



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

Tentative Subdivision Plat
Riverwood Crossing Subdivision

SD-07-21

October 15, 2021

HEARING INFORMATION

Review Body:	Planning Commission
Hearing Date:	Monday, November 8, 2021
Hearing Time:	5:15 p.m., or shortly thereafter.
Hearing Location:	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

Proposal:	This Tentative Subdivision application proposes to divide a 7.47-acre property into 23 lots. Two phases of the subdivision are proposed. The attached site plan shows the first and second phases of development. The average lot size is approximately 10,000 square feet. Access to all lots is proposed from Gibson Hill Road NW. Future street stubs to abutting properties are proposed. A storm water detention pond is also proposed. Eight trees greater than 25 inches in circumference are proposed for removal.
Review Body:	Planning Commission (Type III review -public hearing)
Property Owner/Applicant:	John and Janet Smith; 8503 Quartzite Circle, Granite Bay, CA 95746
Applicant's Representative:	Troy Plum, TKP Engineering, LLC; P.O. Box 374 Corvallis, OR 97339
Address/Location:	3118 Gibson Hill Road NW. The property is generally located on the south side Gibson Hill Road NW, west of Pulver Lane NW, east of Thorn Drive NW, and north of Honeywood Drive NW (see attached vicinity map).
Map/Tax Lot:	Benton County Assessor's Map No. 11S-04W-35DB; Tax Lot 200
Zoning:	RS-10 (Residential Single-Family District)

The Planning Division of the Albany Community Development Department has received the application referenced above and has scheduled a public hearing before the planning commission. We are mailing notice of this public hearing to participants entitled to notice and property owners within 300 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 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, November 1, 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.

Please 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

This meeting will be accessible to the public via phone and video connection.

Written comments in time for production of the staff report must be received by October 25, 2021; thereafter, written comments will be received until noon on the day of the meeting and forwarded to the planning commission. To appear virtually during a public hearing and present oral testimony, register by emailing cdaa@cityofalbany.net before noon on the day of the meeting with your name, address, phone number, 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, November 8, 2021, at 5:15 p.m. or shortly thereafter. 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, the chair will call upon anyone else who wishes to testify either in support, in opposition, or neutral. The applicant will then be provided an opportunity for rebuttal. The planning commission is 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.

Due to the COVID-19 pandemic, the planning commission meeting is conducted virtually. If you have a disability that requires accommodation, please notify City staff at least 48-hours in advance of the meeting at: cdaa@cityofalbany.net or 541-917-7550.

APPEALS

Within five days of the planning commission's final decision on this application, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice. The planning commission's decision may be appealed to city council, not later than 10 days after the notice of decision is mailed. The council decision (on appeal if necessary) 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 council notice of decision is mailed [ADC 1.520(2)].

Approval Criteria / Standards for this Request:

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.

Tree Fell Criteria (ADC 9.205(2))

For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director or his/her designee shall approve Site Plan Review for tree felling 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 City ordinances including tree regulations in the Albany Municipal Code, 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 application are found in ADC Articles 1, 2, 3, 6, 9, 11, and 12 of the Albany Development Code.

Attachments: Vicinity and Zoning Map, Subdivision Site Plan

Zoning and Vicinity Map



