



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Notice of Decision

Land Division (Tentative Partition Plat), Natural Resource Impact Review, and Floodplain Review

PA-03-23

September 5, 2023

Application Information

Proposal:	Tentative Partition Plat to divide a 0.62-acre parcel into two parcels, Floodplain Development Review for Land Division, and Natural Resource Impact Review..
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Property Owner/Applicant:	Josh Mitchell; 3125 Crocker Lane NW, Albany, OR 97321
Address/Location:	1455 Pacific Boulevard SE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor: 11S-03W-08BB-02700
Zoning:	Community Commercial (CC)

On September 5, 2023, the City of Albany Community Development Director granted **APPROVAL WITH CONDITIONS** of the application described above.

The City based its decision upon consideration of applicable standards and review criteria listed in the Albany Development Code (ADC) with an effective date of December 28, 2022. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW, Albany, OR 97321. For more information, please contact Alyssa Schrems, project planner, at 541-791-0176 or Planning Supervisor David Martineau at 541-917-7555.

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City. This approval expires in three years unless the final plat has been submitted to the City's Planning Division for review and approval.

Signature on file

Community Development Director

Appeal Deadline: September 15, 2023

Approval Expiration Date (if not appealed): September 5, 2026

Attachments: Information for the Applicant, Location Map, Tentative Partition Plat

The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

Conditions of Approval

Public Works

- Condition 1 Prior to recordation of the final partition plat, the owner shall provide a Petition for Improvement/Waiver of Remonstrance for the improvement of 7th Avenue SE.
- Condition 2 Before the City will sign the final partition plat for this project, the applicant must provide a 20-foot-wide public utility easement over the existing public sanitary sewer main that lies within the property boundaries.
- Condition 3 Before the City will sign the final partition plat for this project, the applicant must install a new water service to provide water to each parcel.

Community Development

- Condition 4 The final plat must include a statement that reads 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.”**
- Condition 5 Before the City will sign the final partition plat for this project, the applicant must grant any right of way(s) or access easement(s) that are currently in place across the new parcels that are created, specifically any that apply to Periwinkle Creek.

Information for the Applicant

Please read through the following requirements. This list is not meant to be all-inclusive; we have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Albany Municipal Code (AMC) or ADC regulations, or administrative policies of the Planning, Public Works, Fire, or Building Departments that you must meet as part of the development process. You must also comply with state, federal, and local law.

PLANNING

1. Land use approval does not constitute building or public works permit approvals.
2. **To complete the land division process and create the new parcels:**
 - a. **Satisfy the conditions of approval (if applicable) and submit a final partition plat to the City Planning Division for review and approval. The final plat must be accompanied by a completed final plat application and final plat review fee.** A paper draft copy of the plat may be submitted with the application. The final plat application is available on the City's website.

Note: The Linn County Surveyor also needs to review the final plat. These reviews should be done concurrently. Contact the county surveyor's office to learn about their current processes, fees, and possible other expenses (property taxes must be current, for example).
 - b. The survey and final plat must be prepared by a registered professional land surveyor (Oregon Revised Statutes).
 - c. If applicable, pay or segregate any existing City liens on the property, and pay or finance any other fees due as a result of the land division. Contact the Finance Department at 541-917-7533 to make these arrangements.
 - d. After the City signs the final plats, they will be returned to the applicant for recording.

- e. **After recording, and before the City will accept a permit application to develop either parcel, the property owner must:**
 - (i) Return one copy of the recorded final plat to the Albany Planning Division; **and**
 - (ii) Provide the Building Division with a copy of Linn County's Tax Assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.

Expiration of Land Use Approvals (ADC 1.310)

3. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
 - a. The applicant has installed all of the required public infrastructure related to the development, and the infrastructure has been accepted by the City, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600, or the first phase, if the development was approved for phased construction; or
 - b. If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
 - c. Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases not to exceed five years for all phases. Each phase that is platted and developed shall conform to the applicable requirements of this title; or
 - d. An extension has been filed before the expiration date and subsequently granted approval pursuant to Section 1.320.

PUBLIC WORKS – ENGINEERING

4. 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 information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.
5. All land disturbing development must meet the requirements of the Albany Municipal Code (AMC) 12.40 Erosion Preventions and Sediment Control (EPSC). The Erosion Prevention and Sediment Control Manual 2.2.1 states:

“Regardless of whether or not a permit is required, all land disturbing activities must be preformed in a manner to prevent or minimize, to the greatest extent practical, soil erosion and the deposition or introduction of sediments upon or into right-of-way; wetlands, drainage ways, the municipal stormwater system, receiving waters, and/ or areas that include or contribute directly to the Waters of the State.”

Prior to any land disturbing activity the property owner shall apply for and be issued an EPSC permit to ensure best management practices for erosion control. Residential EPSC Permits shall be closed out prior to Certificate of Occupancy per EPSC Manual 2.3.3:

“After the completion of all land disturbing activities, the owner will make a request to the City to perform a final inspection. Upon verification by the inspector that permanent site stabilization measures have been installed and are functioning effectively, the EPSC permit will be closed.”

BUILDING

6. The proposed project may require permits that will need to be applied for at www.cityofalbany.net/permits. For questions about permitting requirements, please email cd.customerservice@cityofalbany.net.

7. The proposed design has not been reviewed for code compliance with the Oregon Building Code and the design will need to meet the applicable Oregon Building Code requirement in effect at time of application.
8. ONE- & TWO-FAMILY STRUCTURE FIRE DEPARTMENT APPROACH & WATER SUPPLY- Should the fire official determine that an inadequate fire apparatus approach and/or inadequate access to water supply condition exists for one or more parcels of your proposed partition, the building official shall require the installation of an NFPA Standard 13D fire suppression system to address the inadequacies pertaining to structures built on affected parcel(s) in lieu of you having to provide adequate fire apparatus approach (turn-around) and water supply (hydrant). This is in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two-Family Dwellings.
9. SANITARY SYSTEM- Each lot will need to be provided with a connection to an approved sewer (OPSC 721.0) and water system (OPSC 601.2). Where a well or septic system is needed, approvals from such governing entities shall be provided prior to issuance of the building permit (ex: well log and septic permit). (OPSC 601.2 & 713.1)

FIRE

10. These comments apply to new development, not existing structures.
11. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If this project utilizes an access easement which doubles as an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal.

A “no-parking” restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire access. Signage will be required.

12. 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)
13. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.

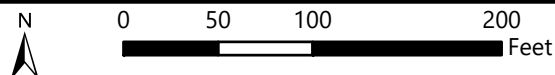
14. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3).
15. INADEQUATE FIRE APPROACH & 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



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Date: 5/31/2023 Map Source: City of Albany

1455 Pacific Blvd SE

Location Map

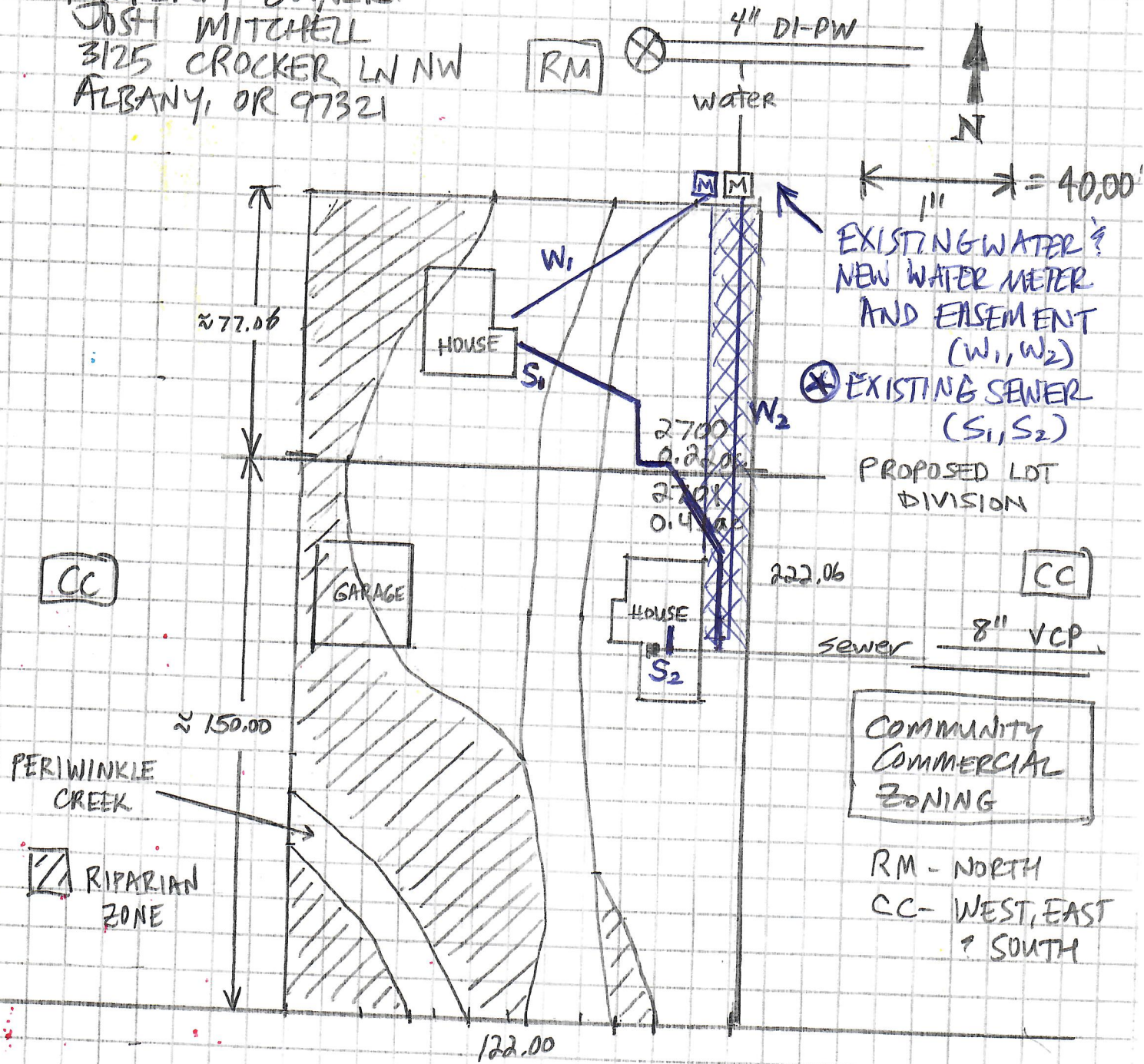
1455 PACIFIC BLVD

1455 PACIFIC BLVD
ALBANY, OR 97321
11503W 08BB 02700

DIMENSIONS

122 x 222.06
0.62 ACRES

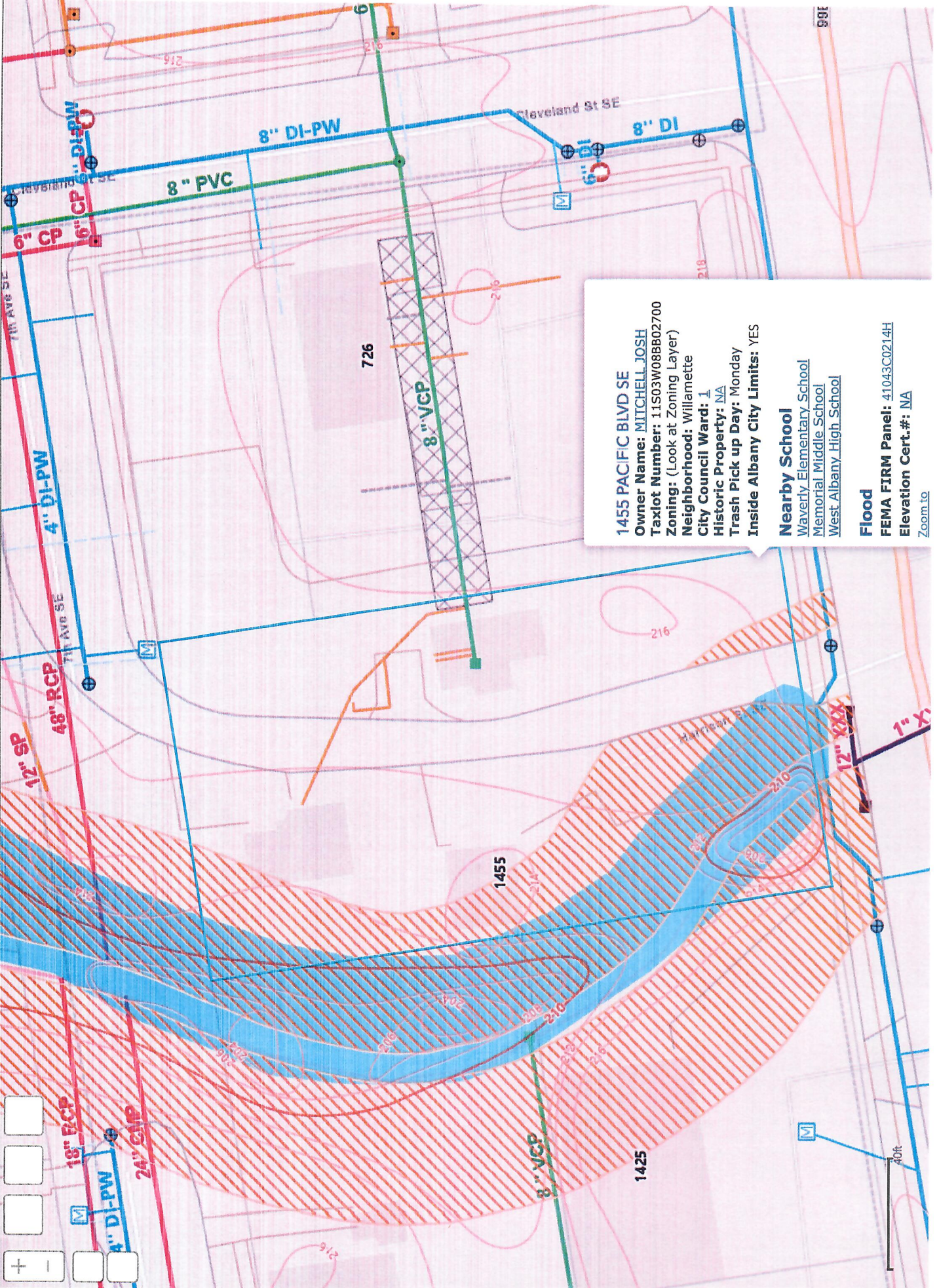
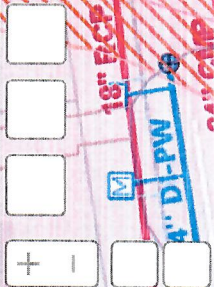
PROPERTY OWNER:
JOSH MITCHELL
3125 CROCKER LN NW
ALBANY, OR 97321



PACIFIC BLVD

CC

5.22.23



1455 PACIFIC BLVD SE
Owner Name: MITCHELL, JOSH
Taxlot Number: 11503W08B02700
Zoning: (Look at Zoning Layer)
Neighborhood: Willamette
City Council Ward: 1
Historic Property: NA
Trash Pick up Day: Monday
Inside Albany City Limits: YES

Nearby School
Waverly Elementary School
Memorial Middle School
West Albany High School

Flood
FEMA FIRM Panel: 41043C0214H
Elevation Cert.#: NA

Zoom to