



# COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, P.O. Box 490  
Albany, OR 97321

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[www.cityofalbany.net](http://www.cityofalbany.net)

## REVISED NOTICE OF PUBLIC HEARING

### APPEAL OF PLANNING COMMISSION DECISION

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| <b><u>HEARING BODY</u></b>     | City Council  |
| <b><u>HEARING DATE</u></b>     | Wednesday, <del>April 25, 2018</del> <b>May 9, 2018</b>     |
| <b><u>HEARING TIME</u></b>     | 7:15 p.m.   |
| <b><u>HEARING LOCATION</u></b> | Albany City Hall Council Chambers, 333 Broadalbin Street SW |

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#### **GENERAL INFORMATION**

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| DATE OF NOTICE:            | April 16, 2018  |
| FILES:                     | SD-05-17 & SP-14-17   |
| TYPE OF APPLICATION:       | Tentative Subdivision Plat (Pheasant Run) for a 148-lot residential clustered subdivision (Type III); Site Plan Review to remove 22 trees to accommodate development; and Hillside Development Review         |
| REVIEW BODY:               | City Council  |
| PROPERTY OWNER:            | Victor L. Wright Trust; 3440 Scott Avenue NE; Albany, OR 97322  |
| APPLICANT:                 | James Limerick, Hayden Homes; 2464 SW Glacier Place, Suite 110; Redmond, OR 97756   |
| APPLICANT REPRESENTATIVES: | 1) David Karr, Engineer; AKS Engineering & Forestry; 4300 Cherry Avenue NE; Keizer, OR 97303; and<br>2) Joey Shearer, Planner; AKS Engineering & Forestry; 12965 SW Herman Road, Ste. 100; Tualatin, OR 97062 |
| PROPERTY LOCATION:         | Address unassigned, site is located west of Crocker Lane and north of Dover Avenue  |
| MAP/TAX LOT:               | Benton County Assessor's Map No. 10S-04W-35, Tax Lot 100; & 10S-04W-36, Tax Lot 1000  |
| ZONING:                    | RS-10 (Residential Single Family) District; Significant Wetland Overlay (/SW); Riparian Corridor Overlay (/RC); and Hillside Development Overlay (/HD)  |

On March 19, 2018, the Albany Planning Commission denied the application referenced above. A Planning Commission decision can be appealed to the City Council. The Planning Division received a Notice of Appeal and a letter from the applicant explaining the basis of the appeal on March 29, 2018. We have scheduled a de novo public hearing on the appeal before the City Council.

We are mailing notice of this public hearing to property owners within 1,000 feet of the proposed subdivision and to anyone who spoke at the Planning Commission public hearing or submitted written testimony. We invite your comments, either in writing prior to the day of the public hearing or in person at the hearing. Written comments that are submitted by May 1, 2018, will be included with the staff report that goes to the City Council for the public hearing. Comments will be taken into account when the City Council makes a decision on these applications.

We have attached a location map of the subject property. 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 no cost at the Albany Community Development Department, Planning Division. The staff report for the City Council will be available at the Planning Division located in City Hall, 333 Broadalbin Street SW, by 5:00 p.m. on Wednesday, May 2, 2018, and on the City's website at: <http://www.cityofalbany.net/departments/community-development/planning/all-projects>. Copies will be provided upon request at a reasonable cost. For more information, please contact Bob Richardson, Planning Manager, at 541-917-7555. Submit any written comments to the Planning Division; P.O. Box 490; Albany, OR 97321. Emailed comments may be sent to Administrative Assistant Edie O'Neil at [edie.oneil@cityofalbany.net](mailto:edie.oneil@cityofalbany.net). Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

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 ORS 227.178.

### **YOUR COMMENTS**

All testimony and evidence must be directed toward the approval standards for the 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 City Council an adequate opportunity to respond to each raised issue, precludes an appeal based on that issue.

### **PUBLIC HEARING PROCEDURE**

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, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for 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.

### **APPROVAL STANDARDS FOR THIS REQUEST**

Albany Development Code (ADC)

TENTATIVE PLAT REVIEW (ADC 11.180)

- (1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.
- (2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- (3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- (4) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

- (5) The location and design allow development to be conveniently served by various public utilities.
- (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.

CLUSTER DEVELOPMENT (ADC 11.440)

- (1) The proposed development meets all the requirements for cluster development.
- (2) The proposed development preserves natural or unique features that normally would not be either preserved or restored under conventional development standards.

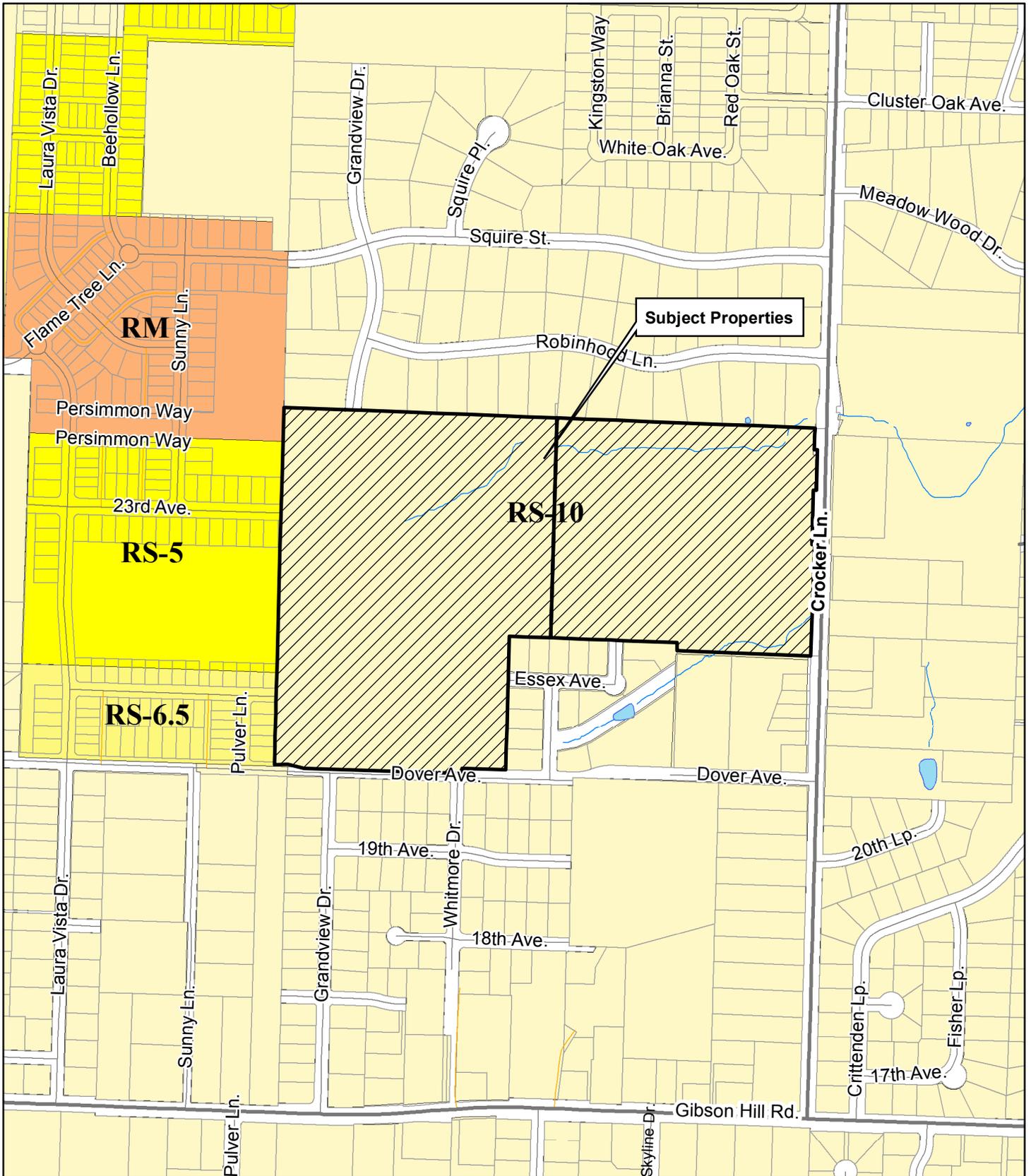
SITE PLAN REVIEW FOR TREE FELLING CONCURRENT WITH LAND DIVISION – (ADC 9.208(2))

- (2) For property where a site plan review, conditional use, or land division application has been approved or is currently under review, the Community Development Director, City Forester, or his/her designee shall approve site plan review when the applicant demonstrates that all of the following review criteria are met:
  - (a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved site plan review or conditional use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
  - (b) The proposed felling is consistent with State standards, City ordinances, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites.
  - (c) The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.
  - (d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.

ADDITIONAL REVIEW STANDARDS FOR THIS SUBDIVISION ARE FOUND IN ALBANY DEVELOPMENT CODE ARTICLES 1, 3, 6, 9, 11, and 12.

*The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 541-917-7500.*

Attachment: Location Map



# Proposed Pheasant Run Subdivision

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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July 17, 2017

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550