-5 and RM.

- *Phase 1 (Zoned RM and RS-5)- 98 Lots
 - 38 lots within the RM zone
 - 60 lots within the RS-5 zone
- *Phase 2 (Zoned RS-5)- 15 Lots

The proposal is for individual lots and parcels that have adequate area for future development of single-family dwellings.



HOUSING NEEDS

The City’s adopted Comprehensive Plan Land Use, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use inventories and buildable lands. The proposal adds to the single-family housing inventory of the City and meets the intent of the Goal and Policies 1, 2, 3, 6, 8, 12, 18, and 19.

The City’s adopted Comprehensive Plan Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal. The City of Albany has an adopted Housing Needs Analysis that outlines the 20-year housing needs to 2040.

According to the Housing Needs Analysis, Albany is projected to need approximately 4,185 additional single family detached housing units by 2040. If Albany’s population was to continue to grow by 1.27% per year, Albany might need over 9,398 new housing units (this need includes all housing unit types) by the year 2040 (Page 27 of Housing Needs Analysis).

The applicant’s proposal is to subdivide the subject property zoned RM and RS-5 and will allow Needed Housing to be constructed on the site.

SUBDIVISION DEVELOPMENT STANDARDS (11.180)

ADC 11.180 Tentative Plan Review Standards

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

- (1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.***
- (2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.***
- (3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.***
- (4) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.***
- (5) The location and design allow development to be conveniently served by various public utilities.***
- (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: Criteria 1: Development Standards

- (1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.***

Applicant Findings: The applicant proposes to subdivide approximately 21.94 acres into 113 lots on property zoned RS-5 (Residential Single Dwelling-Unit District) and RM (Residential Medium Density District). The proposal is for individual lots that have adequate area for future development of single-family dwellings.

Density: Single family detached are proposed within the RS-5 and RM zoned portions of the site. Detached single-family dwellings are permitted within the RS-5 and RM zones.

The subject property is being subdivided into individual lots with one unit per lot. Therefore, the minimum and maximum density doesn't apply.

RS-5 (16.52 acres)- 75 lots
 RM (5.42 acres)- 38 lots

Lot Size: The proposed lots within the subdivision range in size from 3,500 square feet to 10,674 square feet in size.

Minimum Lot Size Required:
 RS-5 zone: 5,000 square feet (detached)
 RM zone: 3,500 square feet (detached)

Proposed Minimum Lot Size Provided:
 RS-5 zone: 3,800 square feet
 RM zone: 3,500 square feet

Lot Size Variation Within a Land Division:

Per the Code, “Up to 50 percent of the total number of detached single-dwelling units or duplex lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after accounting for all density bonuses.”

The minimum lot size requirement in the RS-5 zone for detached single family units is 5,000 square feet and the minimum lot size for detached single family units is 3,500 square feet. As shown on the site plan, all the proposed lots in the RM zone (38 lots) meet or exceed the minimum 3,500 square foot lot requirements.

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

There are 75 lots located within the RS-5 zone, with 39 of the lots meeting or exceeding the minimum 5,000 square foot lot requirement. While the other 36 lots are 30% smaller than the minimum 5,000 square foot lot size requirement. Therefore, meeting the requirements allowed within this Code section.

Lot Width/Depth: The minimum lot width in the RS-5 zone is 40 feet for single-family detached dwellings. The minimum lot width in the RM zone is 30 feet for single-family detached dwellings. The majority of the proposed lots have lot widths ranging from 30 (RM zone) to 40 (RS-5 zone) feet.

Lot and Block Length:

Double Frontage Lots- Lots 1 through 15, Lots 20 through 23, and Lots 99 through 102 are all double frontage lots. In order to provide circulation through and internal streets throughout the subdivision, double frontage lots had to be created.

Block Length- The central block of the subdivision, Lots 67 through 97, exceeds 600 feet in length (660 feet). However, due to street connections and circulation within the subdivision subject, an additional connection is not feasible or necessary to accommodate adequate circulation. A variance for this block has been requested.

The eastern block of the subdivision, Lots 40 through 57 and Lots 111-113, exceeds 600 feet in length. However, due to street connections and circulation within the subdivision subject and the riparian corridor, an additional connection is not feasible or necessary to accommodate adequate circulation. This block length exceeds 600 feet in length but meets the exemption under SDC 11.0905(a) because the location of the riparian corridor and wetlands makes providing another street connection not feasible.

Flag Lots- There are only two flag lots proposed and it's located in Phase 1 (Lot 66) and Phase 2 (Lot 104).

Setbacks: All setbacks will be reviewed at the time of building permit submittal.

Building Height: Building height will be reviewed at the time of building permit submittal.

Lot Coverage: Lot coverage will be reviewed at the time of building permit submittal.

Open Space: There is about 3.48 acres of open space located through the eastern portion of the subject property in both Phase 1 and Phase 2.

Parking: Single-family dwellings require 2 parking spaces per unit. Each lot when developed will have a garage and driveway that will provide 2 spaces per unit.

FINDINGS OF FACT: Criteria 2: Remainder of Property

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

Applicant Findings: The subject property is 21.94 acres in size and will be developed in 2 Phases:

Phase 1- 98 Lots
Phase 2- 15 Lots

The development is for the entire site, so there will be no remainder of property for future development within Phase 1 (16.49 acres) and Phase 2 (4.77 acres).

The proposed subdivision will divide 21.94 acres of land into 113 lots. Due to the size and shape of the proposed lots, the lots cannot be further divided. The proposed lots will be developed with detached single-family dwellings. At the time of development of this site, Code requirements will be met through the building permit process. This site has adequate access, and all proposed lots are large enough to be developed to the required Code standards.

In conclusion, all proposed lots will have access, utilities, and are large enough to be developed in accordance with the Code. Therefore, this criterion has been satisfied.

FINDINGS OF FACT: Criteria 3 Adjoining Land

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

Applicant Findings: The subject property is currently under the same ownership as the property to the south. The property to the south is located in the County and is not being developed. Street connections are being provided to the property to the south for future development.

The developers/purchasers of the site will not own any adjacent property.

All lots have street frontage and direct access onto the proposed internal streets system. The development will have adequate access to and from the already existing street system that is in place due to existing developed neighborhoods and street improvements. Therefore, the development has frontage on and access to public streets currently open to traffic.

All of the land that adjoins the proposed subdivision has public street access that will allow access to and from the adjoining sites and future development ability.

In conclusion, the proposed subdivision demonstrates all of the land that adjoins the proposed subdivision has access that will allow its development in accordance with the Albany Development Code. Therefore, this criterion has been satisfied.

FINDING OF FACT: Criteria 4 Street Plan

- (4) ***The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.***

Applicant Findings: The proposed subdivision will divide 21.94 acres of land into 113 lots. The Tentative Subdivision Plat submitted with the application shows access will be provided to all lots.

The development will be served by the existing two-way local streets on the interior of the development. The subject property has street frontage along Ellingson Road (north) and Lochner Road (west). The internal street system provides adequate maneuvering area and circulation for traffic. The improvement of the streets, sidewalks and entrance-exit point facilitates pedestrian, bicycle and vehicle safety.

The proposed development provides safe and convenient vehicle, bicycle and pedestrian access from within the development to adjacent residential areas and the existing street system. The improved and unobstructed streets provide emergency service access as well.

The Tentative Subdivision Plat submitted with the application includes sufficient the access and egress locations for the subdivision.

The internal street system is interconnected to reduce travel distance, provide multiple travel routes, and promote the use of alternative modes. Street patterns have a long-range effect on land use patterns, greater than parcel patterns or building location. The internal street connections are distributed evenly and proportionately with the proposed lots and with required street connections. Such distribution provides connectivity and multiple travel routes. The streets and improvements proposed will promote pedestrian and other travel as an alternative to automobile travel.

A Transportation Impact Analysis (TIA) dated February 8, 2024, has been provided as part of this submittal.

In conclusion, the proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision demonstrates this review criterion can be met. Therefore, this criterion has been satisfied.

FINDING OF FACT: Criteria 5 Public Utilities

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

Applicant Findings: The lots are proposed for detached single-family dwelling development. Any development of the lots will require building permits and utilities for those lots.

Sanitary Sewer/Water- The City requires that all new development extend and connect to the public sewer and water when service is available within 300 feet of the site. Sewer and water are available to the lots. Due to development in the area, sewer and water will be available to the subject property. There, the proposed subdivision as shown on the site plan will have all required utilities.

The City of Albany has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities, and public utility easements. The developer is responsible for the cost of the extension of improved facilities necessary to serve the site. Internal development of public or private facilities necessary to serve individual units will occur at the building permit stage. Compliance with building code requirements satisfies this criterion.

In conclusion, public sanitary sewer, water service, and storm drainage will be provided to the proposed subdivision prior to development. The Tentative Plat layout and the property location allow the proposed subdivision to efficiently and conveniently connect to public utilities. The proposed public utilities facilities conform to the requirements of the Albany Development Code.

A Revised Preliminary Drainage Report dated February 7, 2024, has been provide as part of this submittal.

This review criterion, **ADC 11.180 (4)**, is either met or will be met by satisfaction of conditions of approval.

FINDINGS OF FACT: Criteria 6 Special Features

- (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.***

Applicant Findings: The subject property is not located within a special purpose district.

There are no historic or archaeological structures or areas on the subject property that would be negatively impacted by the proposed development.

There is a riparian corridor located within the eastern portion of the subject property and is not affected by this subdivision. The main portion of the riparian corridor will be located within Phase 2 of the proposed subdivision. There are wetlands identified within the open space areas of the subdivision. However, there is no development proposed within any wetland area. At the time of any development of the site, the Department of State Lands will be notified of the proposal and any required permits will be obtained prior to development.

Airport Approach:

The subject property is not within the Airport Approach area; therefore, this criterion is not applicable.

Natural Resources:

Floodplain

The subject property does not have areas located in the 100-year floodplain. There are no floodplain areas located within the subdivision.

Wildlife Habitat

The applicant is preserving the wetland and riparian corridor areas on the site. All trees within these areas will be preserved.

The proposed subdivision will create large lots in what is mostly a field now. The trees and open space area will continue to provide a habitat for any wildlife on the subject property. There are no endangered species located on the site.

Grading

ADC 18.04.015 requires that a grading permit be obtained from the City of Albany if more than 50 cubic yards of material are to be excavated or filled in areas with an average slope of 12 percent or greater. Grading plans have been provided.

ADC 12.585 requires that a National Pollutant Discharge Elimination System (NPDES) permit. The permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one (1) acre of land.

The applicant will obtain a grading permit from the City of Albany Public Works Department/Engineering

Division for grading (cut and fill) on the property).

The applicant will obtain all required permits prior to grading the site.

Wetlands

There are wetlands on the property. The significant wetlands are located along the west side of the subject property in the open space areas, as shown on the Tentative Plat.

ADC 6.280 says that the City’s wetland regulations apply to those areas meeting Division of State Lands criteria, identified as wetlands on the Comprehensive Plan Wetlands Map exhibit, and designated as Open Space in the Comprehensive Plan.

The Department of State Lands will be notified of the proposal and any required permits will be obtained prior to development.

Prior to subdivision construction, the property owner/developer will obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality. The applicant will also provide required erosion control during construction.

The riparian corridor has been identified on the site plan. There will be no structures or tree removal within the identified riparian corridor.

Vegetation/Trees

There are no trees located throughout the site or within the riparian corridor.



Historic and Archaeological Sites

The subject property is not located within a historic district and is not an archaeological site.

FINDINGS FOR ARTICLE 12-PUBLIC IMPROVEMENTS

Article 12:

Applicant Findings: The City of Albany has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities, and public utility easements. The developer is responsible for the cost of extension of improved facilities necessary to

serve the site. Internal development of public or private facilities necessary to serve individual units will occur at the building permit stage. Compliance with building code requirements will satisfy this criterion.

Streets-There are several internal streets provided within the proposed subdivision. All internal street meet the design standards for a local street and will be further reviewed by Public Works for compliance with Code.

The proposed subdivision will divide 21.94 acres of land into 113 lots. The Tentative Subdivision Plat submitted with the application shows access will be provided to all lots.

The development will be served by the existing two-way local streets on the interior of the development. The subject property has street frontage along Ellingson Road (north) and Lochner Road (west). The internal street system provides adequate maneuvering area and circulation for traffic. The improvement of the streets, sidewalks and entrance-exit point facilitates pedestrian, bicycle and vehicle safety.

The internal street system is interconnected to reduce travel distance, provide multiple travel routes, and promote the use of alternative modes. Street patterns have a long-range effect on land use patterns, greater than parcel patterns or building location. The internal street connections are distributed evenly and proportionately with the proposed lots and with required street connections. Such distribution provides connectivity and multiple travel routes. The streets and improvements proposed will promote pedestrian and other travel as an alternative to automobile travel.

The proposed development provides safe and convenient vehicle, bicycle and pedestrian access from within the development to adjacent residential areas and the existing street system. The improved and unobstructed streets provide emergency service access as well.

A Transportation Impact Analysis (TIA) dated February 8, 2024, has been provided as part of this submittal.

In conclusion, the proposed street plan provides the best economic, safe, and efficient circulation of traffic possible under the circumstances. The proposed subdivision demonstrates this review criterion can be met. Therefore, this criterion has been satisfied.

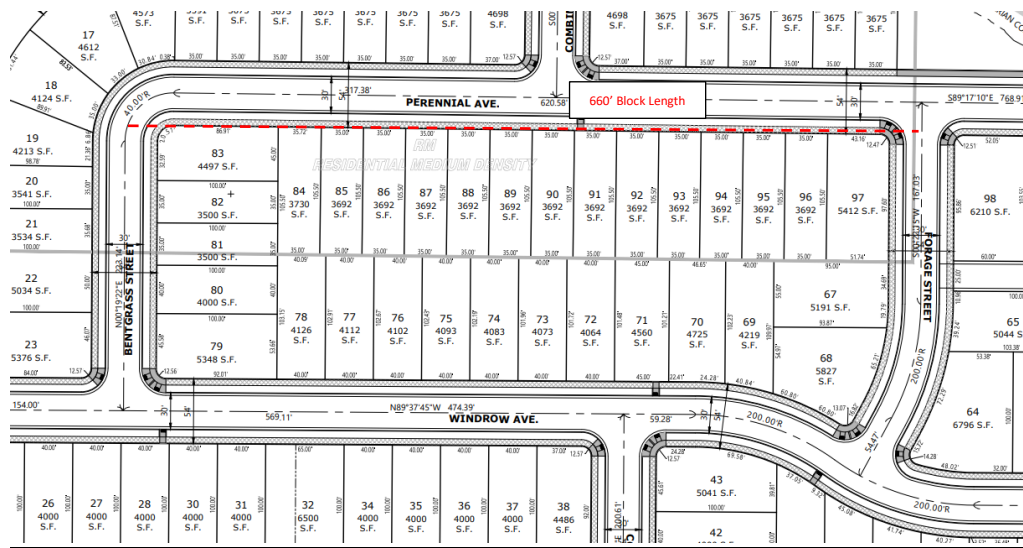
Utilities- The City requires that all new developments extend and connect to the public sewer and water when service is available within 300 feet of the site. Sewer and water are available to the lots. Due to development in the area, sewer and water will be available to the subject property. There, the proposed subdivision as shown on the site plan will have all required utilities.

The City of Albany has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities, and public utility easements. The developer is responsible for the cost of the extension of improved facilities necessary to serve the site. Internal development of public or private facilities necessary to serve individual units will occur at the building permit stage. Compliance with building code requirements satisfies this criterion.

A Revised Preliminary Drainage Report dated February 7, 2024, has been provided as part of this submittal.

In conclusion, public sanitary sewer, water service, and storm drainage will be provided to the proposed subdivision prior to development. The Tentative Plat layout and the property location allow the proposed subdivision to efficiently and conveniently connect to public utilities. The proposed public utilities facilities conform to the requirements of the Albany Development Code.

MINOR VARIANCE



2.696 Review Criteria. The applicant must show that the following criteria have been met:

- (1) ***The Minor Variance is not requested to avoid a land use review process or increase density; AND***

Applicant Findings: The central block of the subdivision, Lots 67 through 97, exceeds 600 feet in length (660 feet). However, due to street connections and circulation within the subdivision subject, an additional connection is not feasible or necessary to accommodate adequate circulation. Therefore, a variance for this block has been requested.

However, due to street connections and circulation within the subdivision subject, an additional connection is not feasible or necessary to accommodate adequate circulation. A variance for this block has been requested.

The subject property is rectangular in shape with a riparian corridor running north/south through the subject property. The riparian corridor and wetlands area makes the layout of the site difficult with a unique circumstance. In order to avoid the wetlands area, the layout of the lots and street connections were taken into consideration. Therefore, creating a block length that exceeds the 600-foot maximum.

The variance does not eliminate the need for the applicant to avoid going through any land-use approvals. The applicant is applying for subdivision approval.

- (2) ***The need for the Minor Variance is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND***

Applicant Response: There are local wetlands on the eastern portion of the subject property. Due to the location of wetlands on the site, the subject property is odd in shape. Therefore, limiting the layout of lots and street connections. The subdivision is consistent with the purpose of the RM and RS-5 zones which encourage and allow residential development. The proposal is also consistent with the purpose of the

Wetlands District which encourages no impacts to the wetlands area. The layout of the lots will allow no there to be no impacts to the riparian corridor and wetlands area.

- (3) ***The Minor Variance is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.***

Applicant Response: There is only one variance being requested. The applicant is requesting a variance to block length from the 600-maximum allowed to 660 feet for the central block, Lots 67 through 97. Therefore, the applicant is requesting a 10% increase in the allowed block length.

The variance is the minimum necessary to the unusual conditions the existing wetlands on the site create with block length.

The request is still in compliance with the purpose and requirements of the RM and RS-5 zoning districts as outlined on the site plans.



TO: Alyssa Shrems, Planner
 From: Lora Ratcliff, Fire Marshal
 DATE: January 24, 2024
 SUBJECT: SD-03-23 –SE Lochner & Ellingson– New 113-Lot Subdivision– Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments.

****Land Use permit will include a \$125 Fire Plans Review fee****

1. Street names approved for this development:
 Combine Street
 Bent Grass Street
 Forage Street
 Cayuse Street
 Perennial Avenue
 Windrow Avenue
2. Residential developments/projects of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least ½ the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D107.1)

No more than 30 dwellings can be built before the 2nd access will be required, unless all the structures are fire sprinklered.

3. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
4. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
5. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3)
6. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select the following standard to address the inadequacies pertaining to structures built on the affected parcels:

- a. Installation of an NFPA Standard 13D fire suppression system

LAR/lar



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2023-0995

Responsible Jurisdiction

Staff Contact

Alyssa Schrems

Jurisdiction Type

City

Municipality

Albany

Local case file #

SD-03-23

County

Linn

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
11S	03W	29		501

Street Address

Ellingson Rd

Address Line 2

City

Albany

Postal / Zip Code

State / Province / Region

Country

Linn

Latitude

44.587728

Longitude

-123.091313

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- Local Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- It appears that the proposed project **will** impact wetlands and **requires** a State Permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

This site has an approved delineation (WD2022-0375). This delineation shows road impacts to mapped wetlands and waters. It appears that the impacts may be over our 50 cubic yard threshold for removal and fill impacts and therefore, will require a permit. Please contact Aquatic Resource Coordinator Charles Redon to discuss permitting for this project. He can be reached at (503) 302-6045.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

1/2/2024

Response by:

Chris Stevenson

Response Phone:

503-798-7622



Oregon

Kate Brown, Governor

Attachment DE43

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

December 1, 2022

Justin Gross
3483 Buena Vista Road South
Jefferson, OR 97352

Kate Brown
Governor

Re: WD # 2022-0375 **Approved**
Wetland Delineation Report for Ellingson Road Parcel
Linn County; T11S R3W S29 TL501
Albany Local Wetlands Inventory, Wetland OAK-38Af

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

Dear Justin Gross:

The Department of State Lands has reviewed the wetland delineation report prepared by Geo Resources LLC for the site referenced above. Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figure 6A of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A including wetlands below ordinary high water, totaling 0.72 acres) and one waterway (Intermittent Tributary) was identified. The wetland and waterway are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Linn County, Lynne McAllister, at (503) 986-5300.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Allen Martin, Geo Resources LLC
Albany Planning Department (Maps enclosed for updating LWI)
Benny Dean Jr., Corps of Engineers
Charles Redon, DSL

JUL 05 2022

RECEIVED \$ 500.⁰⁰
DEPARTMENT OF STATE LANDS

CK#2057

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

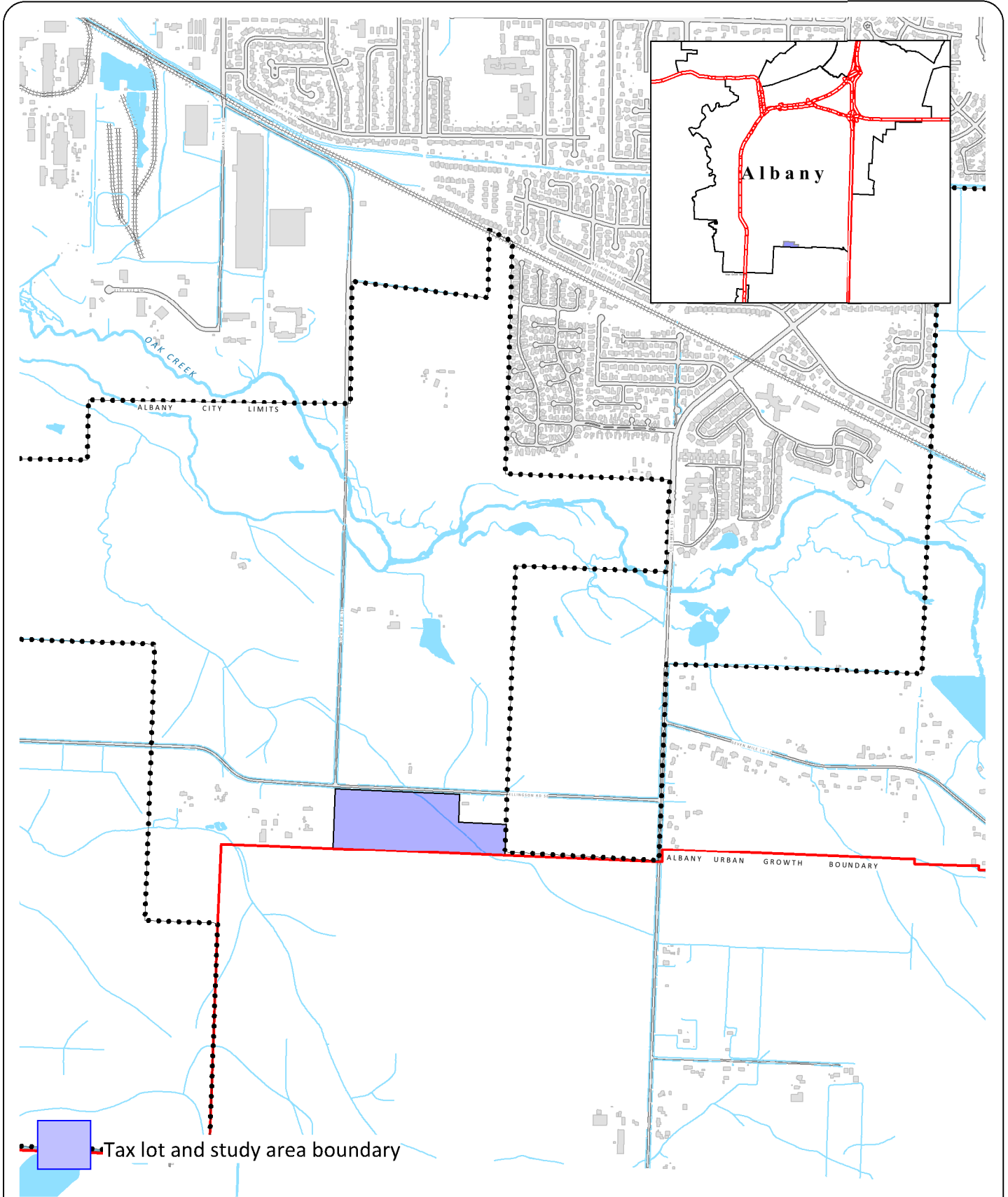
Ways to submit report:

- ❖ Under 50MB - A single unlocked PDF can be emailed to wetland.delineation@dsl.oregon.gov.
- ❖ 50MB or larger - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at wetland.delineation@dsl.oregon.gov.
- ❖ OR a hard copy of the unbound report and signed cover form can be mailed to Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- ❖ By credit card on DSL's [epayment portal](#) after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Justin Gross 3483 Buena Vista Rd, S Jefferson, OR 97352	Business phone # (541) 974-7786 Mobile phone # (optional) E-mail: grossjustin25@yahoo.com
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Justin Gross</u> Signature: <u>[Signature]</u> Date: <u>6/29/22</u> Special instructions regarding site access: _____	
Project and Site Information	
Project Name: Ellingson Road Parcel	Latitude: 44.58729° Longitude: -123.08928° decimal degree - centroid of site or start & end points of linear project
Proposed Use: residential homes	Tax Map # 113W29 Tax Lot(s) 501 Tax Map # _____ Tax Lot(s) _____
Project Street Address (or other descriptive location): South side of Ellingson Road SE between SE Columbus Road and Lochner Road SE.	Township 11S Range 03W Section 29 QQ CC Use separate sheet for additional tax and location information
City: Albany County: Linn	Waterway: unnamed 1st order trib. River Mile.
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Allen Martin, Geo Resources LLC PO Box 71852 Springfield, OR 97475	Phone # (541) 946-1013 Mobile phone # (if applicable) E-mail: georesources@comcast.net
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u>[Signature]</u> Date: <u>6/30/22</u>	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 21.94 Total Wetland Acreage: 0.7200	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____ <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>500</u> <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u>OAK-38A</u> f
For Office Use Only	
DSL Reviewer: <u>LM</u> Fee Paid Date <u>7 / 5 / 22</u>	DSL WD # <u>2022-0375</u>
Date Delineation Received: <u>7 / 5 / 22</u>	DSL App # _____



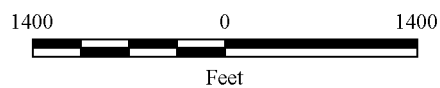
Linn County Tax Lot 11503W29 00501
 Albany, OR 97322

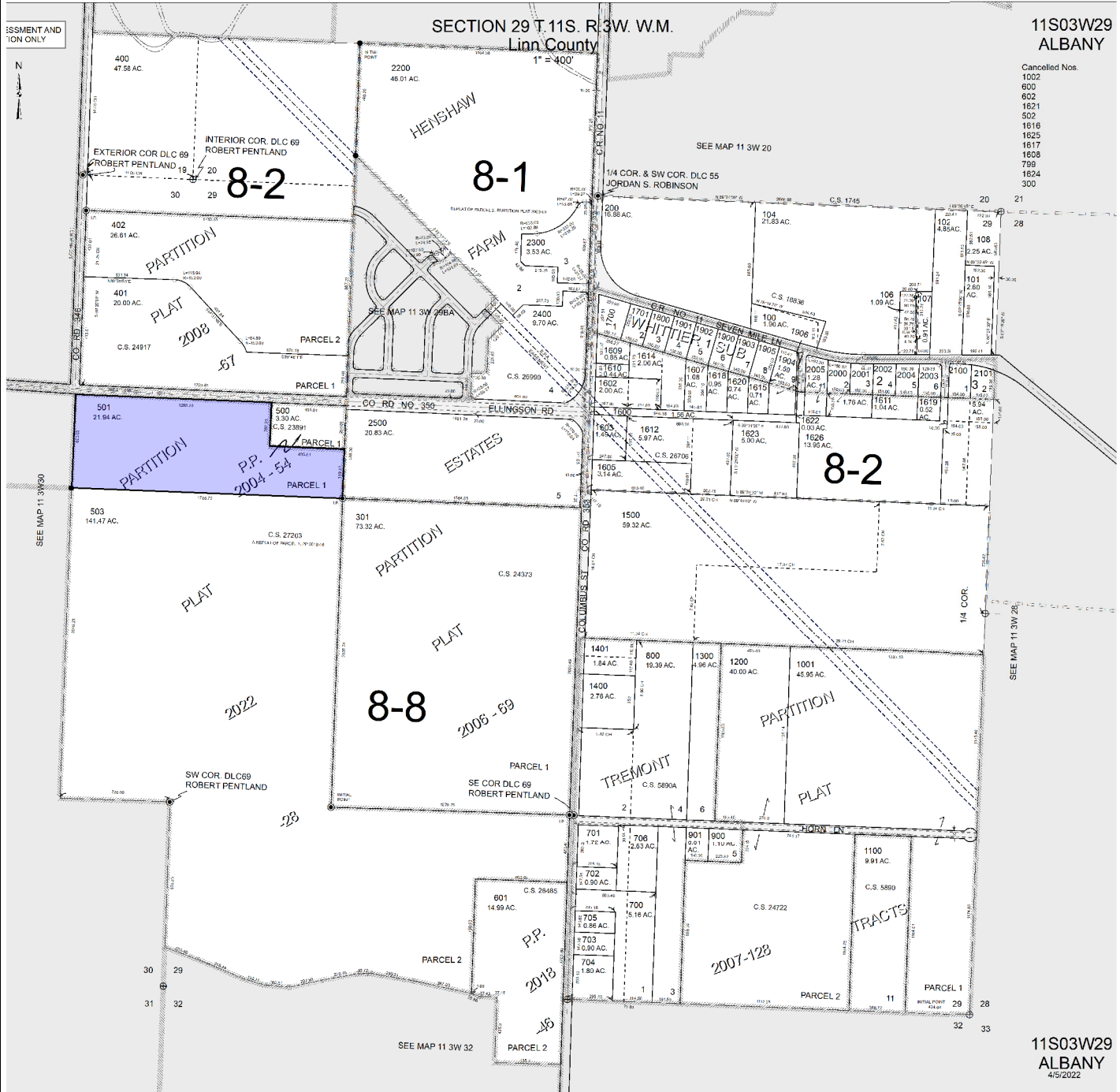
FIGURE 1: LOCATION MAP

Scale: 1" = 1,400'

Source: Albany GIS database layers

Drafted: 6/1/2022






11S03W29
ALBANY

- Cancelled Nos.
- 1002
 - 600
 - 602
 - 1621
 - 502
 - 1616
 - 1625
 - 1617
 - 1608
 - 799
 - 1624
 - 300

11S03W29
ALBANY
4/5/2022

 Tax lot and study area boundary

Linn County Tax Lot 11S03W29 00501
Albany, OR 97322

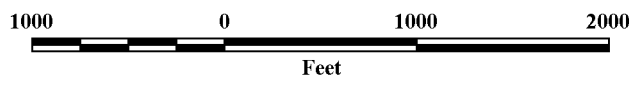
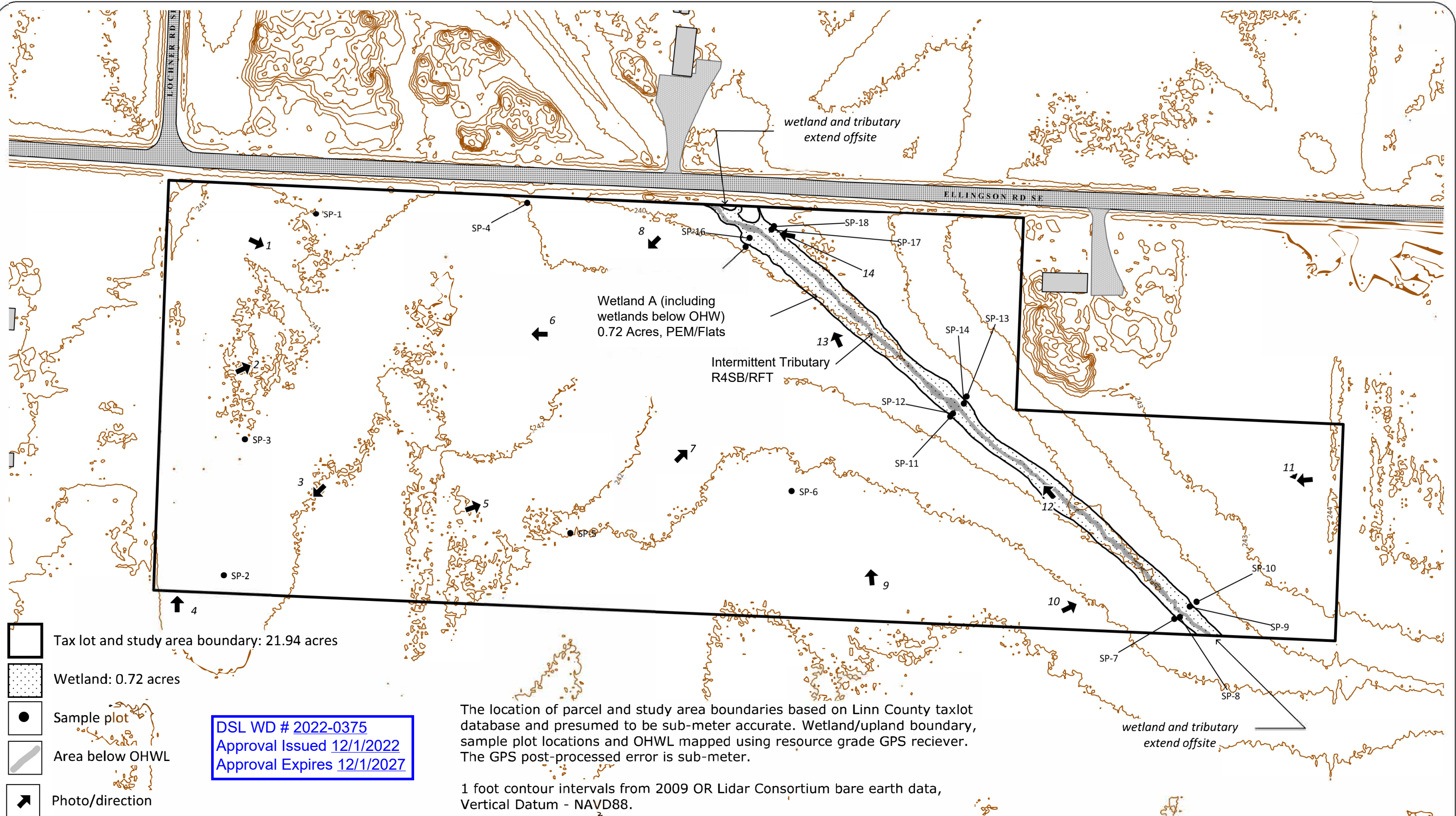







FIGURE 2: TAX LOT MAP

Scale: 1" = 1,000'
Source: Linn County Tax Assessor
Drafted: 6/1/2022
Revised: 10/4/2022





-  Tax lot and study area boundary: 21.94 acres
-  Wetland: 0.72 acres
-  Sample plot
-  Area below OHWL
-  Photo/direction

DSL WD # 2022-0375
 Approval Issued 12/1/2022
 Approval Expires 12/1/2027

The location of parcel and study area boundaries based on Linn County taxlot database and presumed to be sub-meter accurate. Wetland/upland boundary, sample plot locations and OHWL mapped using resource grade GPS receiver. The GPS post-processed error is sub-meter.

1 foot contour intervals from 2009 OR Lidar Consortium bare earth data, Vertical Datum - NAVD88.

Linn County Tax Lot 11S03W29 00501
 Albany, OR 97322

Geo Resources, LLC



FIGURE 6A: WETLAND MAP
 Scale: 1" = 140'
 Source: Linn County GIS tax lot database
 Drafted: 6/1/2022
 Revised: 10/4/2022

