



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Subdivision Plat

SD-01-24

May 10, 2024

Summary

The proposal is to subdivide 0.95 acres of land into nine lots. The site is located at 2949 Gibson Hill Road NW. A location map is included as Attachment A and the proposed Tentative Plat is shown on Attachment B.

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

Application Information

Type of Application:	Land Division (Tentative Subdivision Plat) for a nine-lot subdivision.
Review Body:	Staff Review (Type I-L)
Property Owner/Applicant:	Scott Lepman, Glorietta Bay LLC; 100 Ferry Street NW, Albany, OR 97321
Applicant's Agent:	Laura LaRoque, Udell Engineering and Land Surveying, LLC; 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2949 Gibson Hill Road NW
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400
Zoning:	RS-10 (Residential Single Dwelling Unit District)
Overlay District:	None
Total Land Area:	0.95 acres
Prior Land Use Approvals:	None

Appeals

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

Notice Information

A Notice of Filing was mailed on March 8, 2024, to owners of property located within 300 feet of the subject property in accordance with ADC 1.220. At the conclusion of the public notice period on March 22, 2023, eight comments were received:

Lee Adams, lee.aadams@atimaterials.com	Audrey Eldridge 1705 NW Ravenwood Drive, Abany, OR 97321
Stephanie Ball, stephanie.p.ball@hotmail.com	Thomas Prislac 2840 23rd Avenue NW, Albany, OR 97321
Christina Maurer, clobdell9@hotmail.com	Bonnie Ryan 1441 Scenic Drive NW, Albany, OR 97321
Valerie Ferguson, valmal715@hotmail.com	Cathy & Pat Schlecht, schlechtcp@gmail.com

PUBLIC COMMENTS:

Public comments centered around traffic, parking, zoning, and lot size (Attachment E).

STAFF RESPONSE:

Traffic: Capacity improvements have been made to the street system in North Albany in response to increased development. North Albany Road is now fully improved to urban standards. Public sidewalk exists along the majority of Gibson Hill Road and sections of other arterial and collector streets. Traffic signals have been installed at Crocker Road/Gibson Hill Road as well as on North Albany Road at US 20, Hickory Street, and West Thornton Lake Drive. A roundabout was installed at Gibson Hill Road/North Albany Road. The operation of all arterial/collector intersections in North Albany complies with the City's adopted performance standards.

Parking: In 2022, the Oregon legislature adopted Climate Friendly Equitable Communities (CFEC) rules to help meet the State's greenhouse gas reduction rules. As a result of the new rules, the City no longer requires on-site parking.

All other comments are addressed in the review criteria findings.

Staff Analysis

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

Tentative Plat Review Criteria (ADC 11.180)

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

Criterion (1)

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

Findings of Fact

- 1.1 Zoning. The applicant has applied for a Tentative Subdivision Plat Review to create a nine-lot residential subdivision. The subject property is located at 2949 Gibson Hill Road NW on Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400 and is a total of 0.95 acres in size. The property is currently zoned RS-10 (Residential Single Dwelling Unit District).
- 1.2 Residential Single-Dwelling Unit (RS-10) is intended primarily for a lower density residential environment. The applicant proposes construction of townhomes on proposed lots one through seven and retaining an existing accessory building on proposed lot eight, and an existing duplex on proposed lot nine.
- 1.3 Lot Sizes. ADC Table 3.190-1 contains the minimum property size or land requirements by unit. The table states that a townhouse requires a minimum property size of 1,500 square feet, and a minimum property size of 10,000 square feet for a single dwelling unit, duplex, triplex, fourplex, or cottage cluster. The proposed tentative plat shows nine lots, seven lots to be developed with townhouse units, one lot with an existing duplex unit, and one lot with an existing accessory building. The applicant proposes lots ranging in size from 1,518 square feet to 14,832 square feet. Because Lots 1 through 7 do not contain enough lot area to be developed with a use other than a townhouse, the final plat map must include a statement that Lots 1 through 7 will only be developed with townhomes or combined with an adjacent lot to a size of at least 10,000 square feet to allow for additional use types.
- 1.4 Development Standards for Townhomes – Maximum Density. In the RS-10 zoning district, the maximum density is 2,500 square feet per townhouse unit. ADC 3.220(1)(a) allows a 10 percent reduction in the average minimum lot size required in the zoning district if at least 50 percent of the lot area is located within 200 feet of a designated collector or arterial street. NW Gibson Hill Road is considered a minor arterial street and at least 50 percent of the lots are within 200 feet, therefore a 10 percent reduction would be 2,250 square feet. Based on the lot area of 0.95 acres and number of townhouse lots and tracts proposed, the average townhouse lot is approximately 2,310 gross square feet, which is less than the maximum density of 2,250 square feet per townhouse unit.
- 1.5 Development Standards for Townhomes – Number of Attached Dwelling Units. In the RS-10 zoning district, a townhouse project must contain at least two attached units and a maximum of four attached units per group. The applicant proposes a minimum of three attached units and a maximum of four attached units per group.
- 1.6 Lot Width. The RS-10 zoning district has a minimum lot width of 20 feet for townhouses and 65 feet for all other uses. Lots 1-7 specified for townhouse development are 20 feet or greater in width, Lot 8 is developed with an accessory structure and is 117.9 feet wide, and Lot 9 is developed with a duplex is 110.17 feet wide.
- 1.7 Development Standards. No development is proposed with this application. At the time of building permit processing, setback, lot coverage, and height standards will be applied to ensure construction meets the applicable development standards of the underlying zoning district. There is an existing duplex on proposed Lot 8 and an existing accessory building on proposed Lot 9. Because no primary structure exists on proposed Lot 9, the accessory structure must either be demolished, or a building permit issued for a change of occupancy to a U-Occupancy, or a recorded deed restriction stating that the structure will only be utilized as accessory to one of the dwelling units on Lot 8.

- 1.8 Lot and Block Standards. The lot and block standards under ADC 11.090 are addressed later in this report. The findings show the lot and block standards are met with conditions. Those findings and conclusions are included here by reference.

Conclusions

- 1.1 Based on the factors above, the proposal meets the applicable development standards of the underlying zoning district with two conditions.
- 1.2 This criterion is met.

Condition

Condition 1 The final plat map shall include a statement that Lots 1 through 7 will only be developed with townhomes or combined with an adjacent lot resulting in a lot area of at least 10,000 square feet to allow for additional use types.

Condition 2 Prior to recording the final plat, the existing accessory structure on Lot 9 must either have an issued demolition permit, an issued building permit to change the structure from an accessory structure under the Oregon Residential Specialty Code to a U-Occupancy under the Oregon Structural Specialty Code, or record a deed restriction that the structure shall only be utilized as an accessory structure to one of the existing dwelling units on the project site.

Criterion (2)

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

Findings of Fact

- 2.1 The subject property is located on Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400 and is owned in its entirety by Scott Lepman, Glorietta Bay, LLC.
- 2.2 The subdivision does not create any remainder property.

Conclusions

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

Criterion (3)

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

Findings of Fact

- 3.1 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by the city council to require only that adjoining land either have access or be provided access to public streets. The property has frontage on NW Gibson Hill Road and NW Sunny Lane. All proposed lots will have frontage on and/or access to an existing public right-of-way.
- 3.2 Property to the north: North of the subject property is a single-dwelling unit with frontage on and access to NW Sunny Lane. The proposed land division does not affect future development of this lot.

- 3.3 Property to the east: East of the subject property is an existing single-dwelling unit with frontage on and access to NW Sunny Lane. The proposed land division does not affect the future development of these lots.
- 3.4 Property to the south: South of the subject property there are four single-dwelling units with frontage on and access to NW Gibson Hill Road. The proposed land division does not affect future development of this lot.
- 3.5 Property to the west: West of the subject property is an existing single-dwelling unit with frontage on and access to NW Gibson Hill Road. The proposed land division does not affect the future development of these lots.

Conclusions

- 3.1 All adjoining properties have access to public streets through the existing transportation system, and the proposed subdivision plan will not remove that access.
- 3.2 This criterion is met.

Criterion (4)

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

Findings of Fact

- 4.1 The proposed development will construct a nine-lot residential subdivision with townhome lots, one lot with an existing duplex, and one lot with an existing accessory structure.
- 4.2 The development is located on the northwest corner of NW Gibson Hill Road and NW Sunny Lane.
- 4.3 ADC 12.060 requires that all streets interior and abutting new development be improved to city standards.
- 4.4 NW Gibson Hill Road is classified as a minor arterial and lacks sidewalk improvements along the frontage of the site. The existing right-of-way is 60 feet wide. A storm water drainage ditch extends along the site's frontage and prevents the installation of public sidewalk within the existing right of way. The applicant has proposed dedication of a 12-foot utility and pedestrian access easement along the site's frontage to allow for installation of public sidewalk behind the storm water drainage ditch.
- 4.5 NW Sunny Lane is classified as a local street and is not constructed to city standards. The road has a gravel surface and lacks curb, gutter, and sidewalk. The existing right-of-way is 30 feet wide. The applicant has proposed right-of-way dedication of 12 feet together with construction of partial width street improvements consisting of: curb, gutter, and sidewalk along the west side, 24 feet of pavement measured from the new face of curb, and a drainage swale along the east side. The 24-foot improvement width would allow for a vehicle travel lane in each direction. It would also allow the road to eventually comply with the city's standard full local street design when the east portion of the road is improved with future development. ADC 12.200 allows for the construction of partial width street improvements.
- 4.6 Based on ITE trip generation rates for single dwelling attached housing, at full buildout the applicant estimated the development would generate 65 vehicle trips per day, with 5 of those trips occurring during the peak PM traffic hour.
- 4.7 Albany's Transportation System Plan does not identify any congestion or safety issues occurring on the street system within or adjoining this site.

Conclusions

- 4.1 The development will create nine lots. Seven lots are intended for townhome development, one lot is improved with an existing duplex, and the remaining lot is developed with an existing accessory structure.

- 4.2 Based on ITE trip generation rates when fully developed the site is estimated to generate 65 new vehicle trips per day, with 5 of those occurring during the peak PM traffic hour.
- 4.3 Improvement of public streets that adjoin new development is a requirement of ADC 12.060. The development plan for the site proposes construction of a partial width street improvement along the site's frontage on NW Sunny Lane, and dedication of a utility and pedestrian access easement together with sidewalk construction along the site's frontage on NW Gibson Hill Road. The proposed street designs conform to the design standards contained in ADC 12.120 and 12.122.
- 4.4 The partial width improvement of NW Sunny Lane will provide for a vehicle travel lane in each direction, but until the east side of the road is eventually improved there will be insufficient room for on-street parking along the west side of the road. Based on the proposed driveway locations, the only gap in driveways long enough to allow for a potential parking space is between townhome lots 4 and 5. Installation of a "No Parking" sign at that location is needed to prevent vehicles from parking there until the eventual improvement of the east side of the road.

Conditions

- Condition 3 Prior to recording the final plat map, the applicant shall construct or financially assure the construction of partial width street improvements along the site's frontage on NW Sunny Lane. Improvements shall be consistent with the approved site plan and consist of:
- A curb, gutter, and sidewalk along the west side of the street. The curb alignment shall reflect an ultimate curb to curb width of 30 feet centered within a 54-foot right of way.
 - The construction of the driveway approaches as shown on the approved site plan.
 - The construction of pavement to meet city standards with a width of 24 feet as measured from the west face of curb.
- Condition 4 Prior to recording the final plan map, the applicant shall construct or financially assure the construction of a public sidewalk along the site's frontage on NW Gibson Hill Road.
- Condition 5 Prior to or with recording the final plat map, the applicant shall dedicate:
- 12 feet of public street right of way along the site's frontage on NW Sunny Lane.
 - A 12-foot public utility and pedestrian easement along the site's frontage on NW Gibson Hill Road.
- Condition 6 A "No Parking" sign shall be installed in the landscape strip on NW Sunny Lane between lots 4 and 5, and 20 feet of yellow curb shall be installed on the west side of NW Sunny Lane from the edge of the curb return at NW Gibson Hill Road north.

Criterion (5)

The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sanitary Sewer:

- 5.1 City utility maps show a 10-inch public sanitary sewer main in NW Sunny Lane and an 8-inch in NW Gibson Hill Road. The subject property is connected to the public sanitary sewer system.
- 5.2 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.

- 5.3 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.
- 5.4 The applicant's preliminary utility plan shows new sanitary sewer laterals off the sanitary sewer main in NW Sunny Lane to serve each lot of the subdivision. 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.

Water:

- 5.5 City utility maps show an 8-inch public water main in NW Sunny Lane and a 24-inch public water main in NW Gibson Hill Road. The subject property is connected to the public water system.
- 5.6 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public water main.
- 5.7 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.
- 5.8 The applicant's preliminary utility plan shows new water services installed off the water main in NW Sunny Lane to serve each lot of the subdivision. The applicant must obtain a Water Meter Permit from the City's Engineering Division for installation of water services.

Stormwater Drainage:

- 5.9 City utility maps show no piped public storm drainage facilities in NW Sunny Lane or NW Gibson Hill Road. NW Sunny Lane is not improved to City Standards with curb and gutter along the subject property. NW Gibson Hill is not improved to City Standards with curb and gutter along the subject property and is constructed with roadside ditches for drainage.
- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 The applicant shall extend storm drainage facilities from Dover Lane to serve the subject property.
- 5.15 The applicant has submitted a preliminary drainage plan that shows the extension of the public storm drainage system in Dover Lane to the subject property and a private detention system. 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.

- 5.16 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).
- 5.17 Because this subject project is under 1-acre, post-construction stormwater quality is not required for this project.

Fire Safety:

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

Conclusions

- 5.1 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.
- 5.2 The applicant must extend public storm drainage facilities to the site from Dover Lane to serve the future development.
- 5.3 The applicant must provide stormwater detention facilities for the proposed development.
- 5.4 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.

Conditions

- Condition 7** Before the City approves the final subdivision plat, the applicant must construct public storm drainage improvements in NW Sunny Lane from NW Dover Avenue to collect runoff from the proposed development. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 8** Before the City approves the final subdivision plat, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 9** Before the City approves the final subdivision plat, the applicant must construct sanitary sewer laterals to serve each lot of the subdivision. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 10** Before the City approves 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 11** Prior to the approval of the Final Plat, the applicant must show compliance with the requirements from the Albany Fire Department (Attachment D).

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

Criterion (6)

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

Findings of Fact

- 6.1 Article 4 Airport Approach Overlay District: Figure 4-1 shows that the subject property is located outside the Airport Approach District.
- 6.2 Article 6 Floodplain Overlay District: According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0195H, dated December 8, 2016, the subject property is in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).
- 6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within the Riparian Corridor Overlay District.
- 6.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within the Significant Wetlands Overlay District.
- 6.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Article 7 Historic Overlay District: According to Chapter 11, Plate 9 of the Comprehensive Plan, the subject property is not located within the Historic Overlay District. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is not located in any special purpose districts.
- 6.2 This criterion is met.

Lot and Block Arrangements Review Criteria (ADC 11.090)

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

Criterion (1)

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

Findings of Fact

- 1.1 The applicant submitted findings stating: “The proposed parcels meet the minimum requirements for the underlying zone. The size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permit for the lots withing the proposed subdivision.”

- 1.2 The subject property is not located in an area with steep slopes. The proposed subdivision has been designed to accommodate the existing topography ensuring building permits may be issued for each lot.

Conclusion

- 1.1 This criterion is met.

Criterion (2)

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

Findings of Fact

- 2.1 The proposed lots are less than double the minimum area designated for the RS-10 zone.

Conclusion

- 1.2 This criterion is met.

Criterion (3)

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

Findings of Fact

- 3.1 No double frontage lots are proposed.

Conclusion

- 3.1 This criterion is met.

Criterion (4)

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

Findings of Fact

- 4.1 As shown on the Tentative Plat, lot lines run at right angles to the streets, or radial to the curved portions of the streets.

Conclusion

- 4.1 This criterion is met.

Criterion (5)

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

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

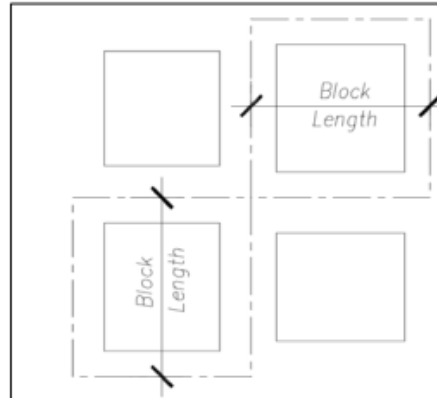


FIGURE 11.090-1. Block Length

Findings of Fact

5.1 The Tentative Plat does not create any blocks.

Conclusion

5.1 This criterion is met.

Criterion (6)

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

Findings of Fact

6.1 All lots have direct access to a public street and no off-street pedestrian pathways are proposed or required.

Conclusion

6.1 This criterion is not applicable.

Criterion (7)

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

Findings of Fact

7.1 The application does not involve the creation of a cul-de-sac.

Conclusion

7.1 This criterion is not applicable.

Criterion (8)

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

Findings of Fact

8.1 The applicant proposes one flag lot with a 24-foot-wide flag stem, meeting the standard.

Conclusion

8.1 This criterion is met.

Criterion (9)

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

Findings of Fact

9.1 No new intersections are proposed with this development.

Conclusion

9.1 This criterion is met.

Overall Conclusion

As proposed and conditioned, the application under planning file SD-01-24 for a Tentative Plat Review to develop a nine-lot subdivision satisfies all applicable review criteria as outlined in this report.

Overall Conditions

Condition 1 The final plat map shall include a statement that Lots 1 through 7 will only be developed with townhomes or combined with an adjacent lot resulting in a lot area of at least 10,000 square feet to allow for additional use types.

Condition 2 Prior to recording the final plat, the existing accessory structure on Lot 9 will must either have an issued demolition permit, an issued building permit to change the structure from an accessory structure under the Oregon Residential Specialty Code to a U-Occupancy under the Oregon Structural Specialty Code, or record a deed restriction that the structure shall only be utilized as an accessory structure to one of the existing dwelling units on the project site.

- Condition 3** Prior to recording the final plat map, the applicant shall construct or financially assure the construction of partial width street improvements along the site's frontage on NW Sunny Lane. Improvements shall be consistent with the approved site plan and consist of:
- A curb, gutter, and sidewalk along the west side of the street. The curb alignment shall reflect an ultimate curb to curb width of 30 feet centered within a 54-foot right of way.
 - The construction of the driveway approaches as shown on the approved site plan.
 - The construction of pavement to meet city standards with a width of 24 feet as measured from the west face of curb.
- Condition 4** Prior to recording the final plan map, the applicant shall construct or financially assure the construction of a public sidewalk along the site's frontage on NW Gibson Hill Road.
- Condition 5** Prior to or with recording the final plat map, the applicant shall dedicate:
- Twelve feet of public street right of way along the site's frontage on NW Sunny Lane.
 - A 12-foot public utility and pedestrian easement along the site's frontage on NW Gibson Hill Road.
- Condition 6** A "No Parking" sign shall be installed in the landscape strip on NW Sunny Lane between lots 4 and 5, and 20 feet of yellow curb shall be installed on the west side of NW Sunny Lane from the edge of the curb return at NW Gibson Hill Road north.
- Condition 7** Before the City approves the final subdivision plat, the applicant must construct public storm drainage improvements in NW Sunny Lane from NW Dover Avenue to collect runoff from the proposed development. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
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- Condition 11** Prior to the approval of the Final Plat, the applicant must show compliance with the requirements from the Albany Fire Department (Attachment C).

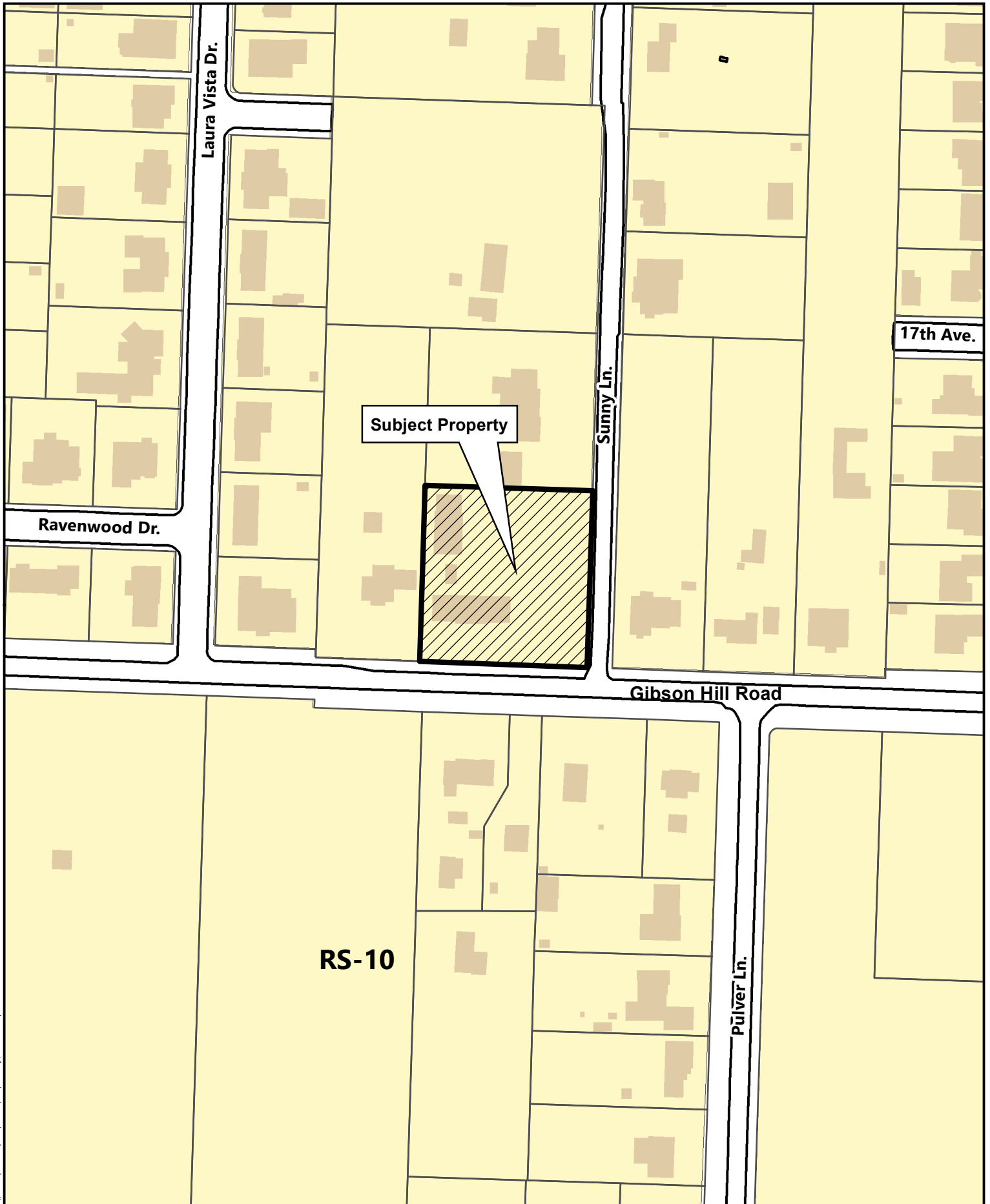
NOTE: *All required permits must be obtained through the Public Works Department before beginning work on any of the aforementioned improvements. Final design and construction details will be reviewed as part of the required permits. Reference is hereby made to the comments provided by the Public Works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

Attachments

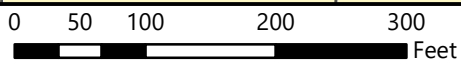
- A Location Map
- B Tentative Plat Maps
- C Applicant Narrative
- D Albany Fire Department Comments
- E Written Comments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
GIS	Geographic Information Systems
ITE	Institute of Transportation Engineers
ODFW	Oregon Department of Forestry
ODOT	Oregon Department of Transportation
RS-6.5	Residential Single Dwelling Unit District
SI	Site Improvement Permit
TSP	Transportation System Plan



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



2949 Gibson Hill Road

Date: 2/16/2024 Map Source: City of Albany

Location / Zoning Map

ATTACHMENT B



CLIENT:
 GLORETTA BAY, LLC
 10000 W. JEFFERSON
 ALBANY, OREGON 97321
 (541) 928-9390

**UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC**
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 FAX
 (541) 451-1868 FAX

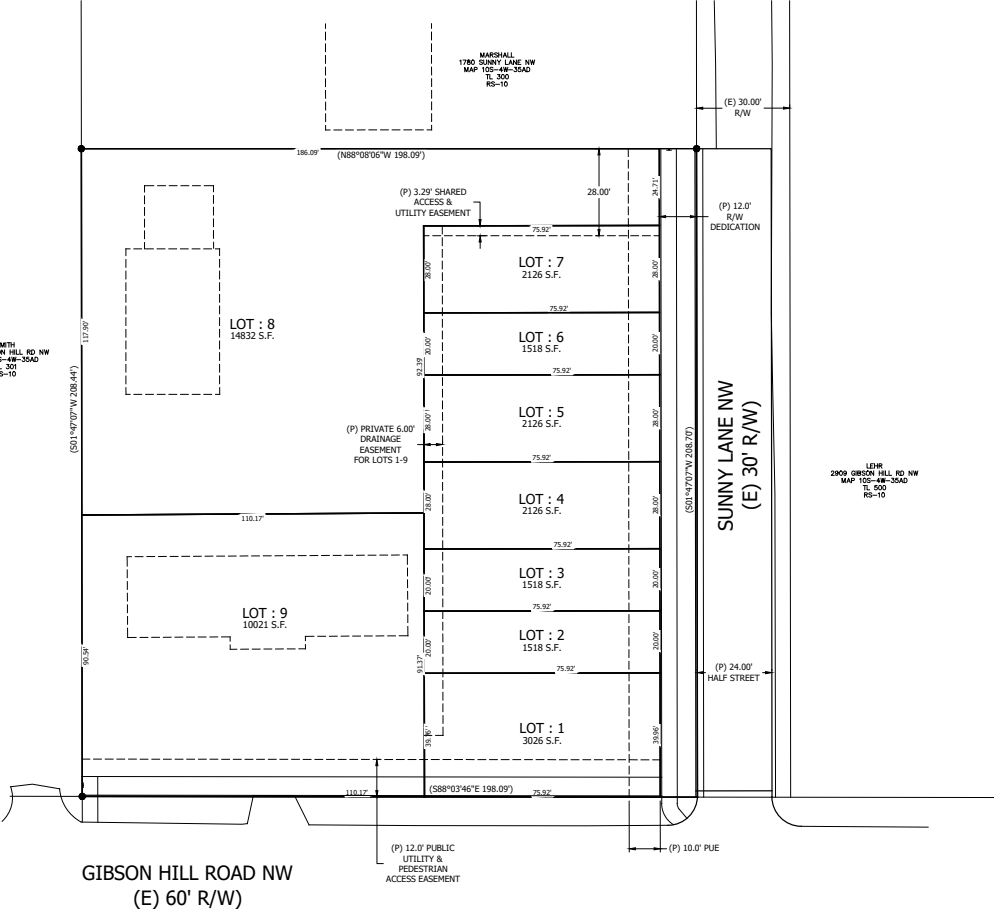
**TENTATIVE PLAT
 TENTATIVE SUBDIVISION
 SUNNY LANE TOWNHOMES**
 MAP 105-AW-3540
 TAX LOT 400
 ALBANY, OREGON

DATE: APRIL 9, 2024
 PROJECT: 23133 LEPANA SUNNY LANE
 DRAWN BY: BSW, JHA
 CHECKED BY: BSW

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

PROJECT AREA SUMMARY
 GROSS LAND AREA: 0.95± ACRES
 RIGHT-OF-WAY DEDICATION: 0.05 ± ACRES
 NET LAND AREA: 0.89 ± 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
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 (541) 451-5125
LAND USE PLANNER
 UDELL ENGINEERING AND LAND SURVEYING, LLC
 63 E. ASH STREET
 LEBANON, OREGON 97355
 (541) 451-5125



GIBSON HILL ROAD NW
 (E) 60' R/W

SUNNY LANE NW
 (E) 30' R/W

PLAN REVISIONS	DATE
VARIANCE REMOVED AND LAYOUT UPDATED	APRIL 9, 2024

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

TENTATIVE SUBDIVISION PLAT & MINOR VARIANCE

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

Applicants/Property Owners: Glorietta Bay LLC
 100 Ferry Street NW
 Albany, OR 97321

Contact: Scott Lepman
 Email: 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
 Phone: (541) 990-8661

Site Location: 2949 Gibson Hill Road NW, Albany, OR 97321

Benton County Tax Assessor's Map No. 10S-04W-35AD; Tax Lot 400

Site Size: ±0.95-acres

Existing Land Use: Duplex Dwelling Residential with Detached Accessory Structure

Zone Designation: Residential Single-Dwelling Unit District (RS-10)

Comprehensive Plan Designation: Residential Low Density

Surrounding Zoning: North: RS-10
 South: RS-10
 East: RS-10
 West: RS-10

Surrounding Uses: North: Single Dwelling Residential
 South: Single Dwelling Residential
 East: Single Dwelling Residential
 West: Single Dwelling Residential



23-219 Lepman
 2947 Gibson Hill Road
 Subdivision

I. Executive Summary

Glorietta Bay LLC “applicant” requests approval of the following two applications:

1. Tentative Subdivision Plat for a nine-lot residential subdivision with associated site, utility, and street improvements.
2. A minor variance to allow a 2-foot reduction to the required front yard setback along the NW Gibson Hill Road (south) property line of proposed Lot 1.

The subject property consists of one ±0.95-acre parcel located to the northwest of the Sunny Lane and Gibson Hill Road intersection. The subject property is identified as 2947 NW Gibson Hill Road and Benton County Assessor’s Map No. 10S-04W-35AD; Tax Lot 400.

II. Tentative Plat Review Criteria

ADC 11.180 includes the following review criteria for a tentative plat, 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 proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.

Findings

- 1.1 As shown in the Tentative Subdivision Plat, the applicant seeks approval of a 9-lot residential subdivision. The subject property is identified as 2947 NW Gibson Hill Road and Benton County Assessor’s Map No. 10S-04W-35AD; Tax Lot 400.
- 1.2 The subject property is entirely within the Residential Single-Family (RS-10) zoning district. The RS-10 District is intended primarily for a lower density residential environment. The average minimum detached single-dwelling unit lot size is 10,000 square feet (ADC 3.020(2)).
- 1.3 Lot size in the RS-10 zone depends on the proposed use, and ranges in size from 1,500 square feet (townhouse) to 10,000 square feet for detached, single-family residential dwelling, duplex, triplex, fourplex, or cottage cluster developments (ADC 3.190-1).

The proposal divides the subject property into 9 lots. Lots 1-7 range in size from 1,518 square feet to 2,876 square feet which exceeds the minimum lot size for townhouse development. Lots 8 and 9 are 14,984 square feet and 10,021 square feet, respectively, with an average minimum lot size of 12,502 square feet. These lots exceed the minimum lot size for detached, single-family residential dwelling, duplex, triplex, fourplex, or cottage cluster developments.

- 1.4 ADC 3.220(1) provides a 10 percent reduction in the average minimum lot size required in a zoning district is allowed for proposed lots that meet the following qualifications: (a) At least 50 percent of the lot area is located within 200 feet of a designated collector or arterial street; and (b) The lot will not have direct access to an arterial.

The subject property abuts Gibson Hill Road which is classified as a Minor Arterial Street and at least 50 percent of all proposed lots are within 200 feet of this right-of-way. Lots 1-8 proposed to have direct access to Sunny Lane NW as opposed to Gibson Hill Road; therefore, Lots 1-8 are allotted the 10 percent reduction in the average minimum lot size.

- 1.5 The minimum width standard for the RS-10 zone is 20 feet for townhomes, and 65 feet for all other uses (ADC 3.190-1). Lots 1-7 meet or exceed the minimum townhouse lot width. Lots 8 and 9 exceed the minimum lot width for all other permitted uses.
- 1.6 According to ADC Table 3.190-1, the minimum setback standards in the RS-10 zoning district are as follows: 20-foot front (building), 20-foot front (vehicle entrance), five-foot side (one story), eight-foot side, (two plus stories), or zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 50 percent.

Proposed Lot 9 is improved with an existing duplex dwelling unit which conforms to the RS-10 development standards. Lot 8 is improved with an existing accessory structure. Lots 1 – 7 are unimproved and development standards will be reviewed for conformance at the time of building permit. However, as shown on plan sheet C1.2, these lots may be improved in conformance to the RS-10 development standards.

- 1.7 According to ADC 3.191(1) In the RR, RS-10, RS-6.5, RS-5, and HM districts, the maximum permitted density for a townhouse project shall be based on the total area of the development site (including all townhouse lots and other tracts). For the purposes of calculating density, the gross area required for each townhouse unit shall be as follows:
- RR: 1.25 acres per townhouse unit
 - RS-10: 2,500 square feet per townhouse unit
 - RS-6.5, RS-5, HM: 1,700 square feet per townhouse unit

ADC 22.400 defines the terms townhouse project, development site, and gross density as follows:

- *Townhouse Project: One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.*
- *Development Site: A tract of land either unsubdivided or consisting of two or more contiguous lots of record which, on the effective date of this Ordinance or subsequently, came under single or common ownership and continued to be so owned at the time a development permit was applied for.*
- *Density, Gross: The number of living units or jobs per gross acre of land (for example, units/acre or jobs/acre).*

The development site has a total gross land area of 0.95-acres. As shown in the table below, the gross area of the proposed townhouse lots exceeds the minimum gross area density

requirement (i.e., 2,250 square feet per ADC 3.220(1)) based on the total area of the development.

**Average Gross Area
(Development Site)**

1	3332
2	1758
3	1758
4	2462
5	2462
6	1758
7	2462
8	15305
9	10021
	4,591

1.8 In any single-family residential land division or middle housing development, lots and blocks shall conform to the following standards in Article 11 and other applicable provisions of this Code: Standards relevant to this proposed subdivision are addressed below.

- a. ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the development code.

As discussed under the findings above, the proposed lots meet the minimum requirements of the underlying zoning. The size and dimensions of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed subdivision.

- b. According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. The proposed lots are less than double the minimum lot size required for a detached, single-family residential dwelling, a duplex, triplex, or cluster development. All proposed lots will have frontage on and/or access to either NW Gibson Hill Road or NW Sunny Lane.
- c. ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector and arterial

street status or to overcome specific disadvantages of topography and/or orientation. No double frontage lots are proposed.

- d. ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces, except on a curved street the side property line shall be radial to the curve. All proposed lots have frontage along either NW Gibson Hill Road or NW Sunny Lane with side yard lot lines that run perpendicular to the designated roadway.
- e. According to ADC 11.090(5), block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through-streets. The proposed partition does not create any new streets, and therefore, does not create any new blocks. This standard is not applicable.
- f. ADC 11.090(6) states off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible. All lots will have direct access to a public street, and no off-street pedestrian pathways are proposed or required with this division. Therefore, this standard is not applicable.
- g. ADC 11.090(7) with the minimum of townhouse development, the minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius. No cul-de-sacs are proposed in association with this request. Therefore, these standards are not applicable.
- h. ADC 11.090(8) states flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The minimum width for a flag is 22 feet, except when access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet. Lot 8 is proposed to be a flag lot with a 26.71-foot-wide flag stem with an adjacent 3.29-foot-wide shared access and utility easement (along the north property line of Lot 7).
- i. ADC 11.090(9) states that at all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty-foot radius of the curb line. All lots will have access to a public street, and no new intersections are proposed. This standard is not applicable.

1.16 No development is proposed with this application. At the time of building permit, setback, lot coverage, and height standards will be applied to ensure construction of new dwellings meet the applicable development standards of the underlying zoning district.

Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.
- 1.2 There are no foreseeable difficulties in securing building permits to build on the proposed lots.
- 1.3 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double frontage lots.
- 1.4 The proposal meets the underlying development and lot and block standards of the RS-10 zoning district.
- 1.5 This criterion is satisfied without conditions.

Criterion 2

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

Findings

- 2.1 The proposal is to divide a single ±0.95-acre parcel into nine lots.
- 2.2 The site is owned in its entirety by Glorietta Bay LLC.
- 2.3 There is no other remainder of property under the same ownership.

Conclusions

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

Criterion 3

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

Findings

- 3.1 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by the city council to require only that adjoining land either have access, or be provided access, to public streets.

All proposed lots will have frontage on either NW Gibson Hill Road or NW Sunny Lane. Lot 9 will retain existing direct access to NW Gibson Hill Road. Lots 1-8 will have direct access to NW Sunny Lane.

- 3.2 All new driveway encroachments will be reviewed in association with a building permit and will be constructed in accordance with ADC 12.100(1)(2).
- 3.3 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.



23-219 Lepman
2947 Gibson Hill Road
Subdivision

- a. To the north of the subject property is a single dwelling with frontage on and access to NW Sunny Lane.
 - b. To the west of the subject property is a single dwelling with a frontage on and access to NW Gibson Hill Road.
 - c. To the east of the subject property is a single dwelling with frontage on and access to NW Sunny Lane.
 - d. South of the subject property are four single dwellings with frontage on and access to NW Gibson Hill Road.
- 3.4 The proposed subdivision will not impact existing access for adjoining properties, nor will it impact the ability of adjoining land to develop.

Conclusions

- 3.1 All adjoining properties have access to public streets through the existing transportation system, and the proposed subdivision plan will not remove that access.
- 3.2 This criterion is met.

Criterion 4

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

Findings

- 4.1 The subject property is identified as 2947 NW Gibson Hill Road and Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400.
- 4.2 The submitted land use application is for a tentative subdivision plat to create a 9-lot residential subdivision from a ±0.95-acre unit of land.
- 4.3 ADC 12.060 requires all streets adjacent and interior to new development be improved to City standards.
- 4.4 NW Sunny Lane is classified as a Local Street and unimproved along the frontage of the subject property. Included in the application submittal is a proposed 12-foot-wide right-of-way dedication and partial street improvements.
- 4.5 NW Gibson Hill Road is classified as a Minor Arterial Street and lacks sidewalk improvements along the frontage of the subject property. Included in the application submittal is a 10-foot-wide public utility and access easement along the NW Gibson Hill Road property frontage and 6-foot-wide sidewalk improvement.
- 4.6 Based on ITE trip generation rates for single family attached housing, at full buildout the development could generate 65 vehicle trips per day, with 5 of those trips occurring during the peak PM traffic hour.

- 4.7 The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips.
- 4.8 Albany's Transportation System Plan (TSP) does not identify any capacity or safety issues occurring along the street frontages of this development.

Conclusions

- 4.1 The development will create nine lots. Eight lots are intended for the development of middle housing, and one lot is improved with an existing duplex.
- 4.2 Based on ITE trip generation rates when fully developed the site is estimated to generate 65 new vehicle trips per day, with 5 of those occurring during the peak PM traffic hour.
- 4.3 Improvement of public streets within a new development are a requirement of ADC 12.060. The development plan for the site proposes partial street improvements along NW Sunny Lane as a local street and sidewalk improvements along NW Gibson Hill Road along the frontage of the subject property. The proposed street design conforms to the street design standards contained in ADC 12.122.

Criterion 5

The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings

Sanitary Sewer

- 5.1 City utility maps show a 10-inch public sanitary sewer main within NW Sunny Lane right-of-way along the east frontage of the subject property and an 8-inch public sanitary sewer main within NW Gibson Hill Road right-of-way along the south frontage of the subject property.
- 5.2 ORS 92.090 states no subdivision plat shall be approved unless sanitary sewer service from an approved sewage disposal system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 5.3 The Albany Municipal Code (AMC) 10.01.010(1) states the objective of the AMC requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 5.4 ADC 12.470 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.

- 5.5 As shown in the preliminary utility plan, there are two sewer service laterals serving existing development on proposed Lot 9. All other lots will be provided with new service laterals that will either be installed or financially guaranteed prior to recordation of the final plat. Before any work is done on or around the public sanitary sewer main, a Site Improvement Permit will be obtained from the Public Works Department.

Water

- 5.6 City utility maps show an 8-inch public water main within NW Sunny Lane right-of-way along the east frontage of the subject property and a 24-inch public water main within NW Gibson Hill Road right-of-way along the south frontage of the subject property.
- 5.7 ORS 92.090 states no subdivision plat shall be approved unless water service from an approved water supply system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 5.8 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.
- 5.9 As shown in the preliminary utility plan, there are two water services to existing development on proposed Lot 9. All other lots will be provided with new water services that will either be installed or financially guaranteed prior to recordation of the final plat. Before any work is done on or around the public water main, a Site Improvement Permit will be obtained from the Public Works Department.

Storm Drainage

- 5.10 City utility maps show storm drainage channels along NW Sunny Lane and NW Gibson Hill Road along the property frontages and a 24-inch storm mainline within the NW Gibson Hill Road right-of-way.
- 5.11 It is the property owner's responsibility to ensure any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown in the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 5.12 ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.

- 5.13 ADC 12.550 states any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 5.14 ADC 12.580 states all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines the extension is needed to provide service to upstream properties.
- 5.15 Surface AMC 12.45.030 and 12.45.040 require that a post-construction stormwater quality permit shall 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 more than 8,100 square feet of impervious surfaces will be created or replaced (Ord. 5841 § 3, 2014).
- 5.16 A preliminary drainage plan has been submitted with this application showing the installation of offsite public storm drainage in Sunny Lane and private stormwater detention facilities onsite. Final design for the storm drainage facilities will be reviewed in conjunction with the subdivision. Before any work is done on or around a public storm drainage main, a Site Improvement Permit will be obtained from the Public Works Department.
- 5.17 Because the property is less than one acre, stormwater quality facilities are not required for this project.

Conclusions

- 5.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property.
- 5.2 The applicant is proposing to construct street improvements across the frontage of the project on Sunny Lane and storm drainage improvements to serve the development and extended offsite to connect to the existing public storm drainage system.
- 5.3 Service laterals will be constructed to each of the proposed lots, except for Lot 9. Sewer lateral installations will be the responsibility of the developer.
- 5.4 Water services will be constructed to each of the proposed lots except for Lot 9. City personnel install water services two inches and smaller. Water service installation permits must be obtained before any of the water services are installed.
- 5.5 Because the subject property is less than one acre, stormwater quality facilities are not required for this project.
- 5.6 This criterion is satisfied with conditions of approvals.

Criterion 6

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

Findings

- 6.1 According to Figure 4-1 of the development code, the subject property is located outside the Airport Approach Overlay zone.
- 6.2 According to Plate 7 of the Comprehensive Plan, the subject property is outside the Hillside Development District.
- 6.3 The applicable Flood Insurance Rate Map (FIRM) for the subject site is map no. 41043C0195H, dated December 8, 2016. Based on this FIRM, the subject property is located out of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.4 The subject property is not located within the Riparian Corridor Overlay District.
- 6.5 Comprehensive Plan Plate 6 does not show Significant Wetlands on the properties. The National Wetlands Inventory (NWI) does not show wetlands on the property.
- 6.6 The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Comprehensive Plan, Plate 9 shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 There are no special purpose districts that impact the subject property. This criterion is satisfied without conditions.

III. Minor Variance Review Criteria

ADC 2.696 includes the following review criteria for a minor variance, 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 Minor Variance is not requested to avoid a land use review process or increase density; and

Findings

- 1.1 A minor variance to allow a 2-foot reduction to the required front yard setback along the NW Gibson Hill Road (south) property line of proposed Lot 1.
- 1.2 The requested variance is submitted concurrently with a Tentative Subdivision Plat; therefore, the variance is not requested to avoid a land use review process.
- 1.3 Townhouse development is permissible on Lot 1 as it complies with the RS-10 townhouse standards. The setback reduction simply allows the width of the future dwelling to be 2-foot-wider to accommodate a more functional floorplan.

Conclusions

- 1.1 A minor variance is not being requested to avoid a land use review or increase density.

Criterion 2

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

Findings

- 2.1 ADC 22.400 defines infill as “development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, streets, and other public services are available”.
- 2.2 The subject property is located at 2947 NW Gibson Hill Road and the gross land area of the site is ±0.95-acres in size. Lot 1 is proposed to have a net area of 2,876 square feet.
- 2.3 All adjacent property is developed. The public/private utilities are available to serve the proposed development; therefore, the site is considered infill development.
- 2.4 Additionally, there are two unique situations that drive the need for the requested variance: 1) the lot is constrained by a required 12-foot-wide public utility and pedestrian easement along the Gibson Hill right-of-way and 12-foot-wide street dedication along Sunny Lane right-of-way. 2) Lot 8 flag stem is 26.71 feet wide with a 3.29-foot shared access and utility easement.

The required dedication reduces the net buildable area of the subject parcel and precludes the ability to alter the overall depth of the future development while still meeting the minimum required vehicle access and building setbacks from Sunny Lane.

The proposed lot size of Lot 8 will accommodate future development of a single-dwelling unit up to a fourplex or middle housing land division for townhouse development. Therefore, the proposed flag stem is designed to maintain a two-way, 24-foot-wide travel aisle, two 0.5' curbs, and a 5-foot-wide sidewalk. Designing the flag stem to minimum width (i.e., 24 feet) per ADC 11.090(8) could preclude certain development and result in pedestrian/traffic conflicts.

These items as well as minimum required setbacks for Lots 2 – 7 limit design options to avoid the needed two feet reduction to the front setback along Gibson Hill Road.

Conclusions

- 2.1 The site is an infill site that is surrounded by development and public/private utilities are available to serve the proposed development; therefore, the proposed development can be described as infill development.
- 2.2 Additionally, the site is less than one acre in size with abutting and adjacent development on all sides.

Criterion 3

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

Findings

- 3.1 The subject property is zoned RS-10. Per ADC Table 3.020(2), the RS-10 district is primarily for a lower density residential environment.
- 3.2 Included in this application submittal is a Tentative Subdivision Plat for a 9-lot residential subdivision. One minor variance is requested in association with this application, which is to allow a 2-foot reduction to the required front yard setback along the (south) NW Gibson Hill Road) property line of proposed Lot 1.
- 3.3 ADC 22.400 defines "Lot Line, Front" as lot line abutting any street and states that for the purpose of determining setback requirements, all sides of an interior lot or corner lot adjacent to a street shall be considered frontage and setbacks shall be provided as required.
- 3.4 Conformance with the front yard setback along NW Gibson Hill Road would require reductions to access width and on-site traffic maneuverability for Lot 8 and/or the width of townhouses constructed Lot 1 to be less than 20-foot. Findings under 2.4, above are incorporated herein by reference.
- 3.5 On balance, the proposed minor variance or 2-foot reduction to the required minimum front setback along NW Gibson Hill Road would result in better access and on-site traffic maneuverability for Lot 8 and increased dwelling width for townhouse development on Lot 1.
- 3.6 This minor variance is the minimum necessary to address the unusual circumstances and is not significantly greater than a 10 percent deviation from a numeric standard.

Conclusions

- 3.1 It has been demonstrated that the minor adjustment is the minimum necessary to address the circumstances on the subject property, and the request is still consistent with the zoning district.

IV. Overall Conclusion

Based on the analysis in this report, the proposed tentative subdivision plat and minor variance meets all the applicable review criteria as outlined in this report.

V. Attachments

- A. Preliminary Plan Set
 - a. Existing Conditions
 - b. Tentative Partition Plat
 - c. Preliminary Civil Site Plan
 - d. Clear Vision Plan



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- e. Preliminary Grading and Drainage Plan
- f. Preliminary Utility Plan

VI. Acronyms

ADC Albany Development Code
AMC Albany Municipal Code
RS-10 Residential Single-Dwelling Unit
TSP Transportation Systems Plan



23-219 Lepman
2947 Gibson Hill Road
Subdivision



TO: Liz Olmstead, Planner

From: Lora Ratcliff, Fire Marshal

DATE: February 21, 2024

SUBJECT: SD-01-24—2949 Gibson Hill – 9-Lot Subdivision - Fire Department Comments

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

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

1. All newly created lots taking access from Sunny Lane will be addressed off Sunny Lane.
2. The fire apparatus roadways for this project accessing the site from the public way and serving two or more residential structures are required to be provided and maintained with a minimum 20 feet wide improved surface. (OFC 503.2.1)
3. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3).

Existing hydrants appear to be adequate.

4. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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

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

Lora Ratcliff
lora.ratcliff@cityofalbany.net
 541.917.7728

LAR/lar

Olmstead, Liz

From: Adams, Lee <Lee.AAdams@ATImaterials.com>
Sent: Tuesday, March 12, 2024 7:00 AM
To: Olmstead, Liz
Subject: SD-01-24 & VR-02-24

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Liz, I am concerned about the number of units they are planning on putting on this Lot. This is going to cause way too many vehicles to be parking on the roadway right at the entrance of the roadway. Only 1 car fits in a driveway so anyone with 2 cars or any friends have to park elsewhere. Plus by the size of the units it will be a lower priced dwelling and eventually lower the value of the surrounding area do to the people who reside in those units. I strongly disapprove of this type of division.

Thank you,

Lee Adams

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Olmstead, Liz

From: Stephanie Ball <stephanie.p.ball@hotmail.com>
Sent: Friday, March 22, 2024 10:11 AM
To: Olmstead, Liz
Subject: Concerned about development on Sunny In

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Hello,

I am concerned about the addition of so many units in such a small area. Areas already overloaded as it is. North Albanys growth has been so quick that there hasn't been enough focus on keeping the roads, traffic, and safety of the area. Crime has grown exponentially. We have people racing cars and adding more people is just going to compound it. We very rarely receive police patrols and I have called Albany police who say it's Benton county to call them. I get that we want to add housing I think we first need to establish the area need some work.

Cars race up and down those roads and the roads in and out of the area are not designed to handle the traffic in that area. There needs to be more focus on developing the infrastructure before adding more high density housing. I know there's several planned developments. I've lived there since 2014 and I know when they added every new subdivision we had power issues where our powers would surge every day at the same time because it couldn't handle the amount of power needed for that whole area. Transformers blow etc. After several years of issues they finally get everything lined up and then we add more housing and all happens all over again.

Please slow down the growth in North Albany. It's going to ruin the area to push such quick growth without the proper foundation of infrastructure.

Stephanie Ball

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

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Liz Olmstead

Community Development

333 Broadalbin St SW

Albany, OR 97321

Comments on Notice of Filing, 2949 Gibson Hill Road NW

Thank you for the opportunity to comment, and I appreciate your time in discussing this project with me. I need to state here – I am not against affordable housing, which I believe is what this project is designed to address. As I learned, the Planning Division cannot venture into the realm of ensuring these units stay as affordable housing. Once the development is accomplished, the Planning Division is not able to regulate the use.

I am offering my comments on this project, with the disclaimer that I am not an expert in planning. However, I want to make sure that if we are to see a radical shift in land use density (and this is a radical shift) , that we have a joint understanding of the baselines and rules to be employed.

- 1) It does appear that the proposal is to subdivide the existing RR-10 lot into 9 lots. Two of these lots will remain as is (Lot 8 – existing shop and at 14,984 sq ft and Lot 9 – existing house and at 10,021 sq ft.) The vacant land portion of this property is where the real townhouse lots subdivision will occur. This property is approximately 13,800 sq ft, and I will refer to Lots 1-7 as the Townhouse Lots. Lot 8 and 9 are not designated as open space or community space for the townhouses. Lots 8 and 9 should not be included in calculating the average lot size for the Townhouse Lots.
- 2) The Townhouse Lot sizes are calculated to be between 1518 and 2126 sq ft, with one exception of 2876 sq feet. While the minimum width of the townhouse lots was met, the design standard of 1,500 sq ft minimum and an average of 2,500 sq ft is not. If an average of 2500 sq ft is to be met, there would only be 5 townhouse lots proposed.
- 3) OAR 660-046 Exhibit B – Large Cities Middle Housing Model Code states the in zones in which the minimum lot size for detached single family dwellings is 5,000 square feet or more, townhouse projects are allowed four (4) times the allowed density for detached single family dwellings. This would equate to the average lot size of 2,500 sq feet, which appears to be a design standard that Albany has accepted. However, there is another reading of this code is that no more than 4 units can be developed on RS-10 and not the 7 proposed in this notice.
- 4) This proposal included the public right of way (sidewalks) in the lot size. This does not seem to be appropriate. I am interested in why this was proposed, and if the other public right of ways (roads) could also be included.

I ask that the City balance concerns about neighborhood compatibility with this – and other – proposed developments by doing more outreach and holding a public meeting to educate the community about the major changes envisioned or proposed to the North Albany area. I also ask that the City not approve this proposed change as designed and to allow us a second chance to review and comment on any revised sub-division before any further consideration.

Also, as I mentioned to you earlier, the City has removed all bus routes from North Albany. If this, and potentially the 100+ units envisioned for development, occurs in this Gibson Hill Road the City must provide certainly a public transportation option for such a dense neighborhood. This is especially with the lack of walkability in this area of North Albany.

Thank you again for this opportunity to comment.

Audrey Eldridge

1705 NW Ravenwood Dr

Albany OR 97321

Olmstead, Liz

From: Valerie Ferguson <valmal715@hotmail.com>
Sent: Friday, March 22, 2024 10:24 AM
To: Olmstead, Liz
Subject: 2949 Gibson Hill Road - Notice of Filing

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

Good morning,

I am emailing you in reference to a Notice of Filing that I received regarding 2949 Gibson Hill Road. After reviewing the documents provided, I feel compelled to express my strong reservations about this project.

When I moved to North Albany 10+ years ago, it was clear that this was primarily an area of single-family homes and while it was growing quickly, there seemed to be a good expansion plan. While I know that a lot of my neighbors haven't loved the Hayden Homes subdivisions, I see that they have a place and offer quality homes. If you drive through them, they have nice sidewalks, ample parking, and good drainage and wider roads.

The proposal in subject seems to lack the space for the number of townhomes asked for. If each townhome has two cars, there will be 14 additional cars that will need a place to park. Additionally, Sunny Lane is a small and narrow dead-end road. This road has single family homes with acreage. A seven-unit townhome does not remotely match what is already there.

This project seems to lack common sense and planning. This parcel is SMALL. The reason we purchased property in North Albany is that housing overall, looked less like town and more like a suburban neighborhood. This project seems to be a cash grab by the owner to put in as many tiny units as possible, without thinking about how it will affect neighbors. Added traffic, congestion, lack of parking, lack of space for a townhome condo. A duplex seems reasonable for this space. There needs to be enough room for all of the additional residents to park, live and move. Additionally, the direct neighbors to this parcel will be greatly affected. They will have more noise, less space and their property values will likely fall.

Please consider my comments, which I know many of my neighbors share, when deciding whether to approve this project or not.

Kind regards,
Valerie Ferguson

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Olmstead, Liz

From: Christina Maurer <clobdell9@hotmail.com>
Sent: Friday, March 22, 2024 9:12 AM
To: Olmstead, Liz
Subject: Gibson and sunnylane

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I think this is a terrible idea. North Albany is already overpopulated. Traffic is terrible trying to get to North Albany or out of North Albany. Crime rate is lower in North Albany. Let keep it that way. School classrooms are at max and struggling. We have already relocated animals why even more?

Sent from my iPhone Christina Lobdell

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Olmstead, Liz

From: Prislac Family <teamprislac@gmail.com>
Sent: Friday, March 22, 2024 11:23 AM
To: Olmstead, Liz
Subject: Benton County Assessor's Map No. 10S-04W-35AD; Tax Lot 400
Attachments: IMG_20240321_154227.jpg

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Good Morning,

I'm sending this email to register my concerns with the development of this tax lot. Oregon's affordable housing Bill makes it quite plain in its language that infrastructural Improvement must keep a pace with the development of these lots. As it appears the city of Albany has further limited bus access to this location, coupled with the the steep grade of the road most have to take to access commercial space, cycling and walkability will most obviously give way to car culture which is a step backwards. Additionally I fear that the city will consider infrastructural improvement to be turning Gibson Hill Road into some sort of egregiously dangerous Stroad which will affect driver psychology in such a way as to pose a greater threat to the children who frequently cross the area to get to Gibson Hill Park. In short Albany has not invested in proper infrastructural improvements to support this additional density and I asked that an injunction be placed upon further Development and Construction on this and other lots until a study can be completed and Albany can commit to the proper improvements otherwise these developers will indeed be in violation of the Oregon house bill which again stipulates that infrastructure must be developed concurrently with density. Once we're at that point lawsuits will have to be filed and I would be most appreciative if we could avoid that.

For another matter, we have already seen that density development without infrastructural development recently has caused an increase in vehicles that violate Oregon law regarding noise pollution. People living in the North Albany Community do so to enjoy the beautiful wetlands and farmlands around them and, though we are perfectly fine with many people enjoying such things, the community is not fine with hearing loud engines ripping and roaring miles away with health harming consistency.

I will attach the appropriate ORS code as a JPEG so that you can review it and ensure that the police begin pulling these vehicles off the road and preventing their use after having issued the appropriate amount of Class D traffic violations. If we can't improve walkability then at the very least we must keep the road clear of these vehicles. I trust the city of Albany will inform the police that they must prioritize this before it becomes completely out of hand.

By getting ahead of the noise pollution development we will also be safeguarding consumers as I am sure that people selling these vehicles to our local citizens are not informing them that they're already in violation of EPA noise regulations due to aftermarket modifications as well as the ORS code rendering them illegal to operate on public roadways.

The state of Oregon used to audit engine noise by way of the DEQ when vrricles would undergo their emissions test to receive their tags. However, the Oregon legislature defunded that program back in

1992, so now it is up to the police to have to handle it and for that I am sorry to have to be the one to remind the department of this additional responsibility.

So what you're looking at is a tax base that will probably not cover all the extra work the police will have to do to monitor the additional traffic and to curtail the increase in engine noise. This is why I am also including this complaint along with my concerns regarding the lack of proper infrastructural development running concurrent with the development of this tax lot.

My final point regards affordability. We have every indication to believe that the so-called affordable units will simply be snatched up by high net worth individuals or large corporate interests who will then render upon those who wish to live in these units a variable rent expense which will increase year over year. This does not help low-income Oregonians. The Spirit of the bill was to provide lower income Oregonians the opportunity to enjoy the stability of a fixed mortgage expense while building equity in their home to achieve greater wealth over time. This will not happen with these units. I am already seeing an increase of rentals all around the existing homes in my community which again harms Oregonians as they are not able to build wealth equity in a real estate asset through a fixed mortgage expense. Until we can get assurances that people who need these homes will actually be able to purchase them, developments of this nature do not help the housing affordability problem.

Thank you for your time and hearing my concerns.

-Thomas Prislac
2840 23rd ave NW. Albany OR. 97321
503-764-7177

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Vehicle Equipment Generally

ORS 815.025

Causing unreasonable noise with vehicle

- penalty

TEXT

ANNOTATIONS

- (1) A person commits the offense of causing unreasonable noise with a vehicle if the person operates upon any highway any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of the vehicle.
- (2) The offense described in this section, causing unreasonable noise with a vehicle, is a Class D traffic violation. [1983 c.338 §438; 1987 c.158 §171; 1995 c.383 §22]

Olmstead, Liz

From: Bonnie Ryan <bnryan59@gmail.com>
Sent: Friday, March 22, 2024 10:20 AM
To: Olmstead, Liz
Subject: Development in North Albany

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

Dear Ms Olmstead,

I understand the need for affordable housing. However, I am concerned about the increase in traffic.

With increased population and traffic comes the risk of increased pedestrian vs vehicle collision.

I believe the growth resulting from the new developments requires reevaluation (and lowering) of the speed limits on Gibson Hill Rd and on Scenic Dr between Dover Ave and the curves (to the south). Additionally, the no stop right turn from Gibson Hill onto NB Scenic may need to be changed to a stop.

Thank you for your consideration.

Bonnie Ryan
1441 Scenic Dr NW
Albany OR 97321
(541) 740-7671

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Olmstead, Liz

From: Cathy and Pat Schlecht <schlechtcp@gmail.com>
Sent: Friday, March 22, 2024 9:17 AM
To: Olmstead, Liz
Subject: Sunny Lane Developments

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Lepman is requesting 7 townhouses at Gibson Hill and Sunny. It also appears as 6 homes are in process at Sunny and Dover. Sunny is not completely improved and open from Gibson Hill to Dover. The City appears to be forced to approve the numerous rezoning requests for North Albany that was often RA10, as developers are savvy enough to jump the necessary hoops. There are several other new developments and more in the planning process. The City clearly cannot improve the pathways into and out of North Albany but should be improving roadways within North Albany such as opening Sunny to Dover, Whitmore to Gibson Hill and Dover to Crocker. Thank you. Pat Schlecht

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