



COMMUNITY DEVELOPMENT

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

Notice of Public Hearing

Comprehensive Map and Zoning Map Amendment Partition and Natural Resource Impact Review

CP-01-24, ZC-01-24, PA-08-24 & NR-02-24

September 23, 2024

Hearing Information

Review Body: **Planning Commission**

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

Hearing Location: Municipal Court Room, Albany City Hall, 333 Broadalbin Street SW

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

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

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

Review Body: **City Council**

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

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

Virtual: To comment/testify, see instructions on next page.

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

Application Information

Files: CP-01-24; ZC-01-24; PA-08-24; NR-02-24

Proposal: Partition application to divide a 4.35-acre parcel into two parcels, Parcel 1 at 2.80 acres and Parcel 2 at 1.55 acres. A Comprehensive Plan Map Amendment for proposed Parcel 1 to change from Low Density Residential (LDR) to Medium Density Residential (MDR), with a concurrent zone change from Residential Single Dwelling (RS-6.5) to Residential Medium Density (RM), and a Natural Resource Impact Review for the division of land within the Significant Wetland and Riparian Corridor.

Review Bodies: Planning Commission and City Council

Property Owners: Tyler Davidow & Amy Bean; P.O. Box 3192 Albany, OR 97321

Applicant Representative: GREEN Cascades, LLC; C/O: Michael Riccitelli, P.E; 717 Calapooia Street, Albany, OR 97321

Address/Location: 3016 Grand Prairie Road SE

Map/Tax Lot: Linn County Assessor's Map No. 11S-03W-16; Tax Lot 01300

Comprehensive Plan Map: Low Density Residential (LDR)

Zoning: Residential Single Dwelling (RS-6.5)

Total Land Area: 4.84 acres

albanyoregon.gov/cd



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

A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at the Albany Community Development Department, Planning Division. Copies can be provided by mail upon request at a reasonable cost or electronically at no charge. The staff report will be available by 5:00 p.m. on Monday, October 7, 2024, and on the City's website at:

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

Should you wish to discuss this case with a planner, please contact Jennifer Cepello, project planner, at jennifer.cepello@albanyoregon.gov or 541-917-7561. Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

Your Comments (How to testify):

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

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

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

Written comments will be included with respective meeting agenda packets if received by Jennifer Cepello at jennifer.cepello@albanyoregon.gov on or before the following date:

- 1) **October 26, 2024, for the November 6, 2024, City Council meeting date.**

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

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

Public Hearing Procedure

The public hearings will occur on Monday, October 14, 2024, at 5:15 p.m., and Wednesday, November 6, 2024, at 6:00 p.m. The respective hearing body will open the public hearing. The public hearing will begin with a declaration of any *ex parte* contacts (contacts that occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the planning staff. Then, the applicant will testify. Following this, written comments received from the public will then be entered into the record. This will be followed by calling upon those who registered to speak in support of the application. After those in favor of the application are finished, testimony from those who registered to speak in opposition will

begin. This will be followed by testimony from people who neither favor nor oppose the application. Following this, a calling upon anyone else who wishes to testify either in support, in opposition, or neutral will be made. The applicant will then be able to respond to the public comments. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing. Once all comments are recorded as part of the meeting and the applicant responds, the hearing body will close the public hearing and deliberate on the application.

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

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

Appeals

Within five days of the 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 1.420(5)].

Approval Criteria for Applications

The Albany Development Code (ADC) contains the following review criteria that must be met for approving the application as described. The proposed quasi-judicial map amendment to the Zoning Land Use Map is subject to criteria as described below:

Quasi-Judicial Comprehensive Plan Map Amendment (ADC 2.220)

- (3) The requested designation for a quasi-judicial map amendment meets all of the following tests:
 - (a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan than the old designation.
 - (b) The requested designation is consistent with any relevant area plans adopted by the City Council.
 - (c) The requested designation is consistent with the Comprehensive Plan Map pattern.
 - (d) The requested designation is consistent with the Statewide Planning Goals.

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:

- (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.
- (2) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.
- (3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.
- (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

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

The following staff-identified Comprehensive Plan goals and policies are relevant to the Zoning Map amendment.

Statewide Planning Goal 10: Housing (Chapter 4)

Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

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

Partition (ADC 11.180)

Partitions will be approved if the Council finds the applicant has shown that all of the following criteria are met:

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

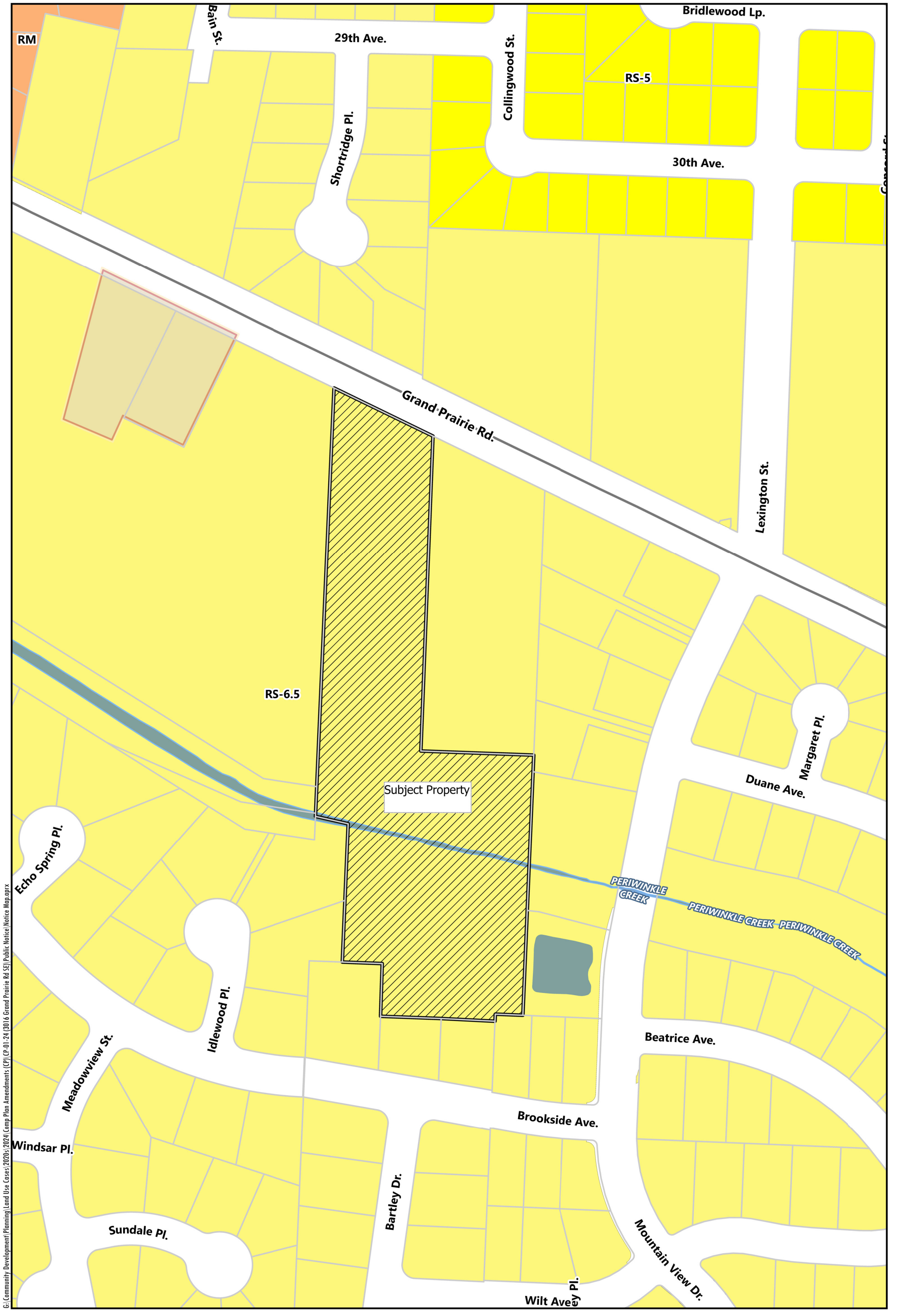
Natural Resource Impact Review Standards (ADC 6.310)

- A. General Requirements for Significant Natural Resource overlay districts. A proposed activity will not be approved unless all of the following are true:
 - (1) The proposed activity is allowed under the requirements of the base zone.
 - (2) There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.
 - (3) The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.
 - (4) Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.
 - (5) Any applicable local, state, and federal permits are secured.
 - (6) The additional requirements of ADC 6.310 (B) will be met.
- B. Additional Requirements, Limitations, and Exceptions for Specific Activities in the Riparian Corridor and Significant Wetland overlay districts. In addition to the general requirements listed above, the following requirements, limitations, and exceptions apply to development activities within the Riparian Corridor and Significant Wetland overlay districts.

- (1) Land Divisions. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any Significant Natural Resource overlay district to establish a development site area and/or separate a developed area from the natural resource areas. For the purposes of this section, for residential land divisions, "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.
- (2) Structures and Land Altering Activities. The placement of structures and other impervious surfaces, as well as grading, excavation, placement of fill, and vegetation removal, are prohibited. Exceptions may be made for the purposes identified in items a-f of this Section, provided they are necessary to accommodate an approved activity and comply with any stated requirements for the activity or use.
 - (a) Water-Related and Water-Dependent Uses. Development of water-related and water-dependent uses.
 - (b) Permanent Alteration Within the Riparian Corridor. Disturbance or development within the Riparian Corridor overlay district shall be allowed under the following circumstances:
 - (i) The resource is characterized as 'marginal' or 'degraded' using the standards found in 6.410(5).
 - (ii) Demonstration that equal or better protection will be ensured through riparian corridor restoration and enhancement within the remaining overlay district area per the mitigation requirements in Sections 6.400 and 6.410. If the site is encumbered by easements or rights-of-way that would preclude onsite restoration or enhancement, an "in-lieu of payment" may be made to the City in the amount equal to the cost of onsite mitigation. Residentially zoned lots that were created prior to December 1, 2011, that are less than 20,000 square feet and can't be further subdivided are allowed to encroach up to 25 feet into the Riparian Corridor overlay district without the requirement for restoration or enhancement of the remaining 25 feet. The mitigation requirements in Section 6.400 still apply.
 - (iii) In no case shall the site improvements be any closer than 25 feet from the Ordinary High-Water mark or upland edge of the wetland unless the improvements are otherwise allowed or exempted per this Section of the Code.
 - (c) Vegetation Removal. Removal of live vegetation that is not exempt under 6.290(9) is only allowed to accommodate an approved use or development activity under this section of the Code.
 - (d) Private Construction of Public Non-Master Planned Transportation Facilities and Privately Owned Transportation Facilities. In addition to other city standards, the following standards shall apply to the location and construction of public non-master planned and/or private transportation facilities and structures, such as driveways, local streets, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths. In addition to other city standards, the following standards shall apply to privately constructed transportation facilities and structures:
 - (i) The facility is designed to be the minimum width necessary to allow for safe passage of vehicles, bicycles and/or pedestrians, and to meet minimum width requirements.
 - (ii) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.
 - (iii) The number of crossings is the minimum amount necessary to afford safe and efficient access.
 - (iv) The number of crossings is minimized where reasonably feasible through use and creation of shared access for abutting lots and access through easements for adjacent lots.
 - (v) Crossing structures have a natural bottom or other design that meets ODFW fish passage requirements.
 - (e) Private Construction of Public Non-Master Planned Utilities and Privately Owned Utilities. In addition to other city standards, the following standards shall apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for public non-master planned utilities and private utilities, within or crossing parcels in Significant Natural Resource overlay districts, as well as any above-ground utility structures. In addition to other city standards, the following standards shall apply to privately constructed utility projects:

- (i) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only feasible alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity.
 - (ii) Common trenches for private utilities, to the extent allowed by the building code, shall be required where reasonably feasible in order to minimize disturbance to the protected resource.
 - (iii) Topsoil and sod shall be conserved during trench construction or maintenance and replaced on top of the trench. Side-casting and storage of excavated material prior to replacement on top of trench is permitted. Any side-cast material not placed back on top of the trench shall be removed and may not be stored in the Significant Natural Resource overlay district after the construction or maintenance work is completed.
 - (iv) Hydraulic impacts on protected resources are minimized.
 - (v) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.
 - (vi) Above-ground utilities that cause ground disturbance in the Significant Natural Resource overlay district and are not within an existing right-of-way or easement, and are not shown in an approved master plan, will only be allowed in limited circumstances, and if they meet the general requirements in 6.310(A).
- (f) Minor or Major Variance. Development associated with an approved Minor or Major Variance.

Attachments: Location Map, Tentative Partition, Site Plan



G:\Community Development\Planning\Land Use Cases\2020s\2024\Camp Plan Amendments (CP)\CP-01-24 (3016 Grand Prairie Rd SE)\Public Notice\Notice Map.aprx



N
0 50 100 200
Feet

Date: 8/23/2024

3016 Grand Prairie Road

Location Map

TENTATIVE PLAT PLAN

PREPARED FOR

T.L. 1300 PARTITION ALBANY, OR

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

SITE LOCATION:
3016 GRAND PRAIRIE RD SE
ALBANY, OR 97322
TAX MAP: 11S-0003W-16
TAX LOT: 1300

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

WATER SYSTEM:
WATER DISTRIBUTION IS BY THE CITY OF ALBANY

SANITARY SEWER:
SANITARY SEWER IS BY THE CITY OF ALBANY

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

ADJACENT ZONES & USE:

NORTH:
RS-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION

SOUTH:
RS-6.5 - RESIDENTIAL NEIGHBORHOOD

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

WEST:
RS-6.5 - RESIDENTIAL NEIGHBORHOOD, RELIGIOUS INSTITUTION

PARTITION AREAS:

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

NO PUBLIC LAND DEDICATIONS ARE PROPOSED WITH PARTITION

EXISTING SITE DATA:

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

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

FLOOD PLAIN NOTE:

THIS SITE IS LOCATED FULLY WITHIN ZONE "X", OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 41043C0527G, LAST REVISED 09/29/2010.

SHEET INDEX:

TENTATIVE PLAT 1.0
SITE FEATURES & UTILITY 2.0

No.	PLAN REVISION(S)	DATE

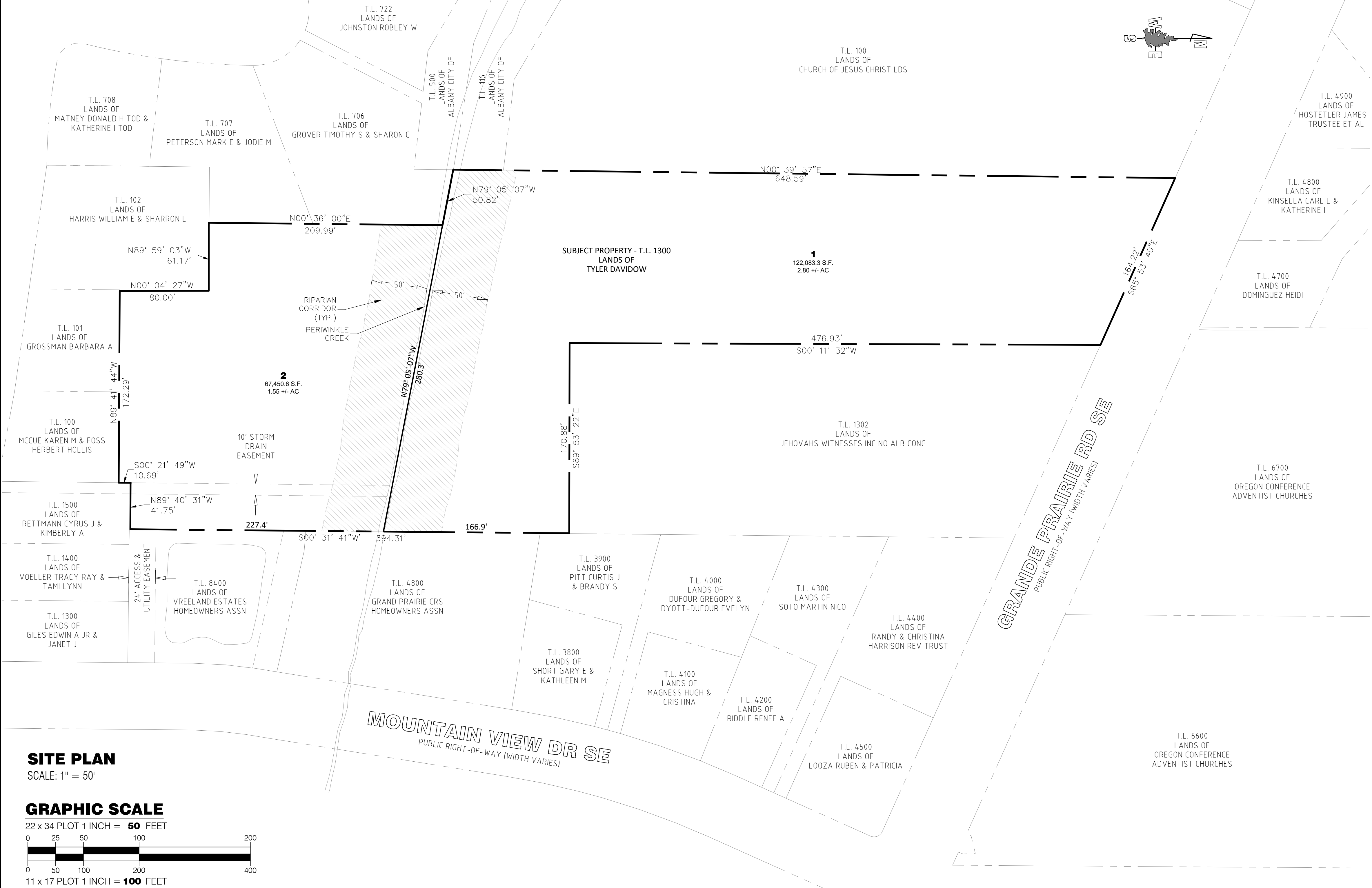


DATE: 06/07/2024
ENGINEER: M. S. RICCIPELLI
SCALE: AS INDICATED
GCLLC #: 2701-23
PERMIT #:

TENTATIVE PLAT TL 1300 PARTITION

PREPARED FOR:
TYLER DAVIDOW
SITUATE IN:
ALBANY, OR (11S-03W-16 T.L. 1300)

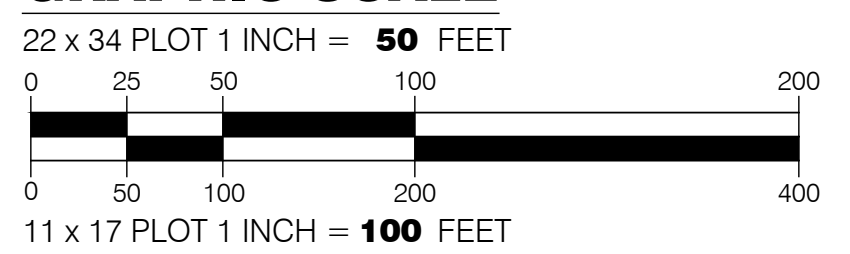
Plotted on: 7 June 2024 @ 1:37:13 PM
SHEET NO.
1.0



SITE PLAN

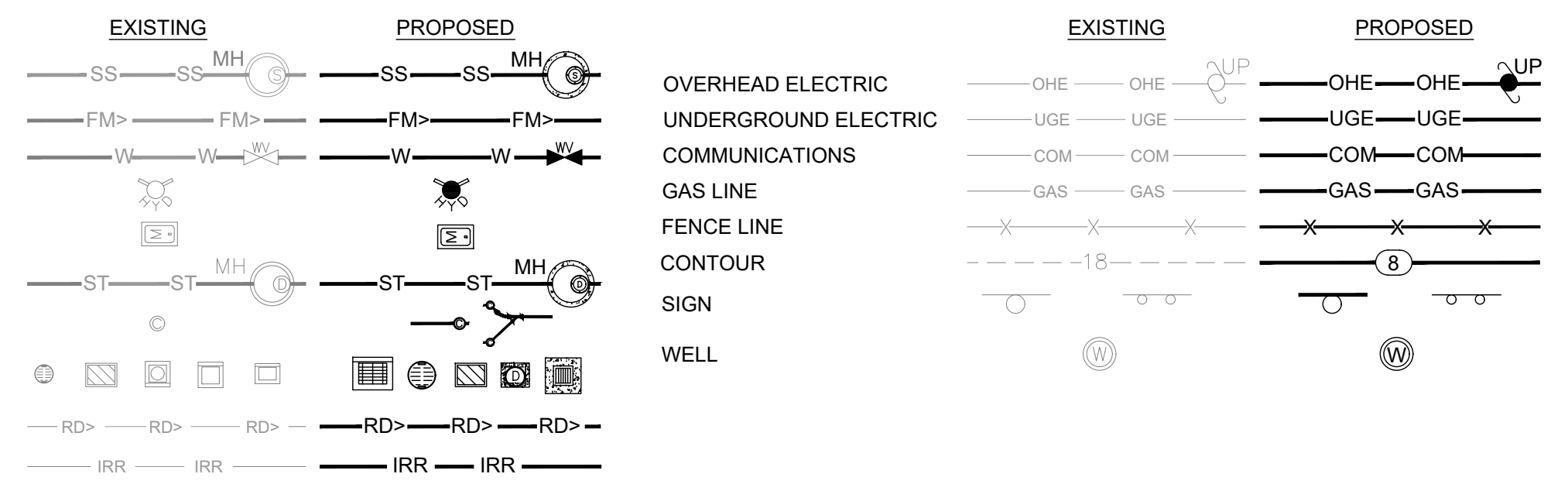
SCALE: 1" = 50'

GRAPHIC SCALE

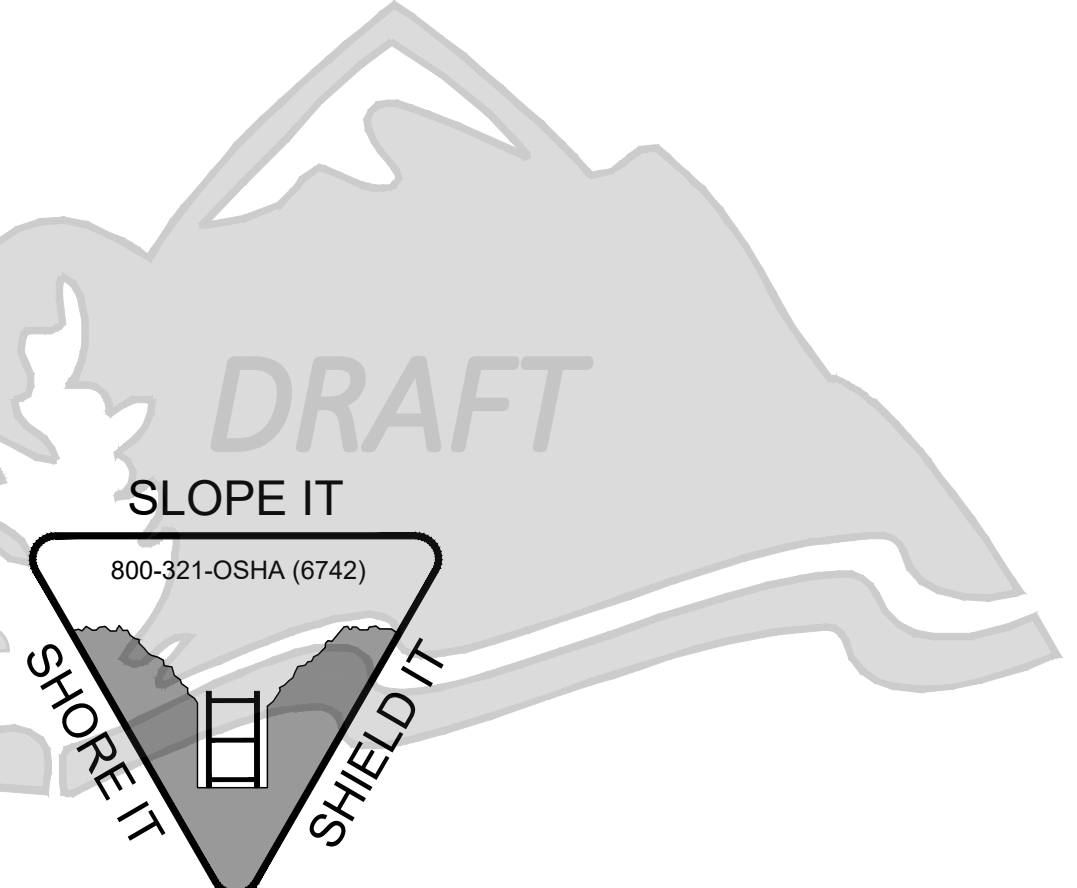


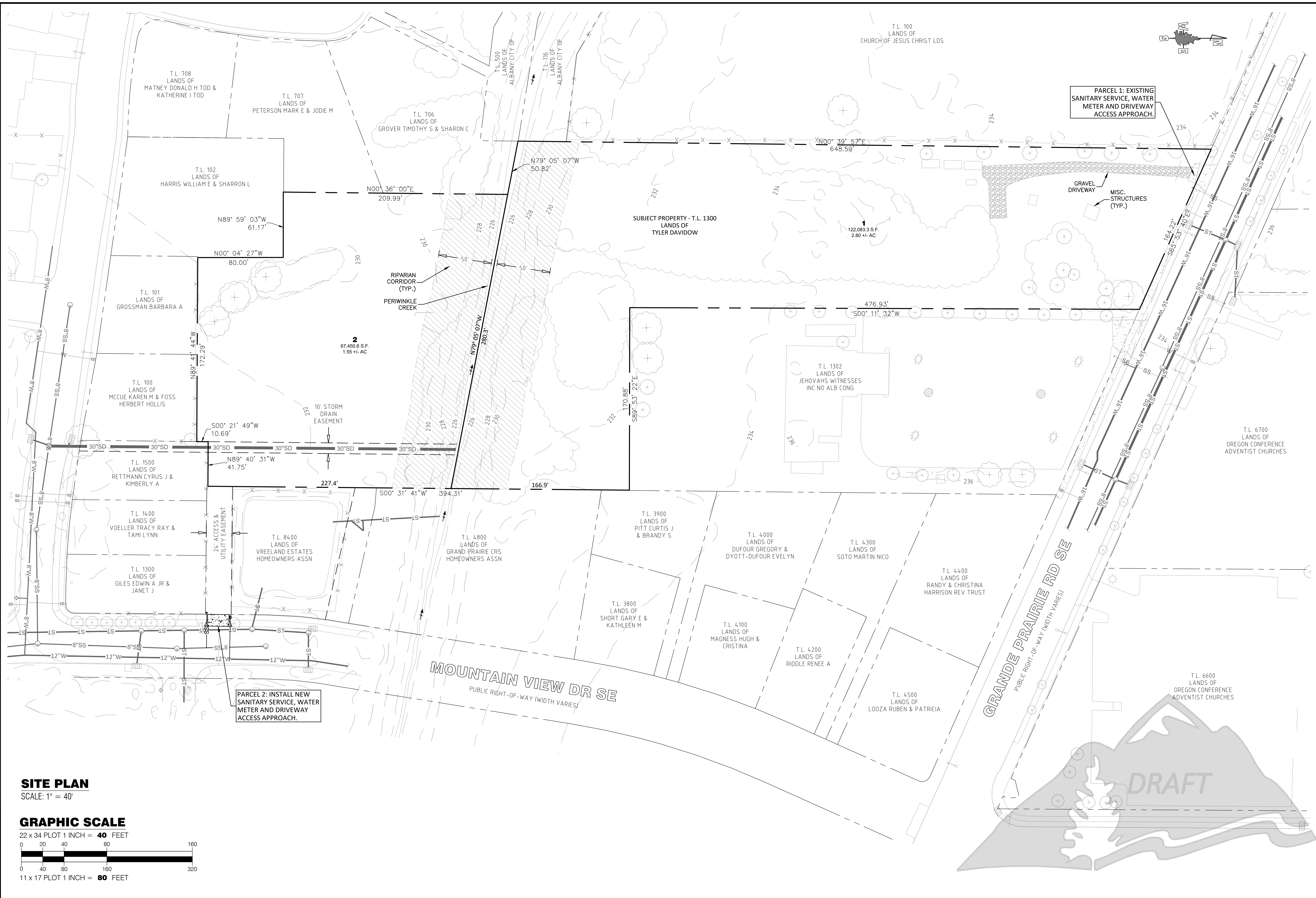
LEGEND:

- PROPERTY LINE / R-O-W
- EASEMENT LINE / BUILDING RESTRICTION LINE
- CENTERLINE
- TREELINE
- WETLAND BOUNDARY
- RIPARIAN BOUNDARY
- TREES
- CONCRETE
- GRAVEL
- SANITARY SEWER
- SANITARY FORCEMAIN
- WATER LINE
- HYDRANT
- WATER METER
- STORM SEWER
- SEWER CLEANOUTS
- STORM INLETS / BASINS
- ROOF DRAIN
- IRRIGATION LINE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- COMMUNICATIONS
- GAS LINE
- FENCE LINE
- CONTOUR
- SIGN
- WELL



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





SITE PLAN
SCALE: 1" = 40'

GRAPHIC SCALE
22 x 34 PLOT 1 INCH = 40 FEET
0 20 40 80 160
11 x 17 PLOT 1 INCH = 80 FEET
0 40 80 160 320

No.	PLAN REVISION(S)	DATE

REGISTERED PROFESSIONAL ENGINEER
78270P
Digital Signature
MICHAEL S. RICCI TELLI
RENEWALS: 12/31/2024

GREEN Cascades LLC
ENGINEERING SITE DESIGN
717 CALAPPOOLA STREET, SW / ALBANY, OR 97321
Michael@GreenCascadesOR.com / 541.231.0375

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

SITE FEATURES & UTILITY
TL 1300 PARTITION

PREPARED FOR:
TYLER DAVIDOW
SITUATE IN:
ALBANY, OR (11S-03W-16 T.L. 1300)

Plotted on: 7 June 2024 @ 1:37:15 PM
SHEET No.

2.0