Notice of Public Hearing
Site Plan Review, Willamette River Greenway Review and Floodplain Development Review

Files: SP-19-20, WG-02-20, and FP-04-20

January 11, 2021

HEARING INFORMATION

Review Body: Planning Commission
Hearing Date: Monday, February 1, 2021
Hearing Time: 5:15 p.m.
Hearing Location: Due to Governor Brown’s Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection.

At 5:15 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
Access Code: 498-239-709

Application Information


Files: SP-19-20, WG-02-20, and FP-04-20

Review Body: Planning Commission
Property Owner/Applicant: Willamette River View Holdings, LLC
3545 Deerfield Drive South
Salem, OR 97302

Applicant’s Representative: Zach Pelz
AKS Engineering & Forestry, LLC
3700 River Road N, Suite 1
Keizer, OR 97303
The Albany Planning Division has received a request for a public hearing for the application referenced above and has scheduled a public hearing before the Planning Commission. We are mailing notice of this public hearing to property owners within 1,000 feet of the subject site.

A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection by appointment only 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 Monday, January 25, 2021, and on the City's web site at:

http://www.cityofalbany.net/departments/community-development/planning/all-projects.

Should you wish to discuss this case with a planner, please contact Project Planner Melissa Anderson at melissa.anderson@cityofalbany.net or 541-704-2319, or Development Services Manager Matthew Ruettgers at matthew.ruettgers@cityofalbany.net or 541-917-7674. Submit any written comments to the 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 Planning Commission 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 Planning Commission an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

VIRTUAL PUBLIC HEARING PROCEDURE

Due to Governor Brown's Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection.

Written comments will be received by City staff until 5:00 p.m. on Friday, January 22, 2021. To appear virtually during a public hearing, register by emailing cdaa@cityofalbany.net before 3:00 p.m. on the day of the meeting with your name and if you are speaking for, against, or neutral on the project. During public testimony, the chair will call upon those who have registered to speak first, followed by any others.

The public hearing will occur on Monday, February 1, 2021, at 5:15 p.m., and the Planning Commission 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 Planning Commission 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.

If you have a disability that requires accommodation, please notify the Human Resources Department in advance by calling 541-917-7500.

APPEALS

Within five days of the Planning Commission’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.

The Planning Commission’s decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the notice of decision is mailed [ADC 1.520(2)].

APPROVAL STANDARDS FOR THIS APPLICATION

Site Plan Review Criteria, Albany Development Code (ADC) 2.450:

1. Public utilities can accommodate the proposed development.
2. The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
3. The transportation system can safely and adequately accommodate the proposed development.
4. Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
5. The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
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.
7. The site is in compliance with prior land use approvals.
8. Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

Willamette River Greenway Review Criteria, ADC 6.540:

1. Lands designated on the Comprehensive Plan as Open Space are preserved and maintained in open space use.
2. Significant air, water, and land resources including but not limited to natural and scenic areas, viewpoints, vistas, fish and wildlife habitats, etc. in and adjacent to the Willamette River Greenway are protected, preserved, restored, or enhanced to the maximum extent possible.
3. Areas of annual flooding, floodplains, and wetlands are preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.
4. The natural vegetative fringe along the river is maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, and protection from erosion.
(5) The harvesting of timber will be done in a manner which ensures wildlife habitat, and the natural scenic qualities of the Willamette River Greenway are maintained or will be restored.

(6) The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area and provides the maximum possible landscaped area, open space, or vegetation between the activity and the river.

(7) Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and necessary reclamation will be guaranteed.

(8) Any public recreational use of facility will be developed, maintained, and operated in such a way as to minimize adverse effects on adjacent properties.

(9) Building setbacks from the floodway line shall be determined by the setback and height plane as defined in Sections 5.200 and 5.205 of this Code.

(10) Public access will be provided to and along the Willamette River by appropriate legal means for all development in conformance with plans approved by the City.

**Floodway Restrictions.** No development is allowed in any floodway except when the review body finds the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence certified by a registered professional engineer and upon documentation that one of the following criteria has been met (ADC 6.100):

1. The development does not involve the construction of permanent or habitable structures (including fences).
2. The development is a public or private park or recreational use or municipal utility use.
3. The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

For temporary storage of materials or equipment:

4. The temporary storage or processing of materials will not become buoyant, flammable, hazardous explosive, or otherwise potentially injurious to human, animal, or plant life in times of flooding.
5. The temporary storage of material or equipment are not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

If a floodway boundary is not designated on an official FEMA map available to the City, the floodway boundary can be estimated from available data and new studies. Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.

**Floodplain - Site Improvement, Land Division and Manufactured Home Park Standards, ADC 6.110:**

1. All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
2. All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.
4. All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
5. Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.
6. Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
(7) All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: “Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.” [Ord. 5338, 1/28/98]

(8) In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

**Floodplain - Grading, Fill, Excavation, and Paving, ADC 6.111:**

1. Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.

2. The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.

3. No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.

4. In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.

5. The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).

6. All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.

7. Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

**Design Standards, Multiple-Family Development, ADC 8.200-8.305**

Additional review standards for this Site Plan Review application are found in ADC Articles 1, 2, 3, 6, 8, 9, 11 & 12.

**Attachments:**

1. Location Map
2. Site Plan
Notice of Filing

Site Plan Review, Willamette River Greenway Review and Floodplain Development Review

Files: SP-19-20, WG-02-20, and FP-04-20

The Planning Division has received the following APPLICATION. Please provide any written comments you may have on this project to Melissa Anderson (541-704-2319, melissa.anderson@cityofalbany.net) before 5:00 p.m. on December 3, 2020, so we may take your comments into account.

Application Information

Proposal: Site Plan Review, Floodplain Development Review, and Willamette River Greenway Review for construction of a 120-unit multi-family housing project with associated site improvements (parking, landscaping, common open space areas)

Review Body: Staff (Type II review)

Property Owner/Applicant: Willamette River View Holdings, LLC
3545 Deerfield Drive South, Salem, OR 97302

Representative: Zach Pelz, AKS Engineering & Forestry, LLC
3700 River Road N, Suite 1, Keizer, OR 97303

Address/Location: 595 Geary Street NE; 1905, 1925, and 1935 Linn Avenue and 533 Alco Street

Map/Tax Lot: Linn County Assessor’s Map No. 11S-03W-05BD, Tax Lot 300

Zoning: Residential Medium Density (RM)

The City of Albany has received the application referenced above. We are mailing notice of the application to property owners within 1,000 feet of the development. We invite your written comments on this application to be considered when staff decides on this application. Comments must relate to the approval standards listed below. Issues, which may provide the basis for an appeal to the Land Use Board of Appeals, must be raised in writing and with sufficient detail to allow the city to respond. The deadline for submission of written comments is 5:00 p.m. on December 3, 2020, 14 days from the date the city mails the Notice of Filing.

All application materials are available at the Planning Division, and copies can be obtained for a minimal charge. Should you wish to discuss this case with a planner, please visit our office or call Melissa Anderson, project planner, at 541-704-2319, (melissa.anderson@cityofalbany.net). Submit any written comments to the Planning Division; PO Box 490; Albany, OR 97321. Any person submitting written comments will receive a copy of the Notice of Decision.
Approval Standards for This Request

Site Plan Review Criteria, Albany Development Code (ADC) 2.450:

1. Public utilities can accommodate the proposed development.

2. The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

3. The transportation system can safely and adequately accommodate the proposed development.

4. Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

5. The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

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.

7. The site is in compliance with prior land use approvals.

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3. Areas of annual flooding, floodplains, and wetlands are preserved in their natural state to the maximum possible extent to protect water retention, overflow, and other natural functions.

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4. The temporary storage or processing of materials will not become buoyant, flammable, hazardous explosive, or otherwise potentially injurious to human, animal, or plant life in times of flooding.
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Attachments: Location Map and Site Plan