



## PLANNING COMMISSION AGENDA

**Monday, May 18, 2026**

**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
  - April 13, 2026 Page 3
4. Public Comment
5. Scheduled Business

Public Hearing: AD-01-26, Type III Quasi-Judicial Process Pages 4 - 31

Summary: Adjustments to the interior side yard setback standard applicable to residential development and adjustments to the front yard setback on tax lots 20, 23, & 28. (Project Planner – David Martineau, [david.martineau@albanyoregon.gov](mailto:david.martineau@albanyoregon.gov))

*Persons wanting to provide comments may:*

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

6. Business from the commission
7. Staff updates

[albanyoregon.gov](http://albanyoregon.gov)



8. Next Regular Scheduled Meeting Date: June 15, 2026
9. Adjournment

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

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



**MINUTES**

Monday, April 13, 2026  
Council Chambers – 5:15 p.m.  
Approved: DRAFT

**Call to Order**

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

**Pledge of Allegiance**

**Roll Call**

Commissioners Present: JoAnn Miller, Paul Spilsbury, Skylar Bailey, Kenny Larson, Remi Hill, Ron Green, Ted Bunch Jr., Stacey Bartholomew, Tami Cockeram

**Approval of Minutes**

**5:16 p.m.**

**Motion:** Commissioner Larson moved to approve the meeting minutes from March 30, 2026. Commissioner Bunch seconded the motion. The motion passed 9-0.

**Scheduled Business**

**Approval of the findings and edits of SP-15-25 et al.**

**Motion:** Commissioner Hill motioned to approve the findings. Commissioner Bunch seconded the motion. No discussion, comments or feedback. Motion passed 8-0, 1 abstention from Commissioner Bartholomew.

**Next meeting date**

May 18, 2026, 5:15 p.m.

**Adjournment\_**

**5:17 p.m.**

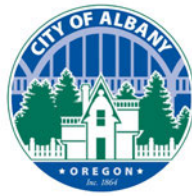
Respectfully submitted,

Reviewed by,

Talley Richardson  
Administrative Assistant I

David Martineau  
Current Planning Manager

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



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Adjustments to Setback Standards

AD-01-26

May 7, 2026

### Hearing Information

Review Body: **Planning Commission**

Hearing Date & Time: **Monday, May 18, 2026, at 5:15 p.m.**

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

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

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

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

Phone: 1-253-215-8782 (long distance charges may apply)

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

### Summary

The applicant proposes two Adjustments to applicable setback standards. The first Adjustment is a request to modify the interior side yard setback from five (5) feet to three (3) feet for residential development and associated detached accessory structures regardless of wall height. The second Adjustment requests a reduction in the required 10-foot street side yard setback to seven (7) feet on corner lots identified as Lots 20, 23, and 28 within the Honey Grove Subdivision.

### Application Information

File: AD-01-26

Proposal: Adjustment to the interior side yard setback standard applicable to residential development and associated detached accessory structures and an adjustment to the front yard setback on tax lots 20, 23, & 28.

Review Body: Planning Commission (Type III Review)

Staff Report Prepared By: David Martineau, project planner

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



Applicant/Property Owner: Matthew Conser dba Honey Grove LLC; 1010 Airport Road SE; Albany, OR 97321

Planning Consultant: Laura LaRoque, Pathfinder Land Use Consulting LLC; PO Box 484; Lebanon, OR 97355

Engineering Consultant: Brian Vandetta, Udell Engineering LLC; 63 E. Ash Street; Lebanon, OR 97355

Address/Location: 2251 Three Lakes Rd. SE

Map/Tax Lot: Linn County Assessor's Map No. 11S-03W-16 Tax Lot 2500

Zoning District: Residential Medium Density (RM)

Comp. Plan Map Desig.: Medium Density Residential

Overlay Districts: None

Total Land Area: 14.18 acres

Existing Land Use: Infrastructure installed for pending residential development

Neighborhood: East Albany

Surrounding Zoning: North: Residential Single Dwelling Unit (R-6.5)  
South: Linn Co. UGA-UGM-20  
East: Linn Co. Exclusive Farm Use (EFU)  
West: Light Industrial (LI)

Surrounding Uses: North: Manufactured Home Park  
South: Rural Residential  
East: Agricultural  
West: Industrial Tenant Spaces

Prior History: Comprehensive Plan and Zoning Map Amendment from Low Density Residential to Medium Density Residential with concurrent zone change from RS-6.5 to RM (CP-04-21 & ZC-04-21); Subdivision creating 41 lots (SD-09-21); and Site Plan Review for a 120-unit multi-dwelling unit (SP-31-21) all approved on April 13, 2022.

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## Notice Information

Public notice was issued in accordance with development code requirements. A notice of public hearing was mailed to property owners located within 300 feet of the subject property on April 27, 2026, at least 20 days prior to the public hearing. The notice of public hearing was posted on the subject property by May 11, 2026. The staff report was posted on the City's website May 11, 2026. At the time this staff report was completed, no comments had been received.

## Appeals

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide a written notice of decision to the applicant and any other parties entitled to notice. A decision of the Planning Commission may be appealed to the City Council if a person with standing files a Notice of Appeal and associated filing fee with the City within 10 days of the date the City mails the notice of decision.

## Analysis of Development Code Criteria

### Adjustment Review Purpose Statement (ADC 2.060)

The Adjustment review allows the Director to approve modifications to the application of most design standards in Article 8 and buffering and screening standards in Article 9, as noted in those articles. The Adjustment review process provides a mechanism by which the standards in the ADC may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the Code. Adjustment applications are processed as a Type III procedure.

According to the applicant, the Adjustments are requested to 1) Facilitate construction of detached dwellings on platted lots; 2) Support development of entry-level housing product types; 3) Improve lot efficiency within the approved subdivision design; and 4) Align with building code allowances and evolving middle-housing development standards.

### Adjustment Review Criteria (ADC 2.080)

#### Criterion 1

**Granting the Adjustment will equally or better meet the purpose of the regulation to be modified.**

#### Findings of Fact

- 1.1 The applicant requests two Adjustments: (1) establishment of a three-foot interior side yard setback for all principal residential structures and detached accessory structures customarily associated with residential development, regardless of wall height; and (2) reduction of the required ten-foot (10') dwelling street-side yard setback to seven feet (7') for corner Lots 20, 23, and 28.
- 1.2 Pursuant to ADC sections 2.080 and 3.190 and related residential setback provisions, the request seeks to establish a unified interior side yard setback of three (3) feet for all principal residential structures and detached accessory structures customarily associated with residential development, regardless of wall height, within the Honey Grove Subdivision.
- 1.3 Interior side yard setbacks are intended to provide adequate building separation, preserve access for maintenance and emergency services, allow light and air between structures, and maintain functional residential spacing relationships.
- 1.4 The applicant believes that the proposed three-foot setback continues to meet these purposes. Adequate separation between structures will remain, and

sufficient space will be provided to accommodate building maintenance activities and emergency access needs typical of residential development.

- 1.5 All residential structures remain subject to the Oregon Residential Specialty Code, which regulates fire-resistance ratings, opening limitations, and construction standards based on building proximity to property lines. These life-safety protections are enforced through building permit review independent of zoning setbacks. The Oregon Residential Specialty Code establishes minimum fire separation distances and permits construction at or near property lines where required fire-resistance ratings and opening protections are provided.
- 1.6 The State Building Code allows residential structures to be constructed with as little as three (3) feet of separation or even directly at a property line when compliant construction standards are met. Accordingly, the requested three-foot interior side yard setback remains fully consistent with state-established minimum proximity standards and does not compromise life-safety protections.
- 1.7 The Adjustments also apply to detached accessory structures customarily associated with residential development, regardless of wall height. Because such structures remain subordinate in scale and occupancy and are regulated by building and fire code separation standards, the reduced setback equally meets the intent of the regulation.
- 1.8 Street-side yard setbacks on corner lots are intended to maintain consistent streetscape character, provide visual separation between structures and adjacent rights-of-way, and preserve safe sight-distance and clear vision areas at intersections.
- 1.9 The requested reduction from ten feet (10') to seven feet (7') applies only to corner Lots 20, 23, and 28 and does not modify required garage setback standards or clear vision area standards. According to the applicant, a seven-foot street-side setback continues to provide functional building separation from the adjacent right-of-way, maintains neighborhood scale and proportionality, and ensures compliance with applicable clear vision area and sight-distance requirements.
- 1.10 Because the reduction is limited in scope does not alter building height or overall site design and preserves required visibility and safety standards, the purpose of the street-side setback regulation is equally met.

### Conclusions

- 1.1 General setback encroachments permitted under ADC 3.260, including projecting building features and safety devices associated with depressed areas, will continue to apply and will be measured from the adjusted setback line. No modifications to encroachment allowances or projection limitations are requested.
- 1.2 For these reasons, the proposed Adjustments equally meet the purposes of the regulations to be modified and satisfies Criterion (1).

## Criterion 2

### **The proposal will be consistent with the desired character of the base zone.**

#### Findings of Fact

- 2.1 The subject property is zoned RM (Residential Medium Density District). The RM District is intended to accommodate a range of housing types including detached dwelling units, townhouses, duplexes, triplexes, fourplexes, cottage clusters, and multifamily development.
- 2.2 The requested Adjustments do not introduce a housing type that is inconsistent with the base zone. Rather, it provides flexibility in how already-permitted housing forms are implemented within the approved subdivision.
- 2.3 Importantly, the Albany Development Code already permits reduced interior side yard setbacks for certain residential housing forms. As such, a three-foot interior setback is not inconsistent with anticipated development patterns within the RM District but instead reflects a cohesive application of an existing dimensional approach across the subdivision.
- 2.4 Establishing a unified interior side yard setback promotes cohesive neighborhood design and supports the full range of principal residential structures that may be constructed within this newly established neighborhood while maintaining compliance with approved density and zoning parameters.
- 2.5 The Honey Grove development was previously approved as a clustered medium-density residential project consisting of 41 single-family lots and a 120-unit multifamily component on approximately 14.18 acres. This approval established an overall site density consistent with RM zoning expectations. The requested Adjustments do not alter the approved residential yield, development program, or overall density.
- 2.6 Townhouse development, if constructed, is governed by ADC section 3.270. The requested Adjustments modify interior side setbacks for townhouse end units only, allowing a three-foot setback where five feet would otherwise apply. Party wall conditions between adjoining townhouse units remain unchanged and regulated by applicable building and fire code provisions.
- 2.7 With respect to the requested reduction of the dwelling street-side yard setback on corner Lots 20, 23, and 28, a seven-foot setback remains consistent with the scale and form anticipated within the RM District. The reduction does not alter garage setback standards, overall building height, or approved density, and maintains functional separation between dwellings and adjacent rights-of-way. Because the reduction is limited to select corner lots and preserves required clear vision area and access standards, the essential streetscape character and neighborhood pattern envisioned under RM zoning remain intact, according to the applicant.
- 2.8 Allowing reduced setbacks for both principal residential structures and detached accessory structures customarily associated with residential development supports typical neighborhood development patterns and facilitates attainable

housing delivery consistent with RM zoning intent.

- 2.9 Additionally, because the Adjustments apply within a newly created subdivision rather than an established lower-density neighborhood, it establishes an internally consistent development pattern aligned with RM zoning expectations from inception.

### Conclusions

- 2.1 The proposal is consistent with the desired character of the RM zone.
- 2.2 This criterion is satisfied without conditions.

### Criterion 3

**Any negative impacts resulting from the Adjustment are mitigated to the extent practical.**

#### Findings of Fact

##### Interior Side Yard Setback

- 3.1 Potential impacts associated with reduced side setbacks typically include increased building proximity, privacy considerations, and perceived building mass along interior lot lines. These potential impacts are mitigated through multiple regulatory and design mechanisms.
- 3.2 First, all dwellings will be required to comply with applicable provisions of the Oregon Residential Specialty Code, including fire-resistance ratings, opening limitations, and construction standards based on building proximity to property lines. These requirements ensure that life-safety protections are maintained independent of zoning setback distances. As discussed under Criterion (1), the Oregon Residential Specialty Code establishes minimum building separation standards and permits construction at or near property lines where required fire-resistance ratings and opening protections are provided.
- 3.3 Second, the Adjustments do not increase approved building height, residential density, or overall development intensity. The RM District already permits a range of housing types and associated building mass. The setback reduction does not authorize additional floor area, height, or intensity beyond what is otherwise allowed by code.
- 3.4 Third, the RM District already permits higher-intensity attached housing forms, including townhouses with shared walls and zero-lot-line conditions. Under the Oregon Residential Specialty Code, townhouse units are required to be separated by fire-resistance-rated wall assemblies, which provide life-safety protection independent of zoning setback distances. Therefore, a three-foot setback for townhouse end units does not introduce proximity conditions beyond those anticipated within the RM District or permitted under state building code standards.
- 3.5 Fourth, subdivision design standards and building placement controls continue to regulate livability and privacy relationships. Building orientation, window

placement, and lot configuration provide practical mitigation of direct privacy impacts that might otherwise result from reduced side setbacks.

- 3.6 The reduced setback will be applied consistently across the Honey Grove Subdivision, maintaining an internally consistent development pattern rather than creating isolated or irregular encroachments. The interior setback reduction applies only to interior lot lines within the subdivision and does not alter setbacks adjacent to established surrounding neighborhoods.

#### Streetside Yard Setback

- 3.7 With respect to the requested reduction of the dwelling street-side yard setback on corner Lots 20, 23, and 28, potential impacts may include reduced visual separation between structures and adjacent rights-of-way or changes in corner lot massing relationships. These impacts are mitigated by the limited scope of the reduction, which decreases the setback by only three (3) feet while maintaining compliance with required front yard setbacks, clear vision area standards, and vehicle access regulations.
- 3.8 Per ADC 12.180, “A clear vision area must be maintained at each access to a public street and on each corner of a property at the intersection of two streets or a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede the visibility between the heights of 2 and 8 feet shall be established in the clear vision area.”
- 3.9 ADC 12.180(2) states “A clear vision area consists of a triangular area:” that (a) “For residential local streets and driveways, two sides of the clear vision area are lot lines or a driveway for a distance specified in Table 12.180-1 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure 12.180-1). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.”
- 3.10 The applicant provided a site plan showing the clear vision triangles at the intersections of Zachary Street and Andy Court and Zachary Street and Stephanie Court. The intersection of Zachary Street and Andy Court is a controlled intersection with a stop sign and stop bar. The intersection of Zachary Street and Stephanie Court is an uncontrolled intersection without a stop sign or bar. The site plan shows the clear vision triangle at Lots 23 and 28 with the 20’ measurement along each lot line or drive edge. The site plan shows the clear vision triangle at Lot 20 with the 30’ measurement along each lot line or drive edge. The site plan shows that the maximum buildable area would encroach into the clear vision triangles with the proposed adjustments to the setbacks. The applicant has indicated the clear vision areas are unbuildable areas to meet the clear vision requirements.
- 3.11 From a traffic operations perspective, the requested reduction primarily affects right-turn movements at the corner condition. The Honey Grove Subdivision consists of internal neighborhood streets serving a limited number of homes and does not include arterial or collector roadways. The intersections within the

development are local, low-volume intersections and are not configured as four-way crossings. Because required clear vision area standards will continue to apply and can be readily maintained with a seven-foot street-side setback, the requested modification does not introduce material traffic safety concerns.

- 3.12 The reduction does not increase building height, density, or overall site intensity, and does not alter approved subdivision layout, street alignment, or lot orientation. Because the Adjustments apply only to select corner lots and preserves visibility and safety standards, potential streetscape impacts are mitigated to the extent practicable.

#### Offsite Impacts

- 3.13 The requested Adjustments do not affect existing off-site residential properties. The interior setback reduction applies only to interior lot lines within the subdivision, and the street-side setback reduction applies only to corner lots within the newly created development. No setbacks adjacent to established surrounding neighborhoods are modified.

#### Conclusions

- 3.1 ADC 12.180 clear vision areas requirements must be met for all lots. The applicant provided site plan shows that the lot buildable area encroaches into the clear vision triangles on Lots 20, 23, and 28. The applicant has indicated the clear vision areas are unbuildable areas to meet the clear vision requirements.
- 3.2 Through compliance with building code standards, and limited, targeted application of the requested setback reductions, potential impacts associated with the Adjustments are mitigated to the extent practicable.
- 3.3 This criterion is satisfied without conditions.

#### Criterion 4

**The proposal will not significantly detract from the livability or appearance of the surrounding area.**

#### Findings of Fact

- 4.1 The requested Adjustments do not modify the required primary front yard setback, building height allowances, or the approved subdivision layout. The proposal includes a limited reduction of the dwelling street-side yard setback on corner Lots 20, 23, and 28; however, this reduction is modest in scale and does not alter the overall streetscape framework established through the approved subdivision design. Building orientation, façade presentation, driveway placement, and pedestrian frontage relationships remain consistent with the approved subdivision pattern.
- 4.2 Because the interior side yard setback applies uniformly throughout the subdivision, it will establish a cohesive and consistent building pattern rather than creating irregular spacing or isolated visual impacts. The limited street-side setback reduction on select corner lots will not result in disproportionate building massing

or visual intrusion along adjacent rights-of-way, particularly given continued compliance with clear vision area standards and maintained separation from the primary street frontage.

- 4.3 Livability for future residents will remain consistent with typical medium-density residential environments. Detached and attached housing forms will continue to provide individual building identity, private yard areas, and functional separation between structures. The Adjustments do not increase approved density, alter building height, or change the overall development intensity of the site.
- 4.4 Finally, the Adjustments do not affect established surrounding neighborhoods. The Honey Grove Subdivision is a newly created residential development, and the reduced setbacks will be implemented as part of its initial buildout rather than altering an existing built environment.

#### Conclusions

- 4.1 The Adjustments will not significantly detract from the livability or appearance of the surrounding area.
- 4.2 This criterion is satisfied without conditions.

#### Criterion 5

**If more than one Adjustment is being requested, the cumulative effect of the Adjustment results in a project which still meets criteria (1) through (4), above.**

#### Findings of Fact

- 5.1 The applicant requests two Adjustments. The first one is for the establishment of a three-foot (3') interior side yard setback for principal residential structures and detached accessory structures. The second one seeks a reduction of the required ten-foot (10') dwelling street-side yard setback to seven feet (7') for corner Lots 20, 23, and 28.
- 5.2 The cumulative effect of these Adjustments does not alter the approved residential density, building height allowances, subdivision layout, housing mix, or overall development intensity of the Honey Grove Subdivision. The Adjustments modify dimensional setback standards only and do not authorize additional floor area, increased lot coverage beyond applicable limits, or expansion of the approved development program.
- 5.3 As demonstrated under Criteria (1) through (4):
  - The functional purposes of the interior and street-side setback regulations continue to be met;
  - The proposal remains consistent with the desired character of the RM – Residential Medium Density District;
  - Potential impacts related to building proximity, streetscape character, privacy, and visibility are mitigated to the extent practicable; and

The interior side yard reduction applies uniformly across the subdivision, establishing a cohesive development pattern. The street-side yard reduction is limited to three specific corner lots and preserves required clear vision area and vehicle access standards. The combined effect of these modifications remains modest in scale and consistent with the approved subdivision framework.

### Conclusions

- 5.1 The cumulative effect of the requested Adjustments continues to satisfy Criteria (1) through (4), and the proposal meets Criterion (5).
- 5.2 This criterion is satisfied without conditions.

## Overall Conclusion

Based on the review of the findings provided by the applicant, staff concur that the review criteria for the Adjustments are satisfied.

## Staff Recommendation

With respect to the proposed **Adjustments**, the Planning Commission has two options:

Option 1: Approve the Adjustments; or

Option 2: Deny the Adjustments.

**Based on the analysis in this report, staff recommend that the Planning Commission approve the Adjustment request.**

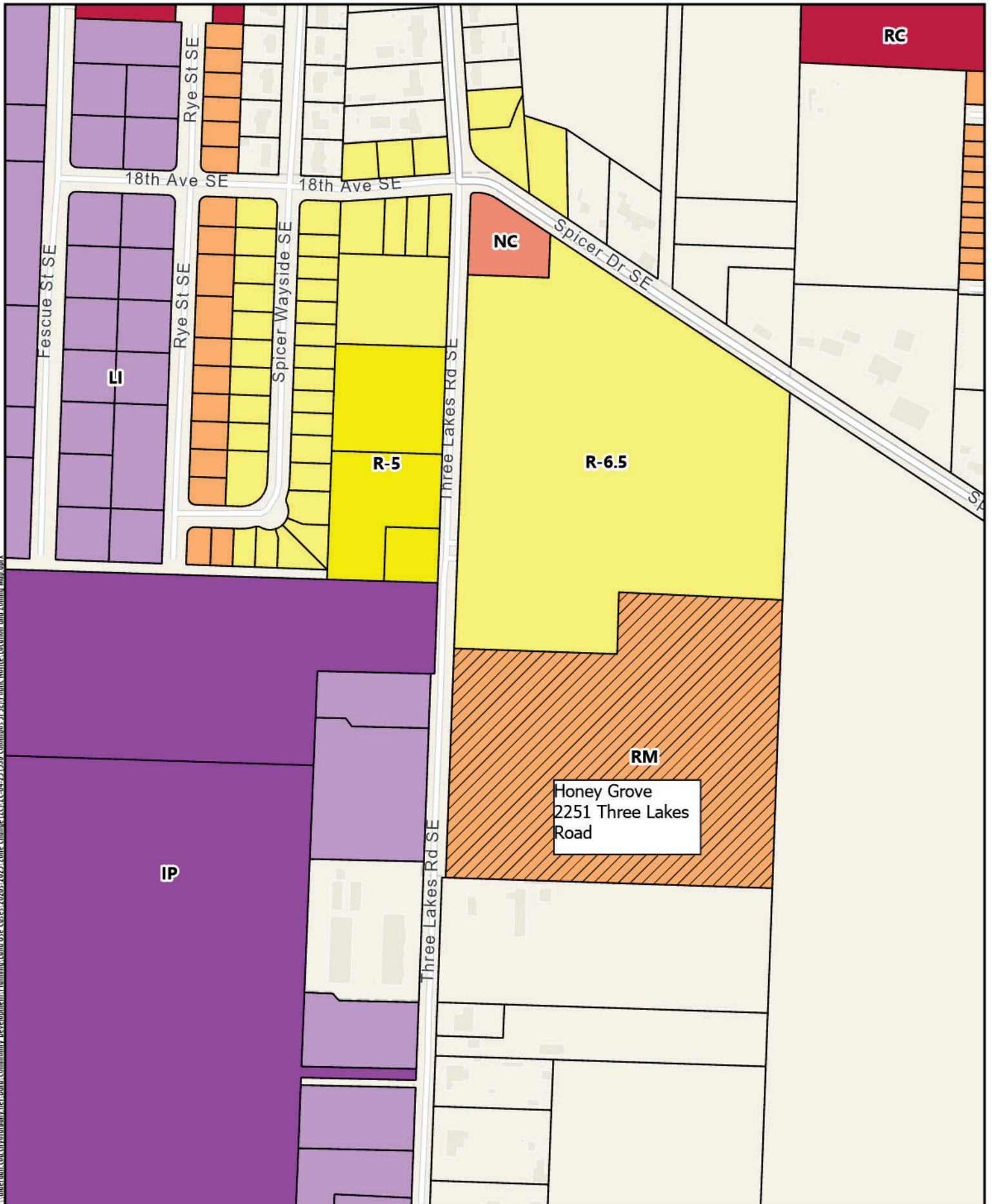
*I move that the Planning Commission approve the proposed Adjustments, under planning file AD-01-26. This motion is based on the findings and conclusions in the May 7, 2026, staff report and the findings in support of the application made by the Planning Commission during deliberations on this matter.*

## Attachments

- A. Location Map
- B. Applicant's Narrative with Exhibits

## Acronyms

AD	Adjustment File Type
ADC	Albany Development Code
RM	Residential Medium Density Zoning District



\\alderman.com\cityofalbanymap\cityofalbanymap\Community Development\Planned Land Use\Cases\2020\2025\Zone Change\ZC\ZC-04-25\530-Columbus-St-SE\Public Notice\Location and Zoning Map.aprx



0 100 200 400 Feet

Date: 4/14/2026 Map Source:

**2251 Three Lakes Rd. SE**

**Location and Zoning Map**

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**ADJUSTMENT APPLICATION NARRATIVE  
(INTERIOR SIDE YARD SETBACK REDUCTION – ADC 2.080)**

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**I. APPLICATION SUMMARY**

Submitted to:	City of Albany Planning Division P.O. Box 490, Albany, Oregon 97321-0144 [REDACTED]
Owner/Applicant:	Honey Grove LLC 1010 Airport Rd. SE, Albany, OR 97322 Matthew Conser [REDACTED]
Applicant's Representative:	Pathfinder Land Use Consulting, LLC P.O. Box 484, Lebanon, OR 97355 Laura LaRoque [REDACTED]
Civil Engineering:	Udell Engineering and Land Survey, LLC 63 E. Ash Street, Lebanon, OR 97355 Brian Vandetta [REDACTED]

**II. PROJECT INFORMATION**

Site Location:	Unassigned Address
Linn County Assessor's Map No.:	11S-03W-16 Tax Lot 2500
Site Size:	±14.18-acres
Existing Land Use:	Unimproved
Zone Designation:	RM -- Residential Medium Density
Comprehensive Plan Designation:	Medium Density
Surrounding Zoning/Uses:	North: HD / Commercial; South: HD / Commercial; East: HD / Commercial; West: HD / Commercial
Site History / Prior Use:	ZC-04-21; CP-04-21; SD-09-21; and SP-31-21.

### III. PROJECT OVERVIEW

The subject site was previously approved for a Comprehensive Plan Map Amendment, Zoning Map Amendment, Tentative Subdivision Plat (Cluster Development Option), and Site Plan Review that collectively authorized development of the Honey Grove Subdivision and Apartments under Albany Planning File Nos. ZC-04-21; CP-04-21; SD-09-21; and SP-31-21.

These land use approvals established the subdivision framework, including overall density, lot configuration, circulation, open space, and housing mix, and confirmed the site's designation and zoning to accommodate medium-density residential development.

Within this approved subdivision context, the applicant now proposes two focused Adjustments to applicable residential setback standards. The first Adjustment requests modification of the interior side yard setback applicable to residential development and associated detached accessory structures. The second Adjustment requests a reduction of the required ten-foot (10') dwelling street-side yard setback to seven feet (7') for corner lots identified as Lots 20, 23, and 28 within the Honey Grove Subdivision.

The requested street-side setback reduction is limited in scope and is intended to address dual-frontage constraints on corner lots while maintaining functional streetscape relationships and ensuring continued compliance with applicable clear vision area and sight-distance requirements.

Pursuant to ADC § 2.080, § 3.190, and related residential setback provisions, the request seeks to establish a unified interior side yard setback of three (3) feet for all principal residential structures and detached accessory structures customarily associated with residential development, regardless of wall height, within the Honey Grove Subdivision.

This Adjustment applies to detached dwellings, middle housing units, townhouse end units where interior side setbacks apply, and detached accessory buildings. Zero-lot-line conditions between attached townhouse units remain unchanged, and all front and rear setbacks will continue to comply with applicable Development Code standards.

All proposed structures will continue to comply with the Oregon Residential Specialty Code, including applicable fire-resistance ratings, opening limitations, and minimum building separation standards governing construction near property lines.

The Adjustment is requested to:

- Facilitate construction of detached dwellings on platted lots;
- Support development of entry-level housing product types;
- Improve lot efficiency within the approved subdivision design; and
- Align with building code allowances and evolving middle-housing development standards.

Consistent with the approved subdivision framework, the Honey Grove neighborhood is intended to include a variety of housing types. Illustrative home plans and site layouts may be provided for conceptual purposes; however, the final housing mix will be determined by market conditions while remaining within approved density and zoning allowances.

The interior side yard setback Adjustment applies uniformly to applicable lots within the Honey Grove Subdivision. The street-side setback Adjustment applies only to corner Lots 20, 23, and 28. No other modifications to Development Code standards are requested.

Because the subdivision is newly created and not yet built out, the reduced setback will function as an integrated design element of the neighborhood rather than an alteration to an established development pattern. No existing off-site residential properties are affected.

#### IV. REVIEW CRITERIA

Findings must demonstrate that the proposed development complies with all applicable Adjustment criteria and relevant Albany Development Code (ADC) development standards, as outlined below.

##### A. Adjustment (ADC 2.080)

The Adjustment review process provides a mechanism by which standards of the Albany Development Code may be modified where the proposed development continues to meet or better meet the intended purpose of the regulation.

Adjustment reviews are intended to:

- Provide flexibility in unusual or constrained situations;
- Allow alternative design solutions; and
- Ensure the purposes of the Albany Development Code are met while accommodating practical development considerations.

##### B. ADC 2.080 – Review Criteria for Adjustment Applications

###### 1. Criterion (1):

**Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and**

The applicant requests two Adjustments: (1) establishment of a three-foot interior side yard setback for all principal residential structures and detached accessory structures customarily associated with residential development, regardless of wall height; and (2) reduction of the required ten-foot (10') dwelling street-side yard setback to seven feet (7') for corner Lots 20, 23, and 28.

###### Interior Side Yard Setback

Interior side yard setbacks are intended to:

- Provide adequate building separation;
- Preserve access for maintenance and emergency services;
- Allow light and air between structures; and
- Maintain functional residential spacing relationships.

The proposed three-foot setback continues to meet these purposes. Adequate separation between structures will remain, and sufficient space will be provided to accommodate building maintenance activities and emergency access needs typical of residential development.

All residential structures remain subject to the Oregon Residential Specialty Code, which regulates fire-resistance ratings, opening limitations, and construction standards based on building proximity to property lines. These life-safety protections are enforced through building permit review independent of zoning setbacks. The Oregon Residential Specialty Code establishes minimum fire separation distances and permits construction at or near property lines where required fire-resistance ratings and opening protections are provided. In practice, the State Building Code allows residential structures to be constructed with as little as three (3) feet of separation or even directly at a property line when compliant construction standards are met. Accordingly, the requested three-foot interior side yard setback remains fully consistent with state-established minimum proximity standards and does not compromise life-safety protections.

The Adjustment also applies to detached accessory structures customarily associated with residential development, regardless of wall height. Because such structures remain subordinate in scale and occupancy and are regulated by building and fire code separation standards, the reduced setback equally meets the intent of the regulation.

#### Street-Side Yard Setback

Street-side yard setbacks on corner lots are intended to maintain consistent streetscape character, provide visual separation between structures and adjacent rights-of-way, and preserve safe sight-distance and clear vision areas at intersections.

The requested reduction from ten feet (10') to seven feet (7') applies only to corner Lots 20, 23, and 28 and does not modify required garage setback standards or clear vision area standards. A seven-foot street-side setback continues to provide functional building separation from the adjacent right-of-way, maintains neighborhood scale and proportionality, and ensures compliance with applicable clear vision area and sight-distance requirements.

Because the reduction is limited in scope, does not alter building height or overall site design, and preserves required visibility and safety standards, the purpose of the street-side setback regulation is equally met.

#### Conclusion

General setback encroachments permitted under ADC § 3.260, including projecting building features and safety devices associated with depressed areas, will continue to apply and will be measured from the adjusted setback line. No modifications to encroachment allowances or projection limitations are requested.

For these reasons, the proposed Adjustments equally meets the purposes of the regulations to be modified and satisfies Criterion (1).

## 2. Criterion (2):

### **The proposal will be consistent with the desired character of the base zone; and**

The subject property is zoned RM (Residential Medium Density District). The RM District is intended to accommodate a range of housing types including detached dwelling units, townhouses, duplexes, triplexes, fourplexes, cottage clusters, and multifamily development.

The requested Adjustments do not introduce a housing type that is inconsistent with the base zone. Rather, it provides flexibility in how already-permitted housing forms are implemented within the approved subdivision.

Importantly, the Albany Development Code already permits reduced interior side yard setbacks for certain residential housing forms. As such, a three-foot interior setback is not inconsistent with anticipated development patterns within the RM District but instead reflects a cohesive application of an existing dimensional approach across the subdivision.

Establishing a unified interior side yard setback promotes cohesive neighborhood design and supports the full range of principal residential structures that may be constructed within this newly established neighborhood while maintaining compliance with approved density and zoning parameters.

The Honey Grove development was previously approved as a clustered medium-density residential project consisting of 41 single-family lots and a 120-unit multifamily component on approximately 14.18 acres. This approval established an overall site density consistent with RM zoning expectations. The requested Adjustments do not alter the approved residential yield, development program, or overall density.

Townhouse development, if constructed, is governed by ADC § 3.270. The requested Adjustments modify interior side setbacks for townhouse end units only, allowing a three-foot setback where five feet would otherwise apply. Party wall conditions between adjoining townhouse units remain unchanged and regulated by applicable building and fire code provisions.

With respect to the requested reduction of the dwelling street-side yard setback on corner Lots 20, 23, and 28, a seven-foot setback remains consistent with the scale and form anticipated within the RM District. The reduction does not alter garage setback standards, overall building height, or approved density, and maintains functional separation between dwellings and adjacent rights-of-way. Because the reduction is limited to select corner lots and preserves required clear vision area and access standards, the essential streetscape character and neighborhood pattern envisioned under RM zoning remain intact.

Allowing reduced setbacks for both principal residential structures and detached accessory structures customarily associated with residential development supports typical neighborhood development patterns and facilitates attainable housing delivery consistent with RM zoning intent.

Additionally, because the Adjustments apply within a newly created subdivision rather than an established lower-density neighborhood, it establishes an internally consistent development pattern aligned with RM zoning expectations from inception.

For these reasons, the proposal is consistent with the desired character of the base zone.

### 3. Criterion (3):

#### **Any negative impacts resulting from the Adjustment are mitigated to the extent practical; and**

Potential impacts associated with reduced side setbacks typically include increased building proximity, privacy considerations, and perceived building mass along interior lot lines. These potential impacts are mitigated through multiple regulatory and design mechanisms.

#### Interior Side Yard Setback

First, all dwellings will be required to comply with applicable provisions of the Oregon Residential Specialty Code, including fire-resistance ratings, opening limitations, and construction standards based on building proximity to property lines. These requirements ensure that life-safety protections are maintained independent of zoning setback distances. As discussed under Criterion (1), the Oregon Residential Specialty Code establishes minimum building separation standards and permits construction at or near property lines where required fire-resistance ratings and opening protections are provided.

Second, the Adjustments do not increase approved building height, residential density, or overall development intensity. The RM District already permits a range of housing types and associated building mass. The setback reduction does not authorize additional floor area, height, or intensity beyond what is otherwise allowed by code.

Third, the RM District already permits higher-intensity attached housing forms, including townhouses with shared walls and zero-lot-line conditions. Under the Oregon Residential Specialty Code, townhouse units are required to be separated by fire-resistance-rated wall assemblies, which provide life-safety protection independent of zoning setback distances. Therefore, a three-foot setback for townhouse end units does not introduce proximity conditions beyond those anticipated within the RM District or permitted under state building code standards.

Fourth, subdivision design standards and building placement controls continue to regulate livability and privacy relationships. Building orientation, window placement, and lot configuration provide practical mitigation of direct privacy impacts that might otherwise result from reduced side setbacks.

The reduced setback will be applied consistently across the Honey Grove Subdivision, maintaining an internally consistent development pattern rather than creating isolated or irregular encroachments.

The interior setback reduction applies only to interior lot lines within the subdivision and does not alter setbacks adjacent to established surrounding neighborhoods.

#### Street-Side Yard Setback

With respect to the requested reduction of the dwelling street-side yard setback on corner Lots 20, 23, and 28, potential impacts may include reduced visual separation between structures and adjacent rights-of-way or changes in corner lot massing relationships. These impacts are mitigated by the limited scope of the reduction, which decreases the setback by only three (3) feet while maintaining compliance with required front yard setbacks, clear vision area standards, and vehicle access regulations.

From a traffic operations perspective, the requested reduction primarily affects right-turn movements at the corner condition. The Honey Grove Subdivision consists of internal neighborhood streets serving a

limited number of homes and does not include arterial or collector roadways. The intersections within the development are local, low-volume intersections and are not configured as four-way crossings. Because required clear vision area standards will continue to apply and can be readily maintained with a seven-foot street-side setback, the requested modification does not introduce material traffic safety concerns.

The reduction does not increase building height, density, or overall site intensity, and does not alter approved subdivision layout, street alignment, or lot orientation. Because the Adjustments apply only to select corner lots and preserves visibility and safety standards, potential streetscape impacts are mitigated to the extent practicable.

#### Off-Site Impacts

The requested Adjustments do not affect existing off-site residential properties. The interior setback reduction applies only to interior lot lines within the subdivision, and the street-side setback reduction applies only to corner lots within the newly created development. No setbacks adjacent to established surrounding neighborhoods are modified.

Through compliance with building code standards, and limited, targeted application of the requested setback reductions, potential impacts associated with the Adjustments are mitigated to the extent practicable.

For these reasons, the proposal satisfies Criterion (3).

#### **4. Criterion (4):**

**The proposal will not significantly detract from the livability or appearance of the surrounding area; and**

The requested Adjustments do not modify the required primary front yard setback, building height allowances, or the approved subdivision layout. The proposal includes a limited reduction of the dwelling street-side yard setback on corner Lots 20, 23, and 28; however, this reduction is modest in scale and does not alter the overall streetscape framework established through the approved subdivision design. Building orientation, façade presentation, driveway placement, and pedestrian frontage relationships remain consistent with the approved subdivision pattern.

Because the interior side yard setback applies uniformly throughout the subdivision, it will establish a cohesive and consistent building pattern rather than creating irregular spacing or isolated visual impacts. The limited street-side setback reduction on select corner lots will not result in disproportionate building massing or visual intrusion along adjacent rights-of-way, particularly given continued compliance with clear vision area standards and maintained separation from the primary street frontage.

Livability for future residents will remain consistent with typical medium-density residential environments. Detached and attached housing forms will continue to provide individual building identity, private yard areas, and functional separation between structures. The Adjustments do not increase approved density, alter building height, or change the overall development intensity of the site.

Finally, the Adjustments do not affect established surrounding neighborhoods. The Honey Grove Subdivision is a newly created residential development, and the reduced setbacks will be implemented as part of its initial buildout rather than altering an existing built environment.

For these reasons, the Adjustments will not significantly detract from the livability or appearance of the surrounding area and therefore satisfy Criterion (4).

**5. Criterion (5):**

**If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which still meets criteria (1) through (4) above.**

The applicant requests two Adjustments:

1. establishment of a three-foot (3') interior side yard setback for principal residential structures and detached accessory structures; and
2. reduction of the required ten-foot (10') dwelling street-side yard setback to seven feet (7') for corner Lots 20, 23, and 28.

The cumulative effect of these Adjustments does not alter the approved residential density, building height allowances, subdivision layout, housing mix, or overall development intensity of the Honey Grove Subdivision. The Adjustments modify dimensional setback standards only and do not authorize additional floor area, increased lot coverage beyond applicable limits, or expansion of the approved development program.

As demonstrated under Criteria (1) through (4):

- The functional purposes of the interior and street-side setback regulations continue to be met;
- The proposal remains consistent with the desired character of the RM – Residential Medium Density District;
- Potential impacts related to building proximity, streetscape character, privacy, and visibility are mitigated to the extent practicable; and

The interior side yard reduction applies uniformly across the subdivision, establishing a cohesive development pattern. The street-side yard reduction is limited to three specific corner lots and preserves required clear vision area and vehicle access standards. The combined effect of these modifications remains modest in scale and consistent with the approved subdivision framework.

Accordingly, the cumulative effect of the requested Adjustments continues to satisfy Criteria (1) through (4), and the proposal meets Criterion (5).

**V. CONCLUSION**

Based on the foregoing findings the applicant respectfully requests approval of the proposed Adjustments to applicable residential setback standards within the Honey Grove Subdivision. The Adjustments requested include:

1. Establishment of a unified interior side yard setback of three (3) feet for all principal residential structures and detached accessory structures customarily associated with residential development, regardless of wall height; and

2. Reduction of the required ten-foot (10') dwelling street-side yard setback to seven feet (7') for corner Lots 20, 23, and 28.

As demonstrated herein, the requested Adjustments satisfy the applicable review criteria of ADC 2.080. The proposal continues to meet the functional purposes of the interior and street-side setback regulations, remains consistent with the desired character of the RM – Residential Medium Density District, mitigates potential impacts to the extent practicable, and will not significantly detract from the livability or appearance of the surrounding area.

The cumulative effect of the requested Adjustments does not alter approved density, building height, subdivision layout, housing mix, or overall development intensity. Rather, the Adjustments maintain the approved development framework established through the Honey Grove land use approvals while providing reasonable flexibility in housing product implementation within the subdivision.

Accordingly, the applicant respectfully requests approval of the proposed Adjustments.

## **VI. EXHIBITS**

Exhibit A – Vicinity Map

Exhibit B – Approved Tentative Subdivision Plat

Exhibit C – Overall Site Plan

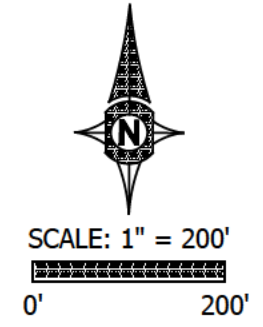
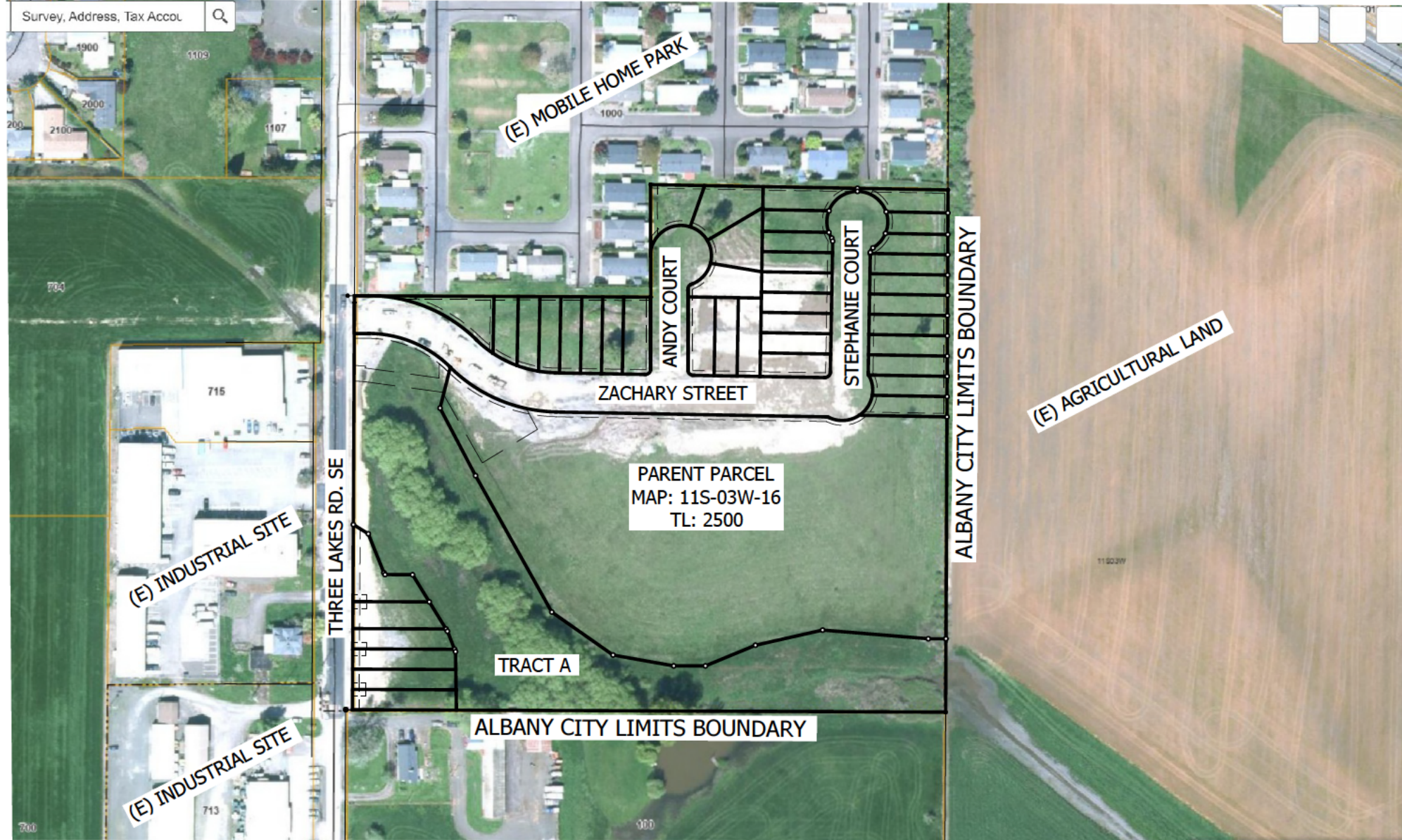
Exhibit D – Typical Interior Lot Layout

Exhibit E – Typical Corner Lot Layout

Exhibit F – Aerial Photograph

Exhibit G – Conceptual Elevation Renderings

Exhibit H – Setback Photographs



**EXHIBIT A**

SCALE: SEE BARSCALE

DATE: FEBRUARY 24, 2025  
 PROJECT: 24-013 CONSERV HONEY GROVE  
 DRAWN BY: BSV  
 CHECKED BY: BSV

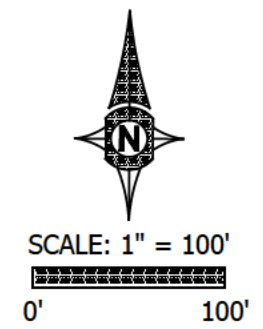
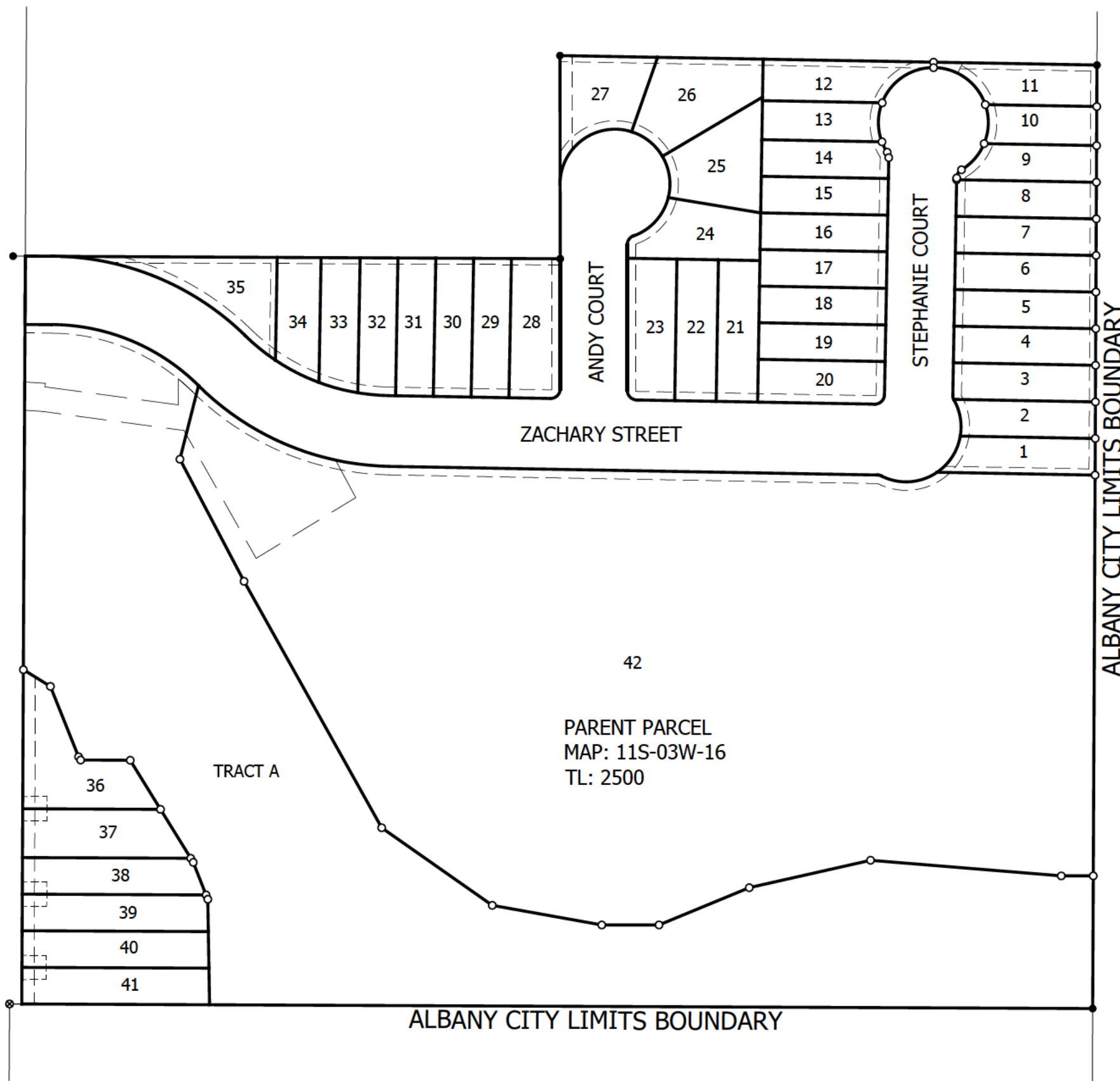
**VICINITY MAP**  
 HONEY GROVE AT THREE LAKES  
 ADJUSTMENT  
 ALBANY, OREGON

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

**CLIENT:**  
 HONEY GROVE LLC  
 1010 AIRPORT ROAD  
 ALBANY, OREGON 97321



THREE LAKES RD. SE



**EXHIBIT C**

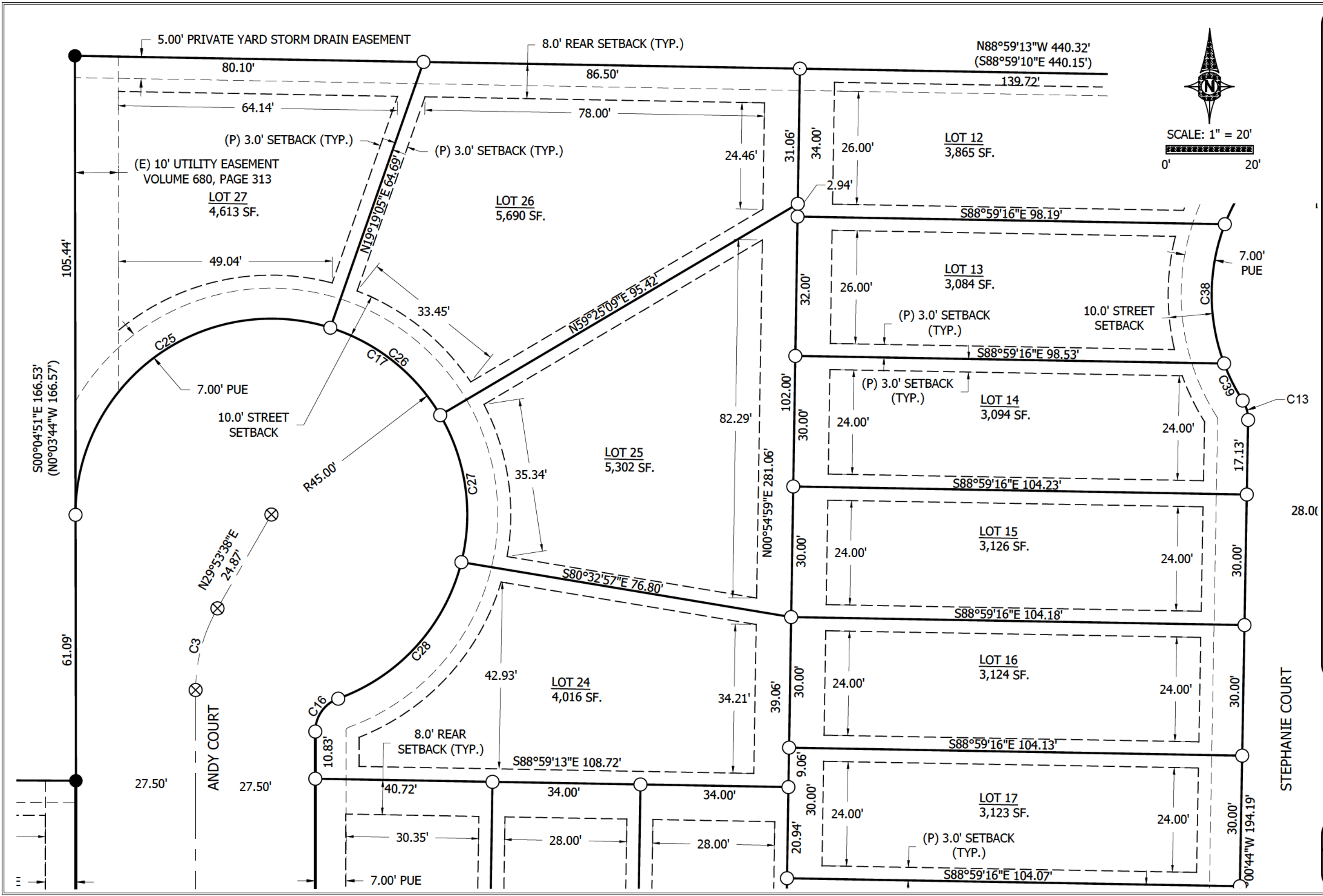
SCALE: SEE BARSCALE

DATE: FEBRUARY 24, 2025  
 PROJECT: 24403 CONSERV HONEY GROVE  
 DRAWN BY: BSV  
 CHECKED BY: BSV

**OVERALL SITE PLAN**  
**HONEY GROVE AT THREE LAKES**  
**ADJUSTMENT**  
**ALBANY, OREGON**

**UDELL ENGINEERING & LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
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**CLIENT:**  
 HONEY GROVE LLC  
 1010 AIRPORT ROAD  
 ALBANY, OREGON 97321



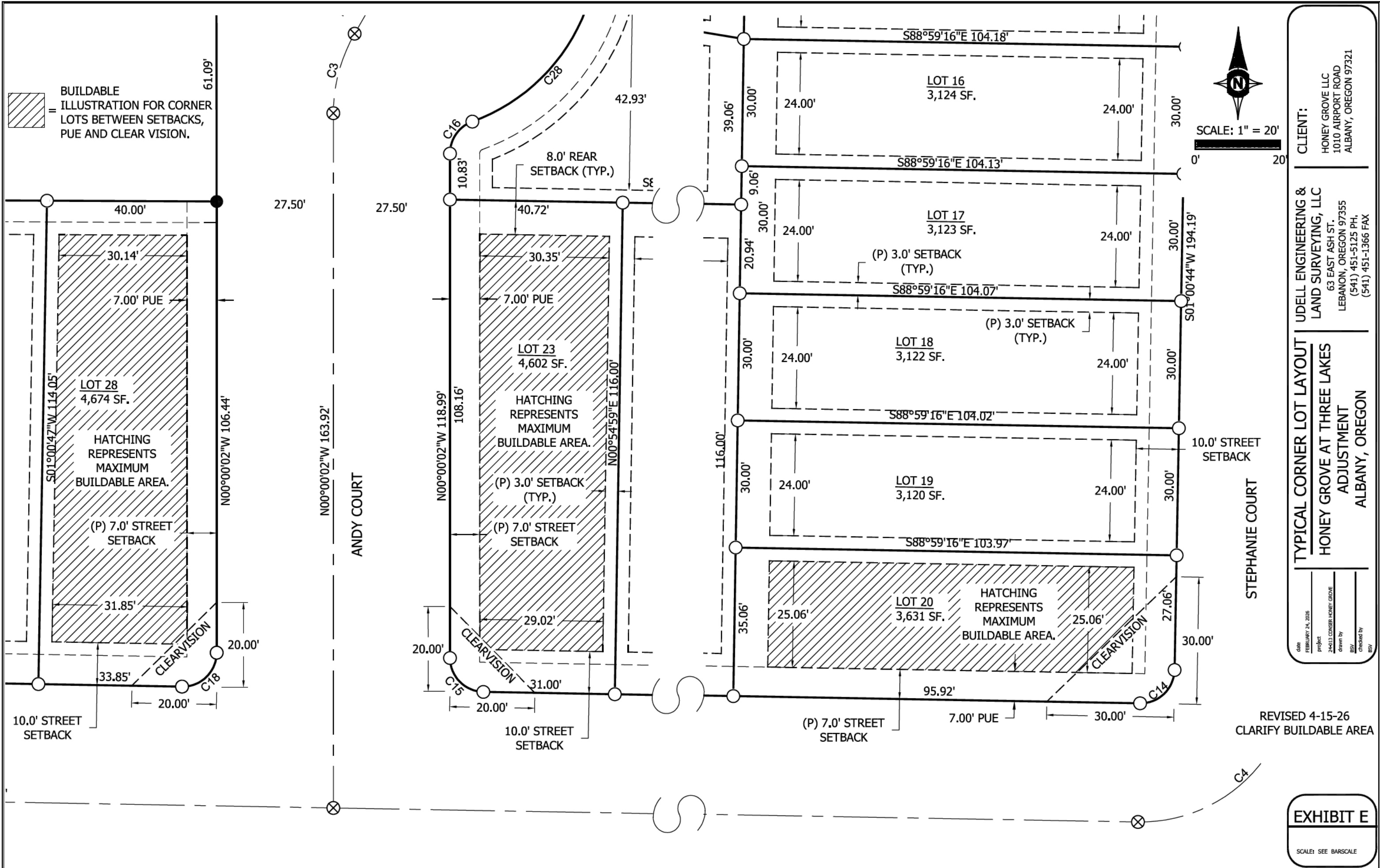
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 HONEY GROVE LLC  
 1010 AIRPORT ROAD  
 ALBANY, OREGON 97321

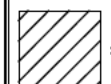
UDELL ENGINEERING &  
 LAND SURVEYING, LLC  
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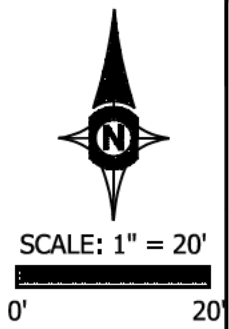
TYPICAL LOT LAYOUT  
 HONEY GROVE AT THREE LAKES  
 ADJUSTMENT  
 ALBANY, OREGON

DATE: FEBRUARY 24, 2025  
 PROJECT: 24-013 CONSERV HONEY GROVE  
 DRAWN BY: BSV  
 CHECKED BY: BSV

EXHIBIT D  
 SCALE: SEE BARS SCALE




 BUILDABLE ILLUSTRATION FOR CORNER LOTS BETWEEN SETBACKS, PUE AND CLEAR VISION.



**CLIENT:**  
 HONEY GROVE LLC  
 1010 AIRPORT ROAD  
 ALBANY, OREGON 97321

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**TYPICAL CORNER LOT LAYOUT**  
**HONEY GROVE AT THREE LAKES ADJUSTMENT**  
 ALBANY, OREGON

date: FEBRUARY 24, 2026  
project: 24013 CONSERV HONEY GROVE  
drawn by: BSJ  
checked by: BSJ

REVISED 4-15-26  
 CLARIFY BUILDABLE AREA

**EXHIBIT E**  
SCALE: SEE BARSCALE





# Illustrative 3' Setback

CONCEPTUAL RENDERINGS – FINAL DESIGN MAY VARY



# 3' Side Yard Example

DEVELOPMENT PATTERN REFLECTING 3-FOOT SIDE YARDS