



COMMUNITY DEVELOPMENT

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

Notice of Decision

Tentative Partition Plat Review

PA-06-24

May 14, 2024

Application Information

Proposal:	Tentative Partition Plat to divide one parcel into three parcels.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Property Owner/Applicant:	James and Janis Vandehey; 1827 NW Olivia Circle, Albany, OR 97321; janvandehey@msn.com
Applicant's Representative:	Laura LaRoque; Udell Engineering and Land Surveying; 63 E Ash Street, Lebanon, OR 97355
Applicant's Engineer:	Brian Vandetta; Udell Engineering and Land Surveying, LLC; 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2325 Marion Street SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-18AB Tax Lot 1601
Zoning:	RS-6.5 (Residential Single-Dwelling Unit)

On May 6, 2024, 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 29, 2023. 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 Jennifer Cepello, project planner, at 541-917-7561 or Current Planning Manager, 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: May 24, 2024

Approval Expiration Date (if not appealed): May 14, 2027

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

albanyoregon.gov/cd



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 ensure compliance with all applicable regulations.

Conditions of Approval

- Condition 1** Prior to the recordation of the partition plat, the applicant shall demolish the existing duplex.
- Condition 2** The applicant shall provide an access easement and maintenance agreement with the final plat for review.
- Condition 3** Prior to the recordation of the partition plat, the applicant shall widen the existing driveway approach at the location shown on the approved tentative partition plat map, and pave or provide financial assurance for the placement of the shared portion of the driveway serving Parcels 1, 2, and 3.
- Condition 4** Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system for each parcel an Encroachment Permit must be obtained from the Public Works Department.
- Condition 5** Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 6** Before the City will issue any occupancy permit for the proposed project, the applicant must obtain a stormwater quality permit through the City's Public Works Department and construct stormwater quality and detention facilities that comply with the City's Engineering Standards.

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 performed 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

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

2. 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.
3. ONE- & TWO-DWELLING 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
4. 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)
5. A 36-inch-wide emergency access easement may need to be provided to address the emergency egress for sleeping rooms to comply with the Oregon Residential Specialty Code.

FIRE

6. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)

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):

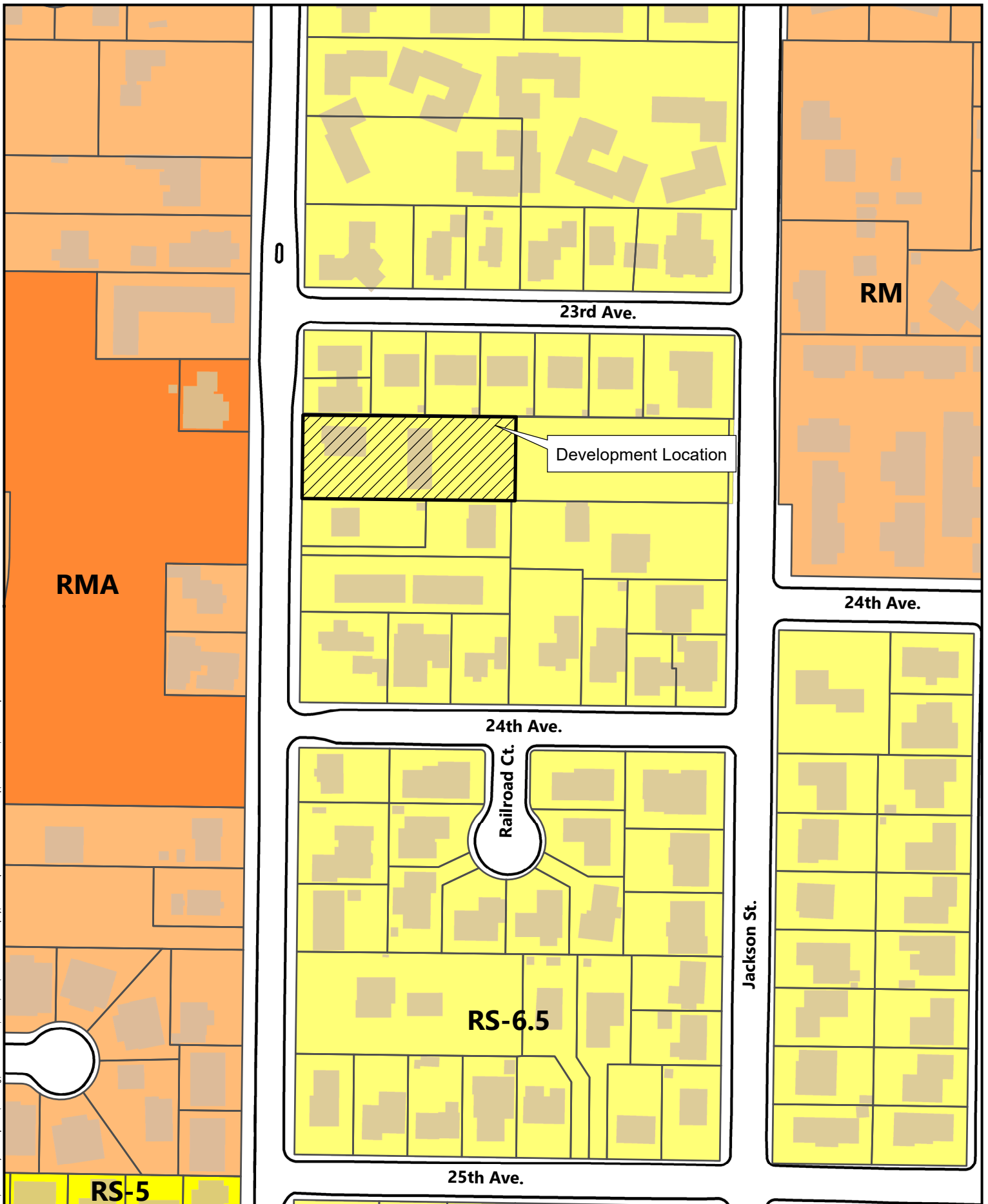
An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances, and rescue services and other lawful governmental or private emergency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

7. The fire apparatus access road must have an unobstructed vertical clearance of not less than 13 feet and 6 inches. (OFC503.2.1)
8. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY.

If the Fire Official determines that there is an adequate 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 **OAD 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:

- Installation of an NFPA Standard 13D fire suppression system



RMA

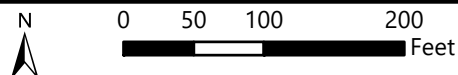
RM

Development Location

RS-6.5

RS-5

2325 Marion Street SE



Date: 3/20/2024 Map Source: City of Albany

Location Map



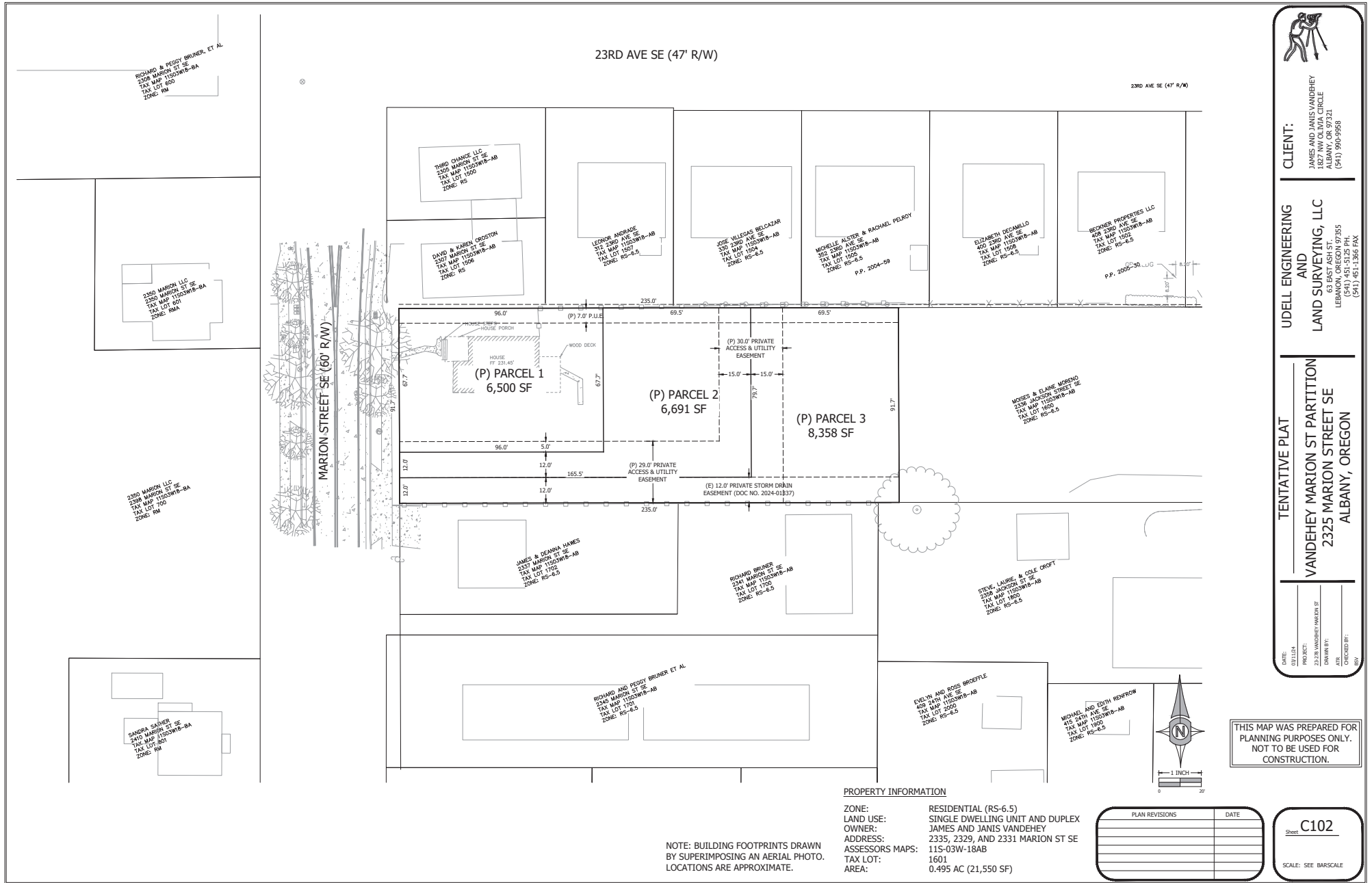
CLIENT:
 JAMES AND JANIS VANDEHEY
 63 EAST ASH ST.
 ALBANY, OR 97321
 (541) 990-9958

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

TENTATIVE PLAT
 VANDEHEY MARION ST PARTITION
 2325 MARION STREET SE
 ALBANY, OREGON

DATE: 03/11/24
 PROJECT: 2325 MARION STREET SE
 DRAWN BY:
 ATR
 CHECKED BY:
 JVP

THIS MAP WAS PREPARED FOR
 PLANNING PURPOSES ONLY.
 NOT TO BE USED FOR
 CONSTRUCTION.



23RD AVE SE (47' R/W)

23RD AVE SE (47' R/W)

MARION STREET SE (60' R/W)

NOTE: BUILDING FOOTPRINTS DRAWN
 BY SUPERIMPOSING AN AERIAL PHOTO.
 LOCATIONS ARE APPROXIMATE.

PROPERTY INFORMATION
 ZONE: RESIDENTIAL (RS-6.5)
 LAND USE: SINGLE DWELLING UNIT AND DUPLEX
 OWNER: JAMES AND JANIS VANDEHEY
 ADDRESS: 2335, 2329, AND 2331 MARION ST SE
 ASSESSORS MAPS: 115-03W-18AB
 TAX LOT: 1601
 AREA: 0.495 AC (21,550 SF)

PLAN REVISIONS	DATE

Sheet **C102**

SCALE: SEE BARS/SCALE