



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Middle Housing Land Division (Tentative Partition Plat)

PA-04-24

May 8, 2024

### Summary

This proposal is for a Middle Housing Land Division to divide a 16,412 square foot parcel into four lots, using the Middle Housing Land Division procedures identified in Section 11.620 of the Albany Development Code (ADC). The subject property is located at 1955 Water Avenue NE and is identified on Linn County Tax Assessor's Map Number 11S-03W-05CA as tax lot 106000. Lot One, as proposed, will be 6,287 square feet; Parcel Two is proposed to be 3,067 square feet, Parcel Three is proposed to be 3,069 square feet, and Parcel 4 is proposed to be 4,017 square feet. All proposed parcels are vacant and proposed to be developed with townhomes.

Middle Housing Land Division review criteria contained in Albany Development Code (ADC or Code) 11.610 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

### Application Information

Proposal:	Middle Housing Land Division to divide a 16,412 square foot parcel into four lots.
Review Body:	Staff (Review Type N/A)
Staff Report Prepared By:	Liz Olmstead, project planner
Property Owner/Applicant:	Scott Lepman; Glorietta Bay, LLC; 100 Ferry Street NW, Albany OR 97321
Applicant's Representative:	Udell Engineering & Land Surveying LLC, C/O Laura LaRoque 63 E. Ash Street, Lebanon, OR 97355
Address/Location:	1955 Water Avenue NE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor: 11S-03W-05CA Tax Lot 10600
Zoning:	RS-5 (Residential Single-Dwelling Unit District)
Comprehensive Plan:	Residential- Low Density
Overlay Districts:	Airport Overlay Conical Surface
Total Land Area:	16,412 square feet
Existing Land Use:	Vacant
Neighborhood:	Willamette
Surrounding Zoning:	North: RS-5 (Residential Single-Dwelling Unit District) East: RS-5 (Residential Single-Dwelling Unit District) South: RS-5 (Residential Single-Dwelling Unit District) West: RS-5 (Residential Single-Dwelling Unit District)

Surrounding Uses:                      North: Single-dwelling units  
    East: Single-dwelling units  
    South: Single-dwelling units  
    West: Single-dwelling units

## Staff Decision

The subject application referenced above is APPROVED WITH CONDITIONS as described in this staff report. The approval expires three years from the date of tentative plat approval. The final plat must be recorded with the Linn County Records Division (ADC 11.065) unless an extension is approved by the City and the county surveyor's office.

## Appeals

The City's decision may be appealed to a referee if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 14 days from the date the City mails the notice of decision [ADC 11.620(9)].

## Notice Information

A notice of filing was mailed to property owners identified within 100 feet of the subject properties March 21, 2024, in accordance with ADC 11.620(2). At the conclusion of the public notice period on April 4, 2024, 6 comments were received:

Paula and Charles Bronson, 210 Chicago Street NE
Stephanie and Maxwell Bunker, 1834 Front Avenue NE
Kathleen Kouba, 1920 Front Avenue NE
Emily and Arielle Weber, 1926 Front Avenue NE
Ashlee Weitlauf, 125 Chicago Street NE
Wayne Williams and Toney Cunningham Williams, 235 and 237 Chicago Street NE

### PUBLIC COMMENTS

Public comments centered around traffic and access concerns, trees, stormwater runoff, privacy and solar access, garbage pickup, an existing power pole, and mail delivery (Attachment D).

### STAFF RESPONSE

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

## Analysis of Development Code Criteria

The ADC includes the following review criteria for a tentative plat (ADC 11.180), along with review criteria for Middle Housing Land Divisions (ADC 11.610) which must be met for these applications 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.

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

### Criterion 1

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

### Findings of Fact

- 1.1 The underlying zoning district of the subject lot is RS-5 (Residential Single-Dwelling Unit District) The RS-5 zoning district is intended primarily for low to moderate density residential development.
- 1.2 Pursuant to OAR 918-480-0005, compliance with the Oregon Residential Specialty Code will be determined at the time of building permit application. At the time of this middle housing land division, no application for building permits were received. The Community Development Director and Building Official issued an interpretation on November 30, 2023, clarifying the process to meet the intent of ORS 92.031(4)(e) for vacant properties where no development is proposed at time of a middle housing land division application.
- 1.3 Lot size in the RS-5 zone depends on the proposed use, and ranges in size from 1,500 square feet (townhomes), 5,000 square feet (single-dwelling unit detached, duplex and triplex), to 7,000 square feet (cottage clusters and fourplexes). The parent lot is approximately 16,412 square feet. The parent lots is currently vacant. The parent lot exceeds the minimum property size.
- 1.4 The minimum width standard for the RS-5 zone is 20 feet for townhomes, and 40 feet for all other uses. The parent lot is approximately 109 feet wide, exceeding the minimum width standard.
- 1.5 All other development standards will be reviewed at time of building permit application.

### Conclusions

- 1.1 This criterion is met without conditions.

### Criterion 2

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

### Findings of Fact

#### *Sanitary Sewer*

- 2.1 City utility maps show an eight-inch public sanitary sewer main along the norther property line of the subject site.
- 2.2 ADC 12.470 requires all new developments to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 2.3 ORS 92.090 states that no subdivision plat shall be approved unless sanitary sewer service from an approved sewage disposal system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 2.4 The applicant's preliminary utility plan shows new sanitary sewer laterals off the public sanitary sewer main along the northern property line to serve each lot of the proposed subdivision. The sewer laterals are shown to be located within a private access and utility easement. Before any work is done on or around a public sanitary sewer main the applicant must obtain a Site Improvement Permit from the City's Engineering Division.
- 2.5 The applicant shows a public sanitary sewer easement over the public sewer main. The portion of the easement on the subject property shall be dedicated to the City.

### *Water*

- 2.6 City utility maps show a six-inch public water main in Chicago Street. The subject property is not currently connected to the public water system.
- 2.7 ADC 12.410 requires all new developments to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 2.8 ORS 92.090 states that no subdivision plat shall be approved unless water service from an approved water supply system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 2.9 AMC 15.30.010 requires a connection charge that 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.
- 2.10 If the sanitary sewer, water distribution facility, storm drain, and/or improved street is to be utilized pursuant to any activity involving a land division, the amount of the applicable connection charge shall be paid, in full, prior to the signing of the final plat. In all other cases, the connection charge shall be assessed and paid, in full, prior to the issuance of any building permit or encroachment permit authorizing construction on real property which will utilize or connect to any of the City facilities in AMC 15.30.010. (Ord. 5565 § 4, 2003).
- 2.11 Before a building permit is issued, the applicant must pay to the City, or arrange for financing of, the required System Development Charges and other applicable fees or charges for connection to the public water system. The rates for these charges are set by Council Resolution (AMC 11.01.100 (2)).
- 2.12 The applicant's preliminary utility plan shows new water services installed off the water main in Chicago Street to serve each lot of the subdivision. The water services for each lot are shown to be located within a private access and utility easement. The applicant must obtain a Water Meter Permit from the City's Engineering Division for installation of water services.

### *Storm Drainage*

- 2.13 City utility maps show no piped public storm drainage system in Chicago Street. Chicago Street is not improved to City Standards with curb and gutter along the subject property.
- 2.14 It is the property owner's responsibility to ensure that 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's Engineering Division.
- 2.15 ADC 12.530 states that 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.
- 2.16 ADC 12.550 states that 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.
- 2.17 ADC 12.580 states that 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.
- 2.18 The subject property shall extend storm drainage facilities from Front Avenue NE to serve the subject property.

- 2.19 The applicant has submitted a preliminary drainage plan that shows the extension of public storm drainage system in Front Avenue NE to the subject property and a private detention system. The on-site storm system is shown to be located within a private access and utility easement. Final design details for these storm drainage facilities will be reviewed in conjunction with the subdivision. Before any work is done on or around a public storm drainage main the applicant must obtain a Site Improvement Permit from the City's Engineering Division.
- 2.20 AMC 12.45.030 – 12.45.040 requires that 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 one acre, including all phases of the development, where 8,100 square feet or more of impervious surface is created and/or replaced, cumulatively. (Ord. 5841 § 3, 2014).
- 2.21 Because the subject property is under one acre, post construction stormwater quality is not required for this project.

## Conclusions

- 2.1 Public sanitary sewer and water are available to serve the proposed development. The applicant must install water and sewer services to serve each of the proposed lots. The applicant proposes an access and utility easement for all services.
- 2.2 The applicant shows a public sanitary sewer easement over the public sewer main. The portion of the easement on the subject property shall be dedicated to the City.
- 2.3 The applicant must extend public storm drainage facilities in Chicago Street NE to the site from Front Avenue NE to serve the future development.
- 2.4 The applicant shall construct stormwater detention facilities to provide storm and flood-water controls. Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- 2.5 The applicant has submitted preliminary utility plans for the proposed development. While these plans appear to be generally acceptable, final design and construction details will be reviewed as part of the required permits.
- 2.6 Connection charges will be due for existing public water improvements in Chicago Street. These connection charges must be paid before the city will approve the final plat.
- 2.7 This criterion is met with conditions.

## Conditions of Approval

- Condition 1 Prior to approval of the final subdivision plat, the applicant must construct public storm drainage improvements from Front Avenue NE to the southern boundary line of the subject property in Chicago Street NE. In addition, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- Condition 2 Prior to approval of the final subdivision plat, the applicant must dedicate the portion of the 20-foot public sanitary sewer easement located on the subject property to the City.
- Condition 3 Prior to approval of the final subdivision plat, the applicant must obtain a water meter permit for installation of water services to serve each lot of the subdivision.
- Condition 4 Before the City will sign the final plat or issue a building permit for construction on the property, the applicant must pay connection charges for the existing public water mains along the property's northern boundary of the Chicago Street NE frontage.

## Criterion 3

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

- i. Locating, accessing, replacing, and servicing all utilities;**
- ii. Pedestrian access from each dwelling unit to a private or public road;**

- iii. **Any common use areas or shared building elements;**
- iv. **Any dedicated driveways or parking; and**
- v. **Any dedicated common area.**

### Findings of Fact

- 3.1 The applicant has proposed a utility easement for the placement, access, and servicing of utilities for each dwelling unit on the site.
- 3.2 The applicant has proposed an access easement for access to each dwelling unit, which includes pedestrian access to the public road and driveway access. Prior to recording the final plat, a 36-inch-wide emergency access easement benefiting lots 2 and 3 shall be provided on the adjacent lot(s) to provide emergency egress for sleeping rooms to comply with the Oregon Residential Specialty Code.
- 3.3 All of the adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.
- 3.4 The applicant proposes to record the portion of the 20-foot-wide public sewer easement located on the subject property.

### Conclusions

- 3.1 This criterion is met without conditions.

### Condition

- Condition 5 Prior to recording the final plat, a 36-inch-wide emergency access easement benefiting lots 2 and 3 shall be provided on the adjacent lot(s) to provide emergency egress for sleeping rooms to comply with the Oregon Residential Specialty Code.

### Criterion 4

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

### Findings of Fact

- 4.1 As shown on the tentative plat, one dwelling unit will be located on each resulting lot. No tracts are proposed.

### Conclusions

- 4.1 This criterion is met without conditions.

### Criterion 5

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

### Findings of Fact

- 5.1 Pursuant to OAR 918-480-0005, compliance with the Oregon Residential Specialty Code for proposed structures will be determined at the time of building permit application.

### Conclusions

- 5.1 This criterion is met without conditions.

### Criterion 6

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

### Findings of Fact

- 6.1 Pursuant to OAR 918-480-0005, compliance with the Oregon Residential Specialty Code for proposed structures will be determined at the time of building permit application.

## Conclusions

6.1 This criterion is met without conditions.

## Criterion 7

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

### Findings of Fact

- 7.1 The development will divide one parcel into four lots intended for middle housing development.
- 7.2 The development is located on the east side of Chicago Street NE about 110 feet south of Front Avenue NE.
- 7.3 Front Avenue NE is classified as a local street and is not constructed to city standards. The street is constructed to rural county standards and does not have curb, gutter, or sidewalk. The pavement width is approximately 20 feet and provides for a single vehicle travel lane in each direction.
- 7.4 Section 12.200 of the Development Code requires that public streets within and adjacent to a development be improved to city standards. When the City Engineer determines that improvements of the street are not timely, the city may accept a Petition for Improvement/Waiver of Remonstrance for participation in a future assessment district.
- 7.5 Because of the lack of improvements on Chicago Street NE and the site's limited street frontage, the City Engineer has determined that the improvement of the site's frontage on the street is not timely.

## Conclusions

7.1 This criterion is met with a condition.

## Condition

Condition 6 Prior to recording the final plat, the applicant shall provide a Petition for Improvement – Waiver of Remonstrance for participation in an assessment district for the improvement of Chicago Street NE.

## Overall Conclusion

As proposed, the application for a middle housing land division to divide one parcel into four lots satisfies all applicable review criteria as outlined in this report with the following conditions.

## Conditions of Approval

- Condition 1 Prior to approval of the final subdivision plat, the applicant must construct public storm drainage improvements from Front Avenue NE to the southern boundary line of the subject property in Chicago Street NE. In addition, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- Condition 2 Prior to approval of the final subdivision plat, the applicant must dedicate the portion of the 20-foot public sanitary sewer easement located on the subject property to the City.
- Condition 3 Prior to approval of the final subdivision plat, the applicant must obtain a water meter permit for installation of water services to serve each lot of the subdivision.
- Condition 4 Before the City will sign the final plat or issue a building permit for construction on the property, the applicant must pay connection charges for the existing public water mains along the property's northern boundary of the Chicago Street NE frontage.

- Condition 5 Prior to recording the final plat, a 36-inch-wide emergency access easement benefiting lots 2 and 3 shall be provided on the adjacent lot(s) to provide emergency egress for sleeping rooms to comply with the Oregon Residential Specialty Code.
- Condition 6 Prior to recording the final plat, the applicant shall provide a Petition for Improvement – Waiver of Remonstrance for participation in an assessment district for the improvement of Chicago Street NE.
- Condition 7 Further division of the resulting child lots is prohibited.
- Condition 8 The following notation must appear on the final plat:
- The approval was given under ORS Chapter 92.
  - The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the middle housing land division.
  - Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.
- Condition 9 Any improvements associated with review criteria in ADC 11.610 must be provided.
- Condition 10 The tentative approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

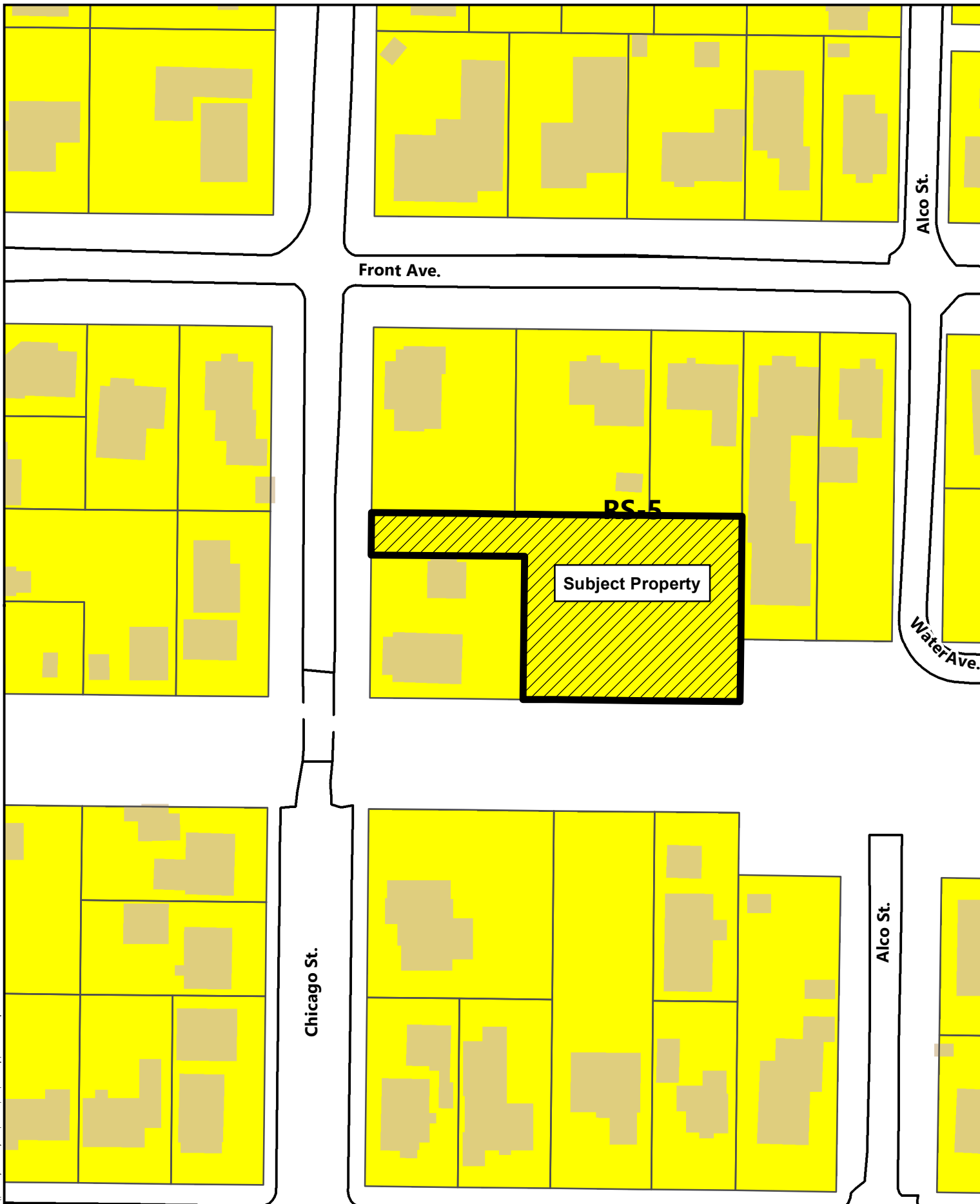
## Attachments

- A. Location Map
- B. Tentative Partition Plat
- C. Applicant Narrative
- D. Public Comments

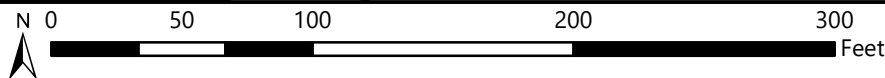
## Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
EPSC	Erosion Protection and Sediment Control
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
PA	Partition File Designation
RS-5	Residential Single-Dwelling Unit District
SFHA	Special Flood Hazard Area





\\cityofalbany.net\homes\lzo\Desktop\Location Map.mxd

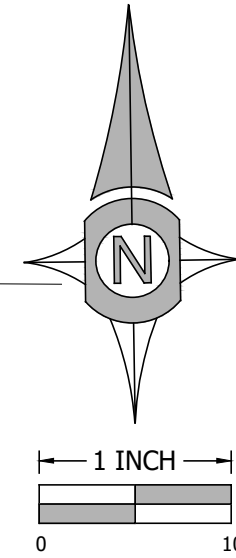
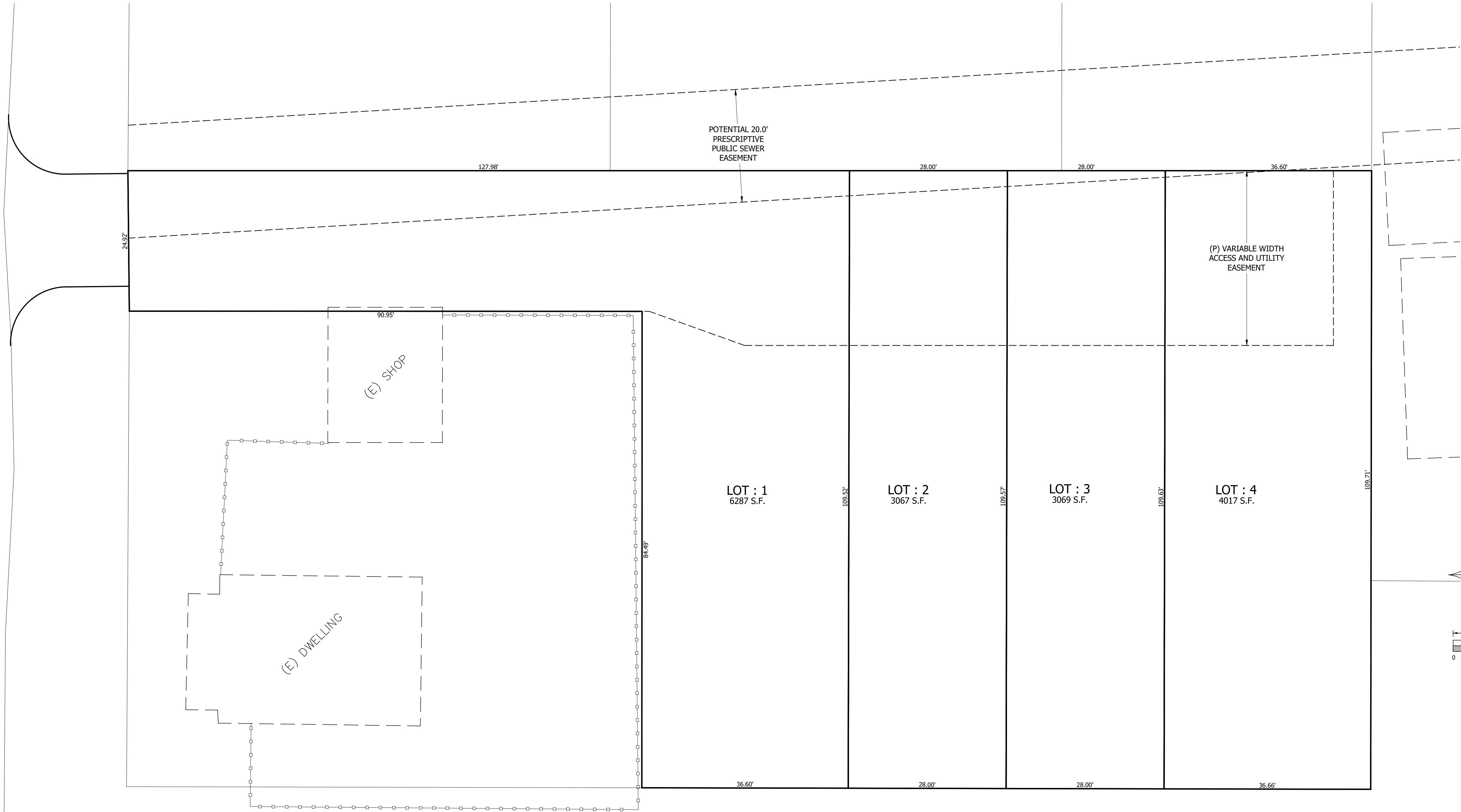


**1955 Water Ave NE**

Date: 2/28/2024 Map Source: City of Albany

Location / Zoning Map

CHICAGO STREET



**PROJECT AREA SUMMARY**  
 GROSS LAND AREA: 0.38± ACRES  
 NET LAND AREA: 0.38± ACRES

**DESIGN TEAM**  
**CIVIL ENGINEER**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125  
**SURVEYOR**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125  
**LAND USE PLANNER**  
 UDELL ENGINEERING AND LAND SURVEYING, LLC  
 63 E. ASH STREET  
 LEBANON, OREGON 97355  
 (541) 451-5125

PLAN REVISIONS	DATE

Sheet **C1.1**  
 SCALE: SEE BARSCALE

**TENTATIVE PLAT**  
**SITE PLAN REVIEW**  
 MAP 115-3W-05CA  
 TAX LOT 10600  
**ALBANY, OREGON**

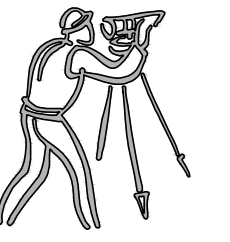
**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

**CLIENT:**  
 GLORIETTA BAY, LLC  
 100 FERRY STREET NW  
 ALBANY, OREGON 97321  
 (541) 928-9390



DATE: FEBRUARY 27, 2024  
 PROJECT: 24-027 LEPMAN CHICAGO STREET  
 DRAWN BY: MUM, MDI  
 CHECKED BY: BSU

THIS PLAN SET IS FOR PLANNING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.



CLIENT:  
 GLORIETTA BAY, LLC  
 100 FERRY STREET NW  
 ALBANY, OREGON 97321  
 (541) 928-9390

UDELL ENGINEERING  
 AND  
 LAND SURVEYING, LLC  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1366 FAX

PRELIMINARY CIVIL SITE PLAN  
 SITE PLAN REVIEW  
 MAP 115-3W-05CA  
 TAX LOT 10600  
 ALBANY, OREGON

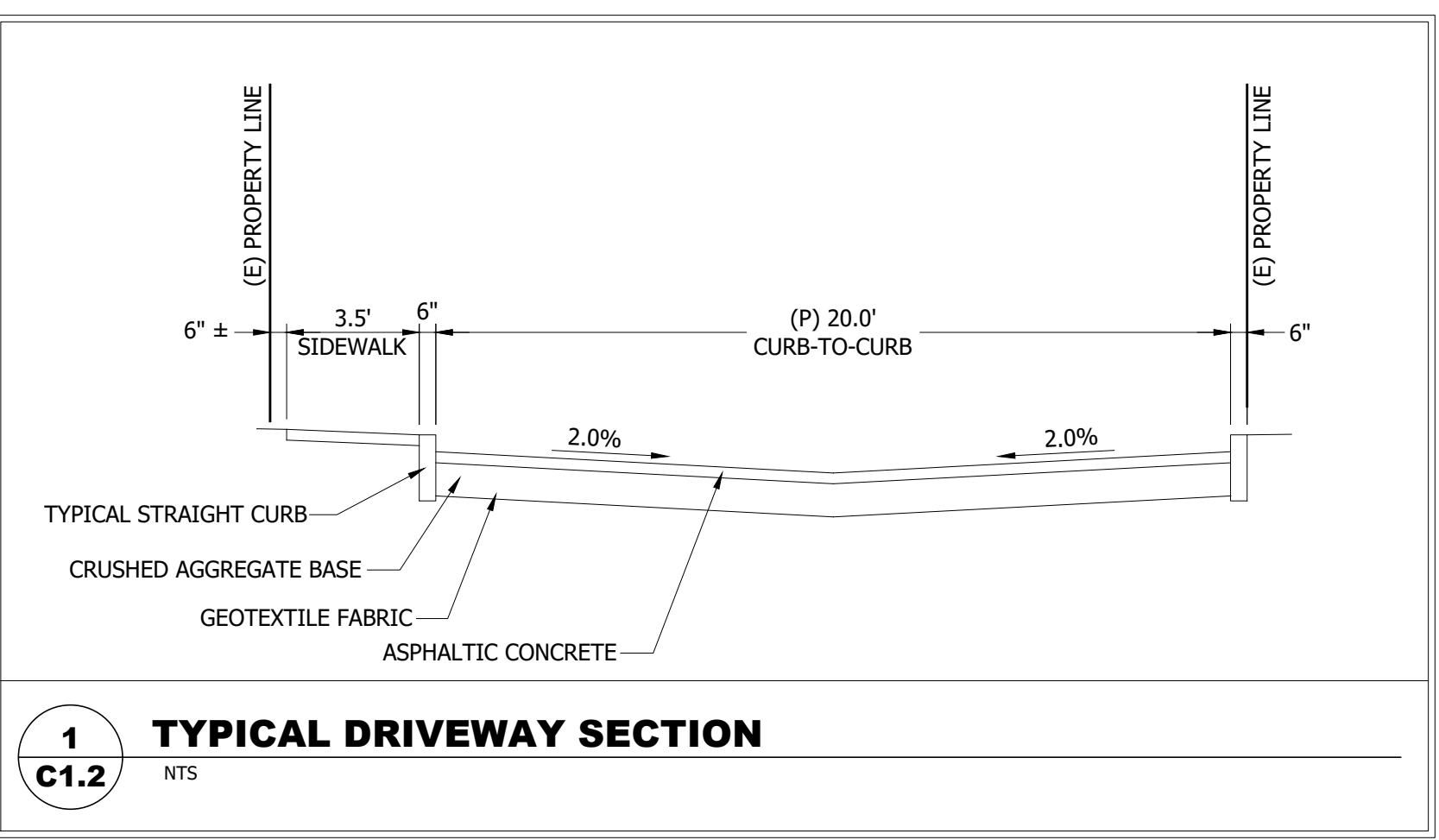
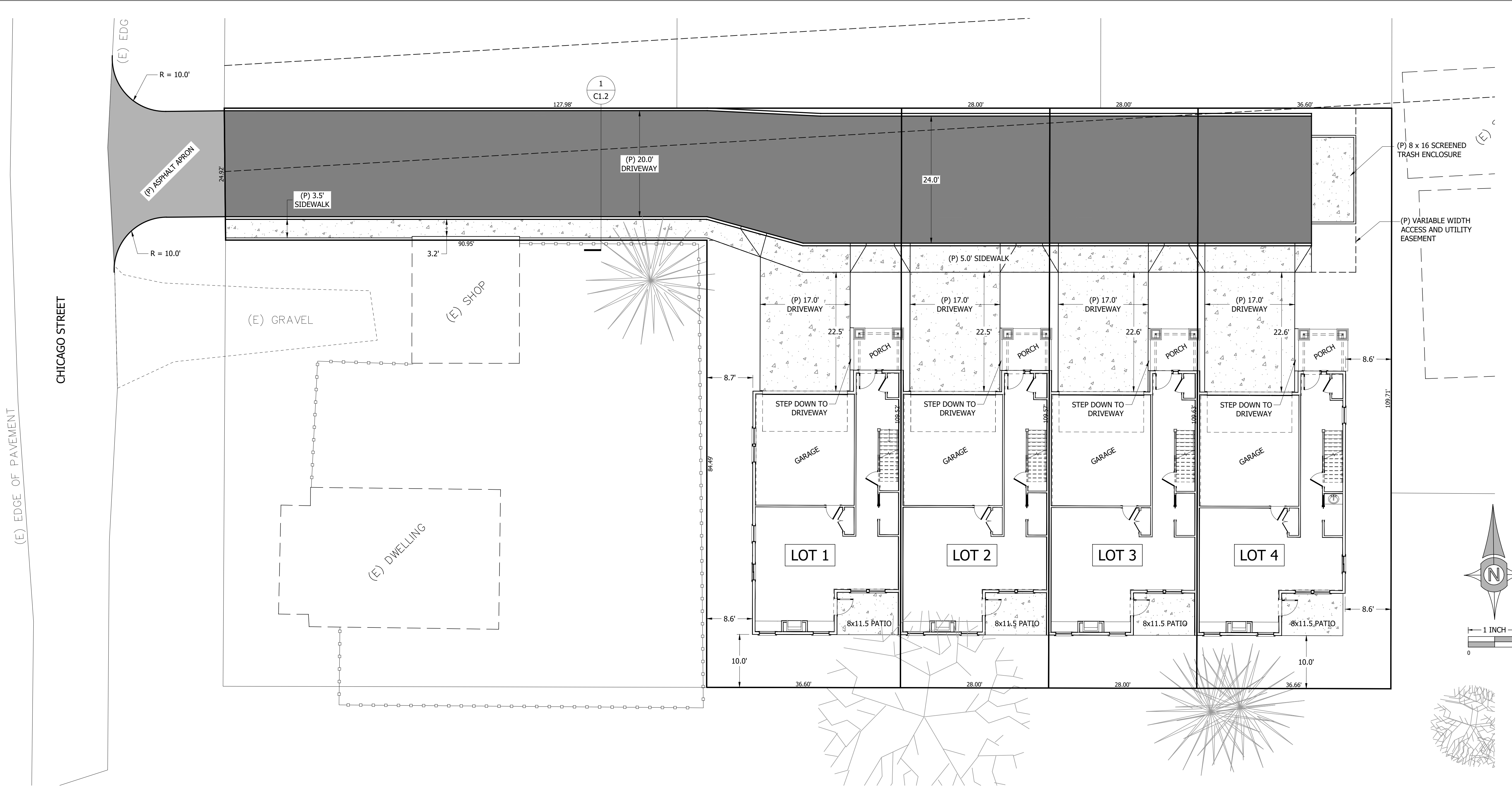
DATE: FEBRUARY 27, 2024  
 PROJECT: 24-027 LEPMAN CHICAGO STREET  
 DRAWN BY: MUM, MDJ  
 CHECKED BY: [Signature]  
 183V

THIS PLAN SET IS FOR  
 PLANNING PURPOSES ONLY.  
 NOT TO BE USED FOR  
 CONSTRUCTION.

PLAN REVISIONS	DATE

Sheet **C1.2**

SCALE: SEE BARSCALE



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## MIDDLE HOUSING LAND DIVISION APPLICATION

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Submitted to: City of Albany  
Planning Division  
P.O. Box 490  
Albany, Oregon 97321-0144  
541-917-7550  
[cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net)

Applicants/Property Owners: Glorietta Bay LLC  
100 Ferry Street NW  
Albany, OR 97321  
Contact: Scott Lepman  
Email: [scottlepman@gmail.com](mailto:scottlepman@gmail.com)  
Phone: (541) 928-9390

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355  
Contact: Laura LaRoque  
Email: [laura@udelleng.com](mailto:laura@udelleng.com)  
Phone: (541) 990-8661

Site Location: 1955/1957/1959 Water Avenue NE, Albany, OR 97322

Linn County Assessor's Map No.: 11S-03W-05CA Tax Lot 10600

Site Size: 16,412 square feet

Existing Land Use: Unimproved

Zone Designation: Residential Single-Dwelling Unit (RS-5) District

Comprehensive Plan Designation: Residential Low Density

Surrounding Zoning: North: RS-5  
South: RS-5  
East: RS-5  
West: RS-5

Surrounding Uses: North: Residential  
South: Railroad  
East: Residential  
West: Residential



23-269 Lepman  
Water Avenue  
MHL D Applications

February 27, 2024  
Page 1 of 8

## I. Executive Summary

The applicant “Glorietta Bay LLC” requests approval of a Middle Housing Land Division (MHL) for a four-lot townhouse subdivision.

The site is located at 1955/1957/1959 Water Avenue NE and zoned Residential Single-Dwelling Unit (RS-5) District with a Residential Low Density Comprehensive Plan designation.

## II. Review Procedure

In accordance with the submitted Middle Housing Land Division (MHL) will be processed in accordance with the ORS 197.360 “Expedited land division” per ORS 92.031(4)(a).

According to ADC 11.620, the City shall use the following procedure for an expedited land division, as described in ORS 197.360, for a MHL. An expedited or MHL is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

## III. Middle Housing Land Division - Decision Criteria

ADC 11.610 includes the following review criteria for a tentative plat for a MHL, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

### Criterion 1

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

### Findings

1.1 ADC 11.610(1)(a) is not entirely permissible per ORS 92.031(2)(4).

- a. ADC 11.610(1)(a) states that *“To demonstrate compliance with this criterion, the applicant **shall** submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and ADC middle housing regulations.”* Which conflicts with ORS 92.031(4)(e), that states that in reviewing an application for MHL a city **may** allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

In accordance with ORS 92.031(2)(e), evidence in the form of a tentative plan set and building plans have been submitted as exhibits to this application that demonstrate compliance with applicable building codes provision relating to new property lines and the Oregon residential specialty code.

- b. ADC 11.610(1)(a) states that MDLD development must comply with ADC middle housing regulations, including but not limited to, the provisions in the base zone (...). Which conflicts with ORS 92.031(2)(a) states that a city shall approve a tentative plan for a MHLD if the application includes a proposal for development of middle housing (...) and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (Development of middle housing) (5);

*ORS 197.758(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually, or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.*

It is contested ORS 197.758(5) conflicts with ORS 92.031(4)(c) and ORS 92.031(4)(c) prevails when reviewing an application for a MHLD. As such, ADC sections 8.110-8.175 are found not to be permissible review criteria or factor into the decision on this application.

Regardless, subject property is undeveloped and located outside of a historic district and therefore, not subject to ADC 8.120; ADC 8.110(4) exempts flag lots from Sections 8.130 through 8.160; ADC 8.165 pertain to triplexes and fourplexes which are not proposed with this application; ADC 8.170(1) is not applicable as none of the proposed townhouses have a street facing façade; ADC 8.170(2) pertain to driveway access and parking which not permissible review criteria per ORS 92.031(4)(c); ADC 8.175 pertain to cottage cluster development which are not proposed with this application.

- c. ADC 11.610(1)(a) states that MDLD development must comply with ADC middle housing regulations, including but not limited to, the provisions (...) in Sections 8.110-8.175. This provision conflicts with ORS 92.031(4)(c) that states that a city may not subject an application to approval criteria except as provided in this section (ORS 92.031(4)), including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontages.

ORS 92.031(4) is included in *italics* below which does not include design standards as a review criterion; therefore, these standards are not reviewed in association with this application.

*ORS 92.031(4) In reviewing an application for a middle housing land division, a city or county:*

- a) Shall apply the procedures under ORS 197.360 ("Expedited land division" defined) to 197.380 (Application fees).*

- b) *May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758 (Development of middle housing).*
- c) *May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.*
- d) *May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 (Adoption of standards and procedures governing approval of plats and plans) or 92.046 (Adoption of regulations governing approval of partitioning of land) that are inconsistent with this section or ORS 197.360 (“Expedited land division” defined) to 197.380 (Application fees).*
- e) *May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*
- f) *May require the dedication of right of way if the original parcel did not previously provide a dedication.*

1.2 The submitted middle housing land division is for a four-lot townhouse subdivision. The below findings demonstrate that the subject property or “original parcel” complies with siting requirements of the RS-5 zoning district.

- a. The underlying zoning designation of the subject property is zoned RS-5. Per ADC 3.020(4) the RS-5 District is primarily intended for low- to moderate-density residential development.
- b. Per ADC 3.050, Schedule of Permitted Uses, the following residential uses are permitted in the RS-5 outright: single dwelling, detached; duplex, townhouse, triplex, fourplex, and cottage cluster.
- c. Per ADC 3.190, Table 3.190-1, the minimum property size ranges based on use or unit size. A minimum of 1,500 square feet is required for a townhouse; 5,000 square feet is required for a single dwelling detached unit, duplex, triplex; and 7,000 square feet for fourplex and cottage cluster units.

The subject property or “original parcel” is ±16,412 square feet, unimproved, and exceeds the minimum area for all residential middle housing dwelling types.

- d. According to Table 3.190-1 there is a 40-foot minimum lot width for development of all uses except for townhouses, which require a 20-foot minimum lot width. The subject property or “original parcel” is a flag lot with 129-foot lot width and 109-foot lot depth thus exceeding the minimum width and depth standards for all residential middle housing dwelling types.

- e. Per ADC Table 3.190-1, the minimum setbacks are as follows: 15-foot front; 20-foot front vehicle entry; 5-foot interior for single story structures and 6-foot interior for structures two plus stories structures except for single-dwelling unit homes or middle housing, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings. The subject property or “original parcel” is unimproved therefore, setback provisions are not applicable to this application.
- f. Per ADC Table 3.190-1, the total lot coverage allowed in the RS-5 zone is 60 percent. Additionally, per ADC 3.190(9), lot coverage for single-dwelling unit detached and middle housing development shall only include the area of the lot covered by buildings or structures; Lot coverage for townhouses is calculated based on the overall townhouse project. The subject property or “original parcel” is unimproved therefore, the lot coverage provision is not applicable to this application.
- g. Per ADC Table 3.190-1, the maximum height allowed in the RS-5 zone is 30 feet. The subject property or “original parcel” is unimproved therefore, the maximum height provision is not applicable to this application.

1.3 Exhibit B includes building plans demonstrating that the proposed structures will comply with the Oregon Residential Specialty Code.

## Criterion 2

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

### Findings

- 2.1 City utility maps show an 8-inch public sanitary sewer main along the site’s north property line.
- 2.2 City utility maps show a 6-inch public water main in the Chicago Street NE right-of-way along the site’s west property frontage.
- 2.3 City utility maps show a 10-inch public storm water main in the Front Avenue NE right-of-way.
- 2.4 As shown in the preliminary utility plan, separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.

## Criterion 3

**Easements will be provided as necessary for each dwelling unit on the site for: i. Locating, accessing, replacing, and servicing all utilities; i. Pedestrian access from each dwelling unit to a private or public road; iii. Any common use areas or shared building elements; iv. Any dedicated driveways or parking; and v. Any dedicated common area.**



Findings

- 3.1 ORS 92.031(2)(c) states that a city shall approve a tentative plan for a middle housing land division if the application includes proposed easement necessary for each dwelling unit on the plan for:
- A. Locating, accessing, replacing, and servicing all utilities;
  - B. Pedestrian access from each dwelling unit to a private or public road;
  - C. Any common use areas or shared building elements;
  - D. Any dedicated driveways or parking; and
  - E. Any dedicated common area.
- 3.2 As shown on the preliminary site plan, the proposal includes a variable width access and utility easement for shared access, a pedestrian sidewalk, trash enclosure, and utilities.
- 3.3 As shown on the preliminary civil site plan and utility plan, the following easements will be recorded on or simultaneously with the final plat: 20-foot-wide public sewer easement along the existing public sewer main running east/west along the north property lines of all lots and variable width access and utility easement.

**Criterion 4**

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

Findings

- 4.1 ORS 92.031(2)(d) states that a city shall approve a tentative plan for a middle housing land division if the application includes exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas.
- 4.2 As shown on the preliminary site plan, each child lot will contain one townhouse dwelling unit. No tracts are proposed.

**Criterion 5**

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

Findings

- 5.1 ORS 92.031(2)(e) states that a city shall approve a tentative plan for a middle housing land division if the application includes evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

- 5.2 Exhibit B includes building plans demonstrating that the proposed structures will comply with the Oregon Residential Specialty Code.

#### Criterion 6

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

#### Findings

- 6.1 ORS 92.031(2)(e) states that a city shall approve a tentative plan for a middle housing land division if the application includes evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.
- 6.2 Exhibit B includes building plans demonstrating that the proposed structures will comply with the Oregon Residential Specialty Code.

#### Criterion 7

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

- 7.1 The subject property has frontage along Chicago Street to the west, Oregon Eastern Railroad to the south, and the termination of the Water Avenue right-of-way to the east.
- 7.2 Chicago Street is classified as a local street with a 60-foot right-of-way, not fully improved to city standard. Improvements include a 20-foot-wide vehicle travel lane in each direction.
- 7.3 Water Avenue is classified as a local street and unimproved to the west of Alco Street NE intersection.
- 7.4 ADC 12.120 states that the minimum rights-of-way width and roadway width for a local street are 52-56 feet and 28-32 feet, respectively. Additionally, it is noted that when street rights-of-way are less than 60 feet wide, a parallel public utility easement 7-foot-wide shall be dedicated on both sides of the right-of-way unless waived by the City Engineer.
- 7.5 ADC 12.122 states that there are two classes of local streets, based on project traffic volumes. In this case Chicago Street terminates just south of the property at the Oregon Eastern Railroad right-of-way.

Since the street is not a through street it is classified as a minor local street with the following design standards: 30-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 54-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street.

Since the right-of-way is not less than 60-feet the 7-foot public utility easement is not required for this development. Additionally, the subject parcel is in a flag lot configuration and lacks public street frontage outside of the proposed driveway and sidewalk improvements. Therefore, no street frontage improvements are required in association with this development.

7.6 As stated previously, Water Avenue is unimproved west of Alco Street NE right-of-way.

According to ADC 11.090(5) the average block length must not exceed 600 feet. The block length of block 8, Woodle's Riverside Addition (i.e., block containing the subject property) is 356-feet by 286-feet. Therefore, an extension of Water Avenue from Alco Street NE to Chicago Street is not necessary.

7.7 No street frontage improvements or dedication are required since the property only has flag access frontage along Chicago Street and an extension of Water Avenue is not necessary.

#### **IV. Tentative Plat Conditions of Approval**

1. ORS 92.031(3) states that a city or county may add conditions to the approval of a tentative plan for a middle housing land division to:
  - i. Prohibit the further division of the resulting lots or parcels.
  - ii. Require that a notation appear on the final plat indicating that the approval was given under this section.

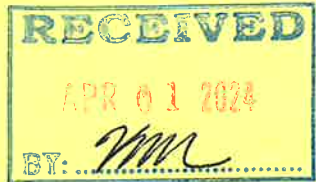
These conditions of approval are acknowledged. The required final notation of the middle housing land division per ORS 92.031 will be provided on the final plat.

#### **II. Overall Conclusion**

As proposed, the applications for Middle Housing Land Division (MHL) for a four-lot townhouse subdivision satisfies all applicable review criteria as outlined in this report.

#### **III. Attachments**

- A. Preliminary Plan Set
  1. Existing Conditions
  2. Tentative Partition Plat
  3. Preliminary Civil Site Plan
  4. Enlarged Civil Site Plan
  5. Clear Vision Plan
  6. Tree Removal Plan
  7. Preliminary Open Space Plan
  8. Preliminary Garding and Drainage Plan
  9. Preliminary Utility Plan
- B. Architectural Plan Set



3-29-2024

To: City of Albury Planning Division / re: 1955 Water NE

I object to having multi homes when this is been zoned single homes.

When I bought my home in 1990 at 210 NE Chicago it showed Alco St. not Chicago as entrance to that property.

The main power pole and guy wires are anchored across Chicago St. They were recently tightening all power lines in area.

Emergency vehicles have to back out on Chicago due to dead end at tracks and no turn-arounds. Alco & Water better choice.

No stop sign at Chicago St. but you do have a stop on Front St. which many cars don't stop for.

No mailboxes on Chicago or delivery. Railroad closed road many years ago. Post office had us move boxes. I go over tracks to pickup mail for 210 and 205 NE

Low income and disabled families have lived on Chicago for over 20 years.

There are 2 heritage oaks on property that are very tall and have spread with age. Our gray squirrel in neighborhood likes the oaks.

Who will pay for road improvements.

Sincerely Paula & Charles Bronson  
 210 Chicago St. NE

Stephanie and Maxwell Bunker  
1834 Front Ave NE  
Albany, OR 97321  
stephanienbunker@gmail.com, maxamusbunker@gmail.com  
(530) 941-0818, (805) 320-4734

Planning Division  
PO Box 490  
Albany, OR 97321

Concerning PA-04-24 at 1955 Water Avenue NE, Albany OR 97321

To whom it may concern,

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

First and foremost, the proposed development lacks a way for emergency services to properly enter. It is already difficult enough for the fire department to get on the small section of Chicago street, and adding in a 90-degree turn will make it bar impossible for them to get to the new proposed housing. This is a huge concern for fire safety for all houses in the area and health of those who might in live in the proposed housing.

Republic services have reached out to residents on Chicago street about the difficulty in picking up trash cans on this street. We have had to adjust where our trash cans are located from Chicago Street to Front Ave to accommodate their request. Their large vehicles will not be able to go to the proposed build site. With 4 additional houses added into a small space, it is doubtful there is an adequate way for trash services to pickup. Any mail or package delivery vehicles will also not be able to properly service the proposed housing.

There currently is a power pole in the entryway to the proposal, with support wires directly in the proposed entryway. Currently, that would need to be addressed to have a proper entryway into the proposed location and will cause issues with the current homes who have people living in them.

The lot for the proposal is on a lower grade than any lot around it. If the lot was regraded, it would cause issues for the other houses around there, including an elderly disabled homeowner. Not to mention any issue it could cause to the railroad that it is located directly against. The patio area for the proposed housing will be about 10 feet from the railroad.

Furthermore, the type of housing being proposed is simply not in keeping with the character of our neighborhood. Talking with a few neighbors who have lived in this area longer, they have a letter from the city that states no middle housing in the neighborhood till 2025 (other than pre-existing). This project seems to capitalize on that expiring to the detriment of the existing

neighborhood. The fact that the permit for this proposal request is expediated seems to try to put pressure on the city to take action before feedback can be heard.

This would be the only project of this type here, not just in middle housing, but in a single, hard to access entryway. This feeds into a concern for driving safely and parking. With the proposal of 4 townhouses being added in, that will more than double the traffic on the very small section of Chicago street. Currently, the 4 houses that are on Chicago street all have their driveway access from there. Additionally, the Greater Albany School District has a bus pickup and drop off right on the corner of Chicago and Front, extremely close to the entryway to the proposed housing.

In conclusion, we strongly urge you to reconsider this proposed housing development. While we recognize the need for additional housing, we believe that the scope of housing for this project is simply not the right fit for our neighborhood. A proposal of 4 townhouses puts a lot of stress on the neighborhood and would negatively change the community. Thank you for your attention to this matter.

Sincerely,

Stephanie and Maxwell Bunker

Kathleen Kouba  
1920 Front Ave NE  
Albany, OR 97321  
March 27th, 2024



City of Albany Planning Division  
PO Box 490, Albany, OR 97321

Dear Sir/Madam,

RE: Concerns Regarding Proposed Development - Middle Housing Land Division for a Four-Lot Townhouse Subdivision PA-04-24

I am writing as a concerned resident and property owner adjacent to the proposed development of a Middle Housing Land Division for a four-lot townhouse subdivision. This letter is to express significant concerns regarding the potential approval of this development project.

The primary concern pertains to the adverse impacts that the proposed subdivision may impose on the adjacent property, particularly concerning solar access and privacy considerations.

#### Solar Access Concerns:

The creation of the four-lot townhouse subdivision, resulting in the construction of townhouses on the south side of the property, raises significant solar access concerns. As per Article 3 of the Oregon Law ORS 227.190 Solar Access Ordinances, it is imperative to consider and protect solar access to the south face of buildings during solar heating hours. The proposed development may obstruct sunlight to the adjacent property, thereby increasing heating costs in the winter and impeding sunlight for growth in the summer. Such impacts are contrary to the spirit of the solar access ordinances and may result in detrimental consequences for the affected property.

#### Privacy Impacts:

Additionally, the height of the buildings in the proposed subdivision poses privacy concerns for the adjacent property. According to Article 11.22(6) of the Albany Development Code, taller buildings should be located in a manner that avoids adverse impacts on neighboring lower buildings and does not invade the privacy

of adjacent occupants. However, due to the smaller lot size inherent in the Middle Housing Land Division, there may be inadequate space for mitigating measures such as fences or vegetation to address privacy concerns effectively.

In light of the aforementioned concerns, I urge the City of Albany to thoroughly evaluate the proposed development in accordance with the applicable approval standards outlined in Section 11.610 of the Albany Development Code. Specifically, I emphasize the need to assess the compliance of the proposed project with regards to solar access ordinances and privacy protections, as mandated by state and local regulations.

I respectfully request that the City of Albany consider these concerns during the review process for the proposed subdivision. I seek assurances that any development approved will not unduly impact my property rights or diminish the quality of life associated with the residence.

Thank you for your attention to this matter. I anticipate your prompt response and look forward to working collaboratively to address these concerns.

Sincerely,

Kathleen Kouba



Emily and Arielle Weber  
1926 Front Ave NE  
Albany, OR 97321

April 4th, 2024

City of Albany Planning Division  
PO Box 490, Albany, OR 97321

Dear Planning Division,

RE: Concerns Regarding Proposed Development - Middle Housing Land Division for a Four-Lot Townhouse Subdivision PA-04-24

We are writing as property owners adjacent to the proposed development of a Middle Housing Land Division for a four-lot townhouse subdivision. We want to convey our significant concerns regarding the potential approval of this development project.

Our main concern pertains to the negative impacts that the proposed subdivision may have on the adjacent properties, particularly concerning solar access and privacy considerations.

**Solar Access Concerns:**

The creation of the four-lot townhouse subdivision, resulting in the construction of townhouses on the south side of the property, raises significant solar access concerns. As per Article 3 of the Oregon Law ORS 227.190 Solar Access Ordinances, it is imperative to consider and protect solar access to the south face of buildings during solar heating hours. The proposed development may obstruct sunlight to the adjacent property, thereby increasing heating costs in the winter and impeding sunlight for growth in the summer. Such impacts are contrary to the spirit of the solar access ordinances and may result in detrimental consequences for the affected property.

**Privacy Impacts:**

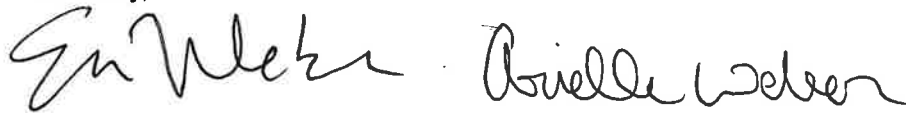
Additionally, the height of the buildings in the proposed subdivision poses privacy concerns for the adjacent property. According to Article 11.22(6) of the Albany Development Code, taller buildings should be located in a manner that avoids adverse impacts on neighboring lower buildings and does not invade the privacy of adjacent occupants. However, due to the smaller lot size inherent in the Middle Housing Land Division, there may be inadequate space for mitigating measures such as fences or vegetation to address privacy concerns effectively.

In light of these concerns, we are hopeful that the City of Albany will thoroughly evaluate the proposed development in accordance with the applicable approval standards outlined in Section 11.610 of the Albany Development Code. Specifically, solar access ordinances and privacy protections, as mandated by state and local regulations.

We respectfully request that the City of Albany consider these concerns during the review process for the proposed subdivision. We seek assurances that any development approved will not unduly impact our property rights or diminish the quality of life associated with the residence.

Thank you for your attention to this matter. We are looking forward to your prompt response and anticipate working collaboratively to address these concerns.

Sincerely,

Handwritten signatures of Emily and Arielle Weber. The signature on the left is 'Emily Weber' and the signature on the right is 'Arielle Weber'. Both are written in a cursive, handwritten style.

Emily and Arielle Weber

# ASHLEE WEITLAUF

125 Chicago ST NE | Albany, OR 97321 | [ashlee.weitlauf@gmail.com](mailto:ashlee.weitlauf@gmail.com)

**March 31, 2024**

Planning Division  
PO Box 490  
Albany, OR 97321

**Dear Liz Olmstead:**

In regard to the Notice of Filing, Tentative Partition Plat for the location of 1955 Water Avenue NE, Albany, OR 97321 that I received in the mail March 25<sup>th</sup>, 2024. I object to the removal of two Oregon White Oak trees. This neighborhood has very few trees. These trees provide one of the only native habitats for the local birds and insects in our area. Very little mature and native trees exist anymore. They should not be allowed to cut them down when they can easily develop the property without doing so. The architectural drawings you provided would not allow for these two native mature and healthy trees to stay. I have nominated this tree to be considered for the Albany Heritage Tree program. The City of Albany's Urban Forestry Program states that any tree over 25 inches in diameter needs a permit to be removed. Both trees are over 25 inches in diameter. As well as Article 11.330(2) the section on planned development standards states under the Natural Resources section that "development shall provide for the protection of significant landscape features including Oak groves, heritage trees as defined by the....". I hope the development of this land will consider these municipal codes and leave the trees in place.

Sincerely,

**Ashlee Weitlauf**

**Albany Development Code, Article 11 11 - 12 July 1, 2023**

(2) Natural Resources. The planned development shall provide for the protection of significant landscape features including Oak groves, heritage trees as defined by the Albany Municipal Code and land located within Albany's natural resource overlay districts and any historic sites and landmarks. Natural and cultural resources shall integrate the proposed development with the environmental characteristics of the site and adjacent uses. [Ord. 5832, 4/9/14]

## Olmstead, Liz

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**From:** Ashlee Weitlauf <ashlee.weitlauf@gmail.com>  
**Sent:** Sunday, March 31, 2024 11:49 AM  
**To:** Olmstead, Liz  
**Subject:** notice of filing for 1955 Water Ave. NE  
**Attachments:** 1955wateraveNE.pdf

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

Hi Liz,

I am mailing a written objection to the development of the property at 1955 Water Ave. NE today, Sunday, March 31st, 2024. I am also attaching a copy of this letter to this email in case it gets lost in the mail. As well as a photo to help illustrate my complaint.

Thanks,  
Ashlee Weitlauf  
125 Chicago ST NE  
Albany, OR 97321



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



March 30, 2024

City of Albany

Planning Division

PO Box 490

Albany, Or 97321

Regarding 1955 Water Ave. NE

To whom it may concern:

We are attaching the paperwork we got before we even bought our property that was turning this area into single family homes. We are owners of one of the few duplexes that were grandfathered in. These lots are not big enough for multiple families. It isn't right to split lots unless it is already considered more than the city lots for this area. Lots should stay close to the same size in any given area.

We are also attaching some pictures. We want to point out that the entrance to this proposed townhouses is blocked by a power pole's guy wires, picture attached. These guy wires had just got another one added when Zippy was running all their lines.

There is a change in grade of this property from the surrounding properties. This property is lower than the others around it. We are trying to show this in the picture with the guy wires as well. Also in the pictures with the trees with how much lower it is than the railroad tracks. There is no storm water drainage in place for this area and as such the construction changes in the natural flow of the storm water will have a negative impact on the surrounding properties most notably for 205 Chicago St. NE. Which is a home of an elderly disabled man who would not be able to mitigate the changes caused to his property.

There are 2 really big oak trees shown in the pictures.

As it is right now Chicago St. that has the proposed access to the properties is a dead end that was closed in 2008/2009. This creates some hazards if that many houses are put there as emergency services already have to either back into or out of Chicago street. They have had to respond in this area before and could not get both a fire truck and medic down here together. The closest fire hydrants we found on Front were at Geary and Alco. If there was a fire at the proposed townhouses, they would only be able to get one vehicle close and with that many houses that close they would need more than one as there is no access from the railroad easement side and no access from the Alco/ Water Street side the way the construction is

proposed. Even the garbage truck has to back down Chicago street and has restricted where people can place their cans.

Mail service does not come down this section of Chicago street either. The mail boxes for the existing houses on Chicago are either on Front St. or across the railroad tracks to be able to receive our mail.

Townhouses are also taller than most things in this area which creates some privacy concerns as well as natural lighting especially in the winter months when the sunlight is already low on the horizon.

We hope that you will take all of this into consideration in making a decision on this. We want to thank you for your time in reading this.

Sincerely,

Wayne Williams & Toney Cunningham Williams

PO Box 3304

Albany, OR 97321

Our owned property is

235 & 237 Chicago St. NE

Albany, OR 97321



September 5, 2006

GEORGE BELLAMY II  
PO BOX 8326  
BEND, OR 97701

CITY HALL  
333 Broadway SW  
P.O. Box 490  
Albany, OR 97321-0144  
www.ci.albany.or.us

(541) 917-7500

Dear GEORGE BELLAMY II:

**CITY-INITIATED ZONE CHANGE OF YOUR PROPERTY**

**ADMINISTRATIVE SERVICES**

City Manager/  
Human Resources  
(541) 917-7501  
FAX (541) 917-7511

Finance/Recorder  
(541) 917-7520  
FAX (541) 917-7511

Municipal Court  
(541) 917-7740  
FAX (541) 917-7748

Water/Sewer Billing  
(541) 917-7547  
FAX (541) 917-7511

**COMMUNITY DEVELOPMENT**  
Planning  
(541) 917-7550  
FAX (541) 917-7598

Building Inspection  
(541) 917-7553  
FAX (541) 917-7598

**FIRE ADMINISTRATION**  
(541) 917-7700  
FAX (541) 917-7716

**PARKS & RECREATION ADMINISTRATION**  
(541) 917-7777  
FAX (541) 917-7776

**PUBLIC WORKS**  
Engineering  
(541) 917-7676  
FAX (541) 917-7573

Transit  
(541) 917-7667  
FAX (541) 917-7573  
TDD (541) 917-7678

The City of Albany is reviewing its Comprehensive Plan, zoning districts and residential land needs as part of a state-required review (called Periodic Review) to determine Albany's future housing and residential land needs to 2025.

Staff is recommending that the City Council consider rezoning your property [Linn County Assessor's Map Number 11S03W05CA, Tax Lot(s) 10500] and a few other blocks in the area from RM-5, Residential Limited Multiple Family to RS-5, Residential Single-Family. (See the attached map.) This area was rezoned to RM-5 in 1991. The RM-5 zone allows for a variety of housing types. The lot sizes in the area, however, are challenging to redevelop with higher density due to parking demands and the need to make new development compatible with the neighborhood. Therefore, staff recommends rezoning these properties back to a single-family zone, which is more compatible with how the area has developed. Any existing duplex or multi-family units would be granted special status.

Please contact me by phone or email (541-917-7560 or [anne.catlin@cityofalbany.net](mailto:anne.catlin@cityofalbany.net)) if you have any questions or concerns about this proposal to rezone your property.

You may also stop in to an open house on Thursday, September 14th any time from 4 pm to 7 pm, in the Albany City Council Chambers to ask any questions about the proposed zoning map and plan amendments related to Albany's residential land needs. If we do not hear from you by 5 pm on Monday, September 18th, then we will assume you do not object to the proposed map amendment affecting your property.

A notice of the Planning Commission and City Council public hearings regarding the package of housing-related amendments (titled a "Measure 56 Notice") will be mailed to property owners in the fall announcing the public hearing date(s).

Sincerely,

*Anne Catlin*  
Anne L. Catlin, AICP  
Community Development Planner II

alc

Enclosure - Map

U:\Community Development\Planning\Periodic Review\Goal 10\Zoning Map Amendments\egltr.11.doc





Albany Community Development Department

September, 2006

Project Manager: Colby Good Day



THIS MAP IS A PRELIMINARY DRAFT AND IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE ALBANY COMMUNITY DEVELOPMENT DEPARTMENT. THE CITY OF ALBANY, OREGON, IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY APPEAR IN THIS MAP.

