



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Notice of Public Hearing

Adjustment

AD-04-21

November 18, 2021

HEARING INFORMATION

Review Body:	Hearings Board (Type III review procedure)
Hearing Date:	Thursday, December 9, 2021
Hearing Time:	4:00 p.m.
Hearing Location:	Due to the COVID-19 pandemic, the Hearings Board will meet virtually. At 4:00 p.m., join with the GoToMeeting app on your computer, tablet, or smartphone (using your device's microphone and speakers): https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc You can use your microphone or dial in using your phone: Phone: 1-571-317-3122, and when prompted enter access code: 498-239-709

APPLICATION INFORMATION

Proposal:	Adjustment to ADC 8.270 to reduce the minimum required multi-family building and accessory structure setbacks adjacent to a specific segment of the subject property boundary where the abutting property is also owned by the applicant and is zoned Residential Single-Family (RS-5) rather than Residential Medium Density (RM).
Review Body:	Hearings Board (Type III Quasi-Judicial Review)
Applicant:	Jordan Winkler, Winkler Companies 210 SW Morrison Street, Suite 600; Portland, OR 97204
Property Owner:	Winprop 1, LLC; 210 SW Morrison Street, Suite 600; Portland, OR 97204
Representative:	Lee Leighton, Mackenzie 1515 SE Water Avenue, Suite 100; Portland, OR 97214
Attorney:	Zoe Powers, Radler White 111 SW Columbia Street, Suite 700; Portland, OR 97201
Address/Location:	820 Ridders Lane NW; Albany, OR 97321
Map/Tax Lot:	Benton County Assessor's Map No. 11S-04W-01AD; Tax Lots 100, 201, 202, 203, and 300
Zoning:	Residential Medium Density (RM)

cd.cityofalbany.net



Overlay Districts: Floodplain /FP Overlay
Total Land Area: 12.2 acres
Existing Land Use: Undeveloped

The Planning Division has received the application referenced above and has scheduled a public hearing before the Hearings Board. We are mailing notice of the application to property owners within 300 feet of the proposed development.

A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at the Albany Community Development Department, Planning Division. Copies can be provided by mail upon request at a reasonable cost or electronically at no charge. The staff report will be available by 5:00 p.m. on Thursday, December 2, 2021, and on the City's website at:

<https://www.cityofalbany.net/cd/projectreview>

Should you wish to discuss this case with a planner, please contact David Martineau, project planner, at david.martineau@cityofalbany.net or 541-917-7555. Submit any written comments to the City of Albany Planning Division; PO Box 490, Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the notice of decision.

YOUR COMMENTS

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

Persons wanting to provide testimony for the Hearings Board public hearing may choose one of the following options:

1. Email written comments to david.martineau@cityofalbany.net **before noon the day of the meeting** and include your name and subject of the public hearing, or mail comments to Albany Planning Division; PO Box 490, Albany, OR 97321; or
2. To testify virtually during the public hearing, register before **noon on the day of the meeting** by emailing cdaa@cityofalbany.net, with your name, address, phone number, and if you are speaking for, against, or neutral on the proposal. The chair will call upon those who registered.

Written comments will be included with the respective meeting agenda packets if received by David Martineau at david.martineau@cityofalbany.net on or before December 2, 2021, for the December 9, 2021, Hearings Board meeting date.

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

Due to the COVID-19 pandemic, the Hearings Board will meet virtually. The meeting is accessible to the public via phone and video connection. If you have a disability that requires accommodation, please notify City staff at least 48-hours in advance of the meeting at 541-917-7550, or email cdaa@cityofalbany.net.

VIRTUAL PUBLIC HEARING PROCEDURE

The public hearing will occur on Thursday, December 9, 2021, at 4:00 p.m. The hearing body will open the public hearing. The public hearing will begin with a declaration of any *ex parte* contacts (contacts that occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the planning staff. Then, the applicant will testify. Following this, written comments received from the public will then be entered into the record. This will be followed by calling upon those who registered

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

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

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

APPEALS

Within five days of the Hearings Board's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice.

A decision of the Hearings Board 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.

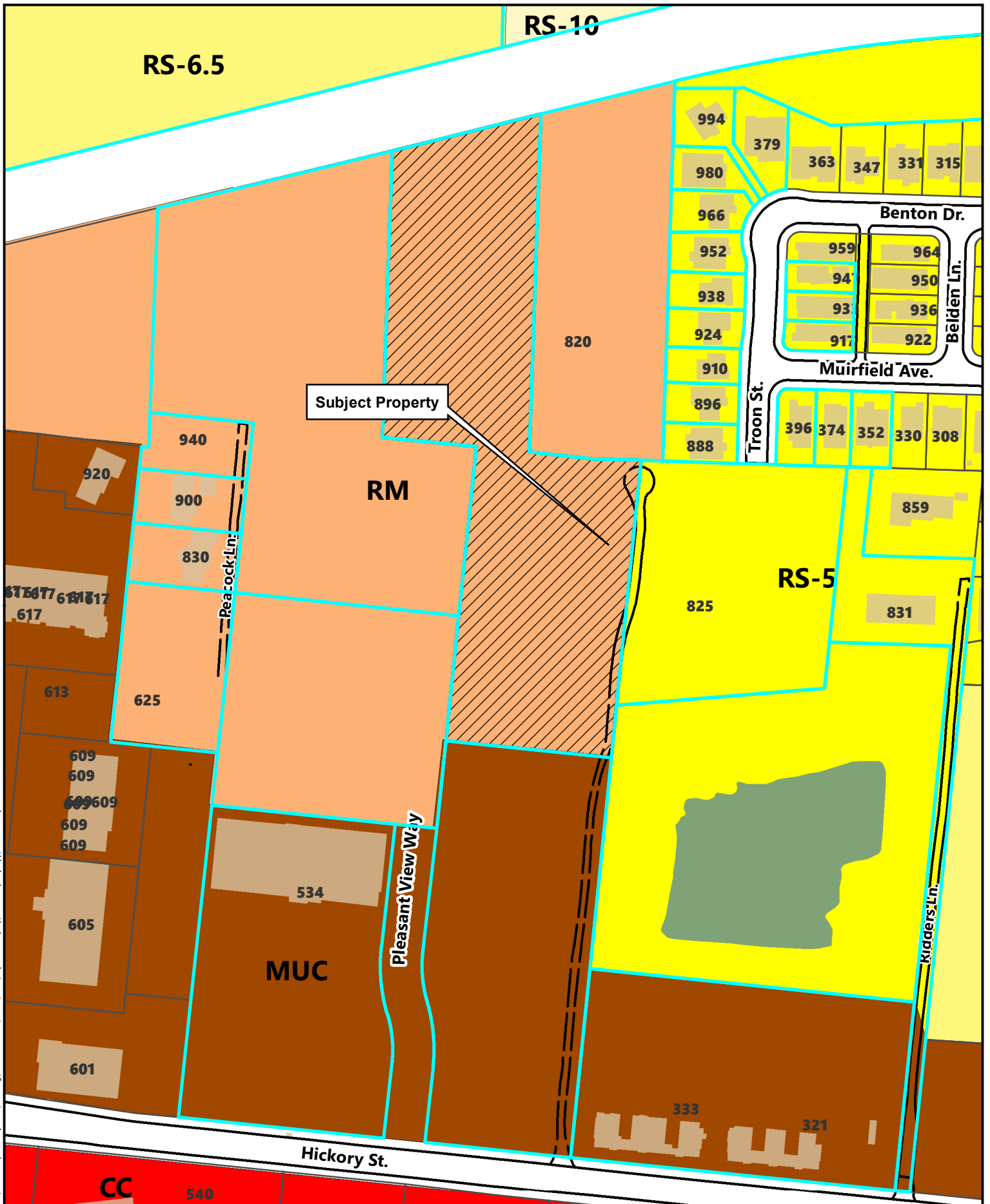
APPROVAL CRITERIA FOR APPLICATIONS

Adjustments (ADC 2.080)

1. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and
2. The proposal will be consistent with the desired character of the base zone; and
3. Any negative impacts resulting from the Adjustment are mitigated to the extent practical; and
4. The proposal will not significantly detract from the livability or appearance of the surrounding area; and
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.

Additional review standards for this Site Plan Review application are found in ADC Articles 1, 2, 3, 8, 9, & 12.

Attachments: Location Map, Site Plan

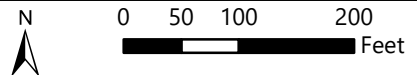


Subject Property

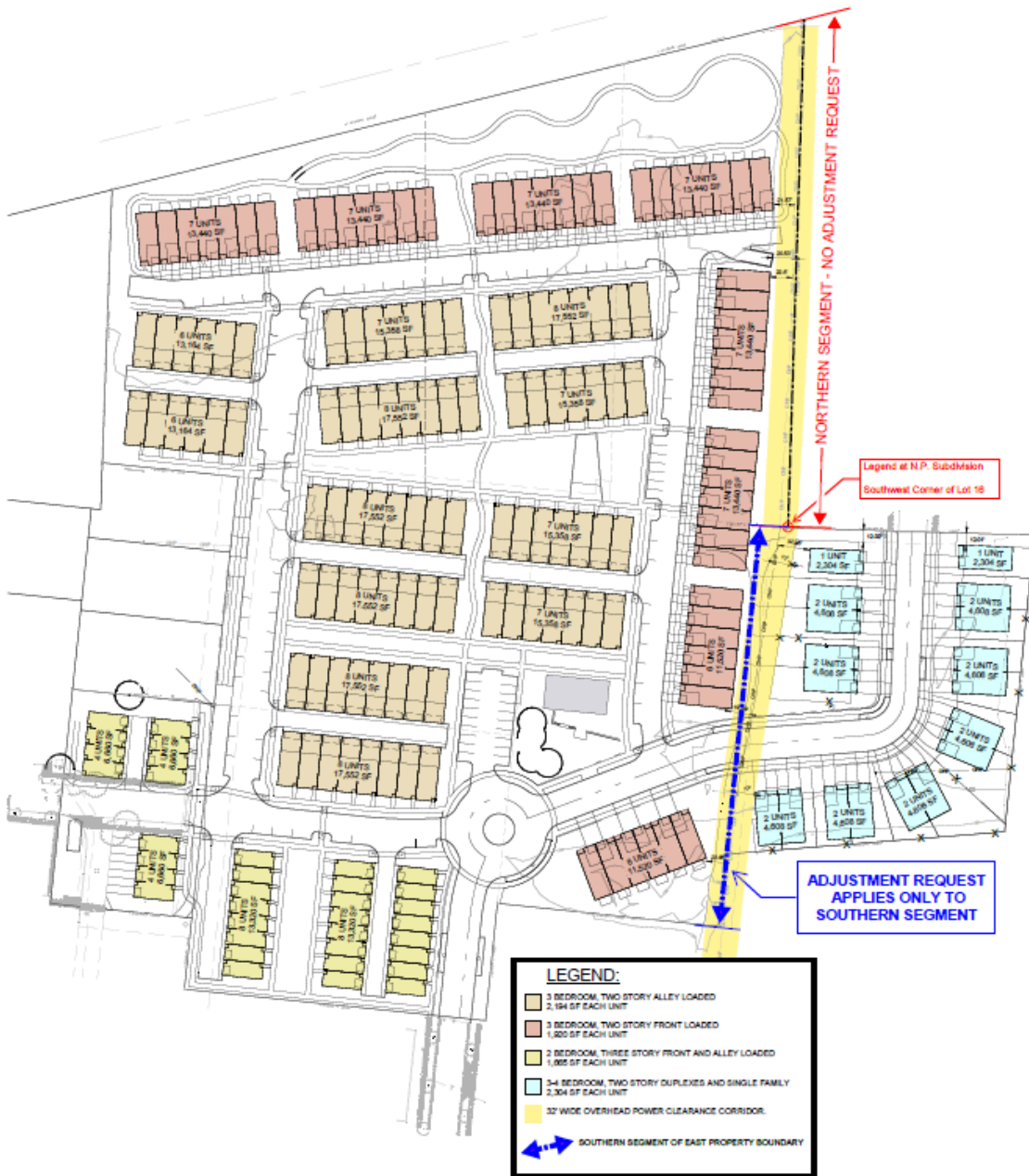
820 NW Ridders Lane

Location / Zoning Map

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Date: 11/16/2021 Map Source: City of Albany



NORTHERN SEGMENT - NO ADJUSTMENT REQUEST

Legend at N.P. Subdivision
Southwest Corner of Lot 18

ADJUSTMENT REQUEST
APPLIES ONLY TO
SOUTHERN SEGMENT

LEGEND:

- 3 BEDROOM, TWO STORY ALLEY LOADED
2,194 SF EACH UNIT
- 3 BEDROOM, TWO STORY FRONT LOADED
1,800 SF EACH UNIT
- 2 BEDROOM, THREE STORY FRONT AND ALLEY LOADED
1,865 SF EACH UNIT
- 3+ BEDROOM, TWO STORY DUPLEXES AND SINGLE FAMILY
2,304 SF EACH UNIT
- 32' WIDE OVERHEAD POWER CLEARANCE CORRIDOR.
- SOUTHERN SEGMENT OF EAST PROPERTY BOUNDARY