



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Tentative Replat

RL-13-22

June 29, 2023

### Application Information

Proposal:	Consolidate two adjacent lots
Review Body:	Planning Staff (Type I-L Review)
Property Owner/Applicant:	Richard Mulasky, 2881 Miller Lane NW, Albany, OR 97321
Address/Location:	2881 Miller Lane NW, Albany, OR 97321
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-26DA Tax Lots 2600 & 2700
Zoning:	Residential Single Dwelling (RS-10)

On June 29, 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). 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 Liz Olmstead, project planner, at 541-917-7640 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: July 10, 2023**

**Approval Expiration Date (if not appealed): July 10, 2026**

Attachments: Information for the Applicant, Location Map, Tentative Replat

## Conditions of Approval

- Condition 1** Prior to final approval of the replat, the property owners must submit a signed and notarized Petition for Improvements/Waiver of Remonstrance for a public sewer across the Miller Lane NW frontage of Lots 18 and 19.
- Condition 2** Prior to final approval of the replat, the property owners must submit a signed and notarized Petition for Improvements/Waiver of Remonstrance for a public water across the Miller Lane NW frontage of Lots 18 and 19.

*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.*

## 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 replat process:**
  - a. **Submit a final partition plat to the City Planning Division for review and approval.**

Note: The Benton 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 plat, it 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 return one copy of the recorded final plat to the Albany Planning Division.

### 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

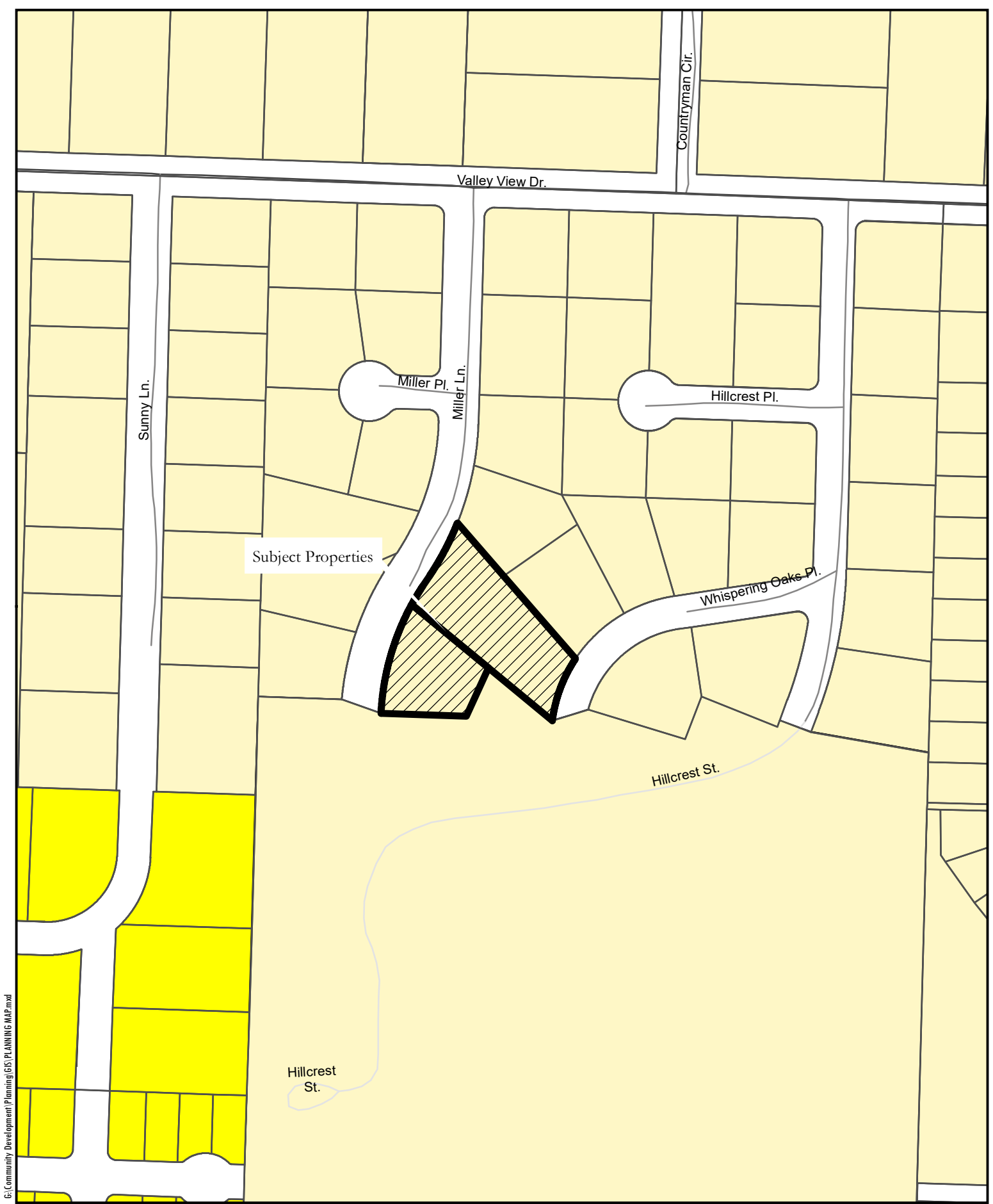
- c. Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases not to exceed five years 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.

## BUILDING

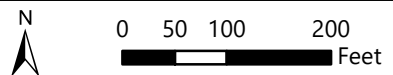
1. The proposed project may require permits that will need to be applied for at [www.cityofalbany.net/permits](http://www.cityofalbany.net/permits). For questions about permitting requirements, please email [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net).
2. The proposed 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-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.
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).

## PUBLIC WORKS – ENGINEERING

1. 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.



G:\Community Development\Planning\GIS\PLANNING MAP.mxd



Date: 5/24/2023 Map Source:

**2881 Miller Lane NW**

Location Map

**SUBJECT PROPERTIES**

**PROPERTY 1**  
TAX LOT 2600 (MAP 105-04W-26DA)  
2811 NW MILLER LANE  
ALBANY, OR 97321

ZONE: RS-10 - RESIDENTIAL SINGLE FAMILY

**OWNER:**  
RICHARD MULASKEY + SUSANNA PFEFFER-MULASKEY  
2811 NW MILLER LANE  
ALBANY, OR 97321

**PROPERTY 2**  
TAX LOT 2700 (MAP 105-04W-26DA)  
NO ADDRESS ASSIGNED

ZONE: RS-10 - RESIDENTIAL SINGLE FAMILY

**OWNER:**  
RICHARD MULASKEY + SUSANNA PFEFFER-MULASKEY  
2811 NW MILLER LANE  
ALBANY, OR 97321

**ADJUSTMENT STATS:**

**PROPERTY 1**  
ORIGINAL AREA: 0.54 ACRES \*  
ADJUSTMENT: +0.40 ACRES  
NEW AREA: 0.94 ACRES

**PROPERTY 2**  
ORIGINAL AREA: 0.40 ACRES \*  
ADJUSTMENT: -0.40 ACRES  
NEW AREA: 0.00 ACRES

\* PER COUNTY ASSESSOR'S DATA

**NOTE:**

DATA SHOWN ON THIS MAP FROM THE LINN COUNTY GIS DATABASE, AERIAL PHOTOGRAPHS, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.

**APPLICANT:**

SUSANNA MULASKEY  
2811 NW MILLER LANE  
ALBANY, OR 97321

**SURVEYOR:**

K+D ENGINEERING, INC.  
276 NW HICKORY ST.  
ALBANY, OR 97321

**NOTE:**

DATA SHOWN ON THIS MAP IS BASED ON BENTON COUNTY AND CITY OF CORVALLIS GIS DATABASES, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.

**TENTATIVE PROPERTY LINE ADJUSTMENT**

LOT CONSOLIDATION  
A RE-PLAT OF LOTS 18 + 19 OF  
VALLEY VIEW HEIGHTS

FOR

**RICHARD MULASKEY +  
SUSANNA PFEFFER-MULASKEY**

LOCATED IN

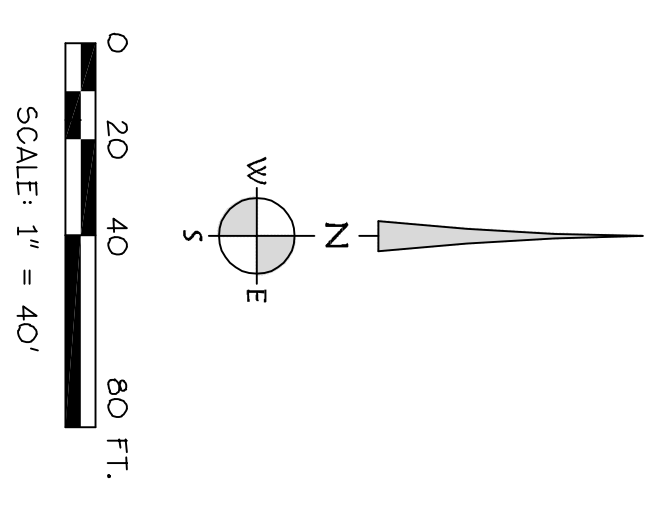
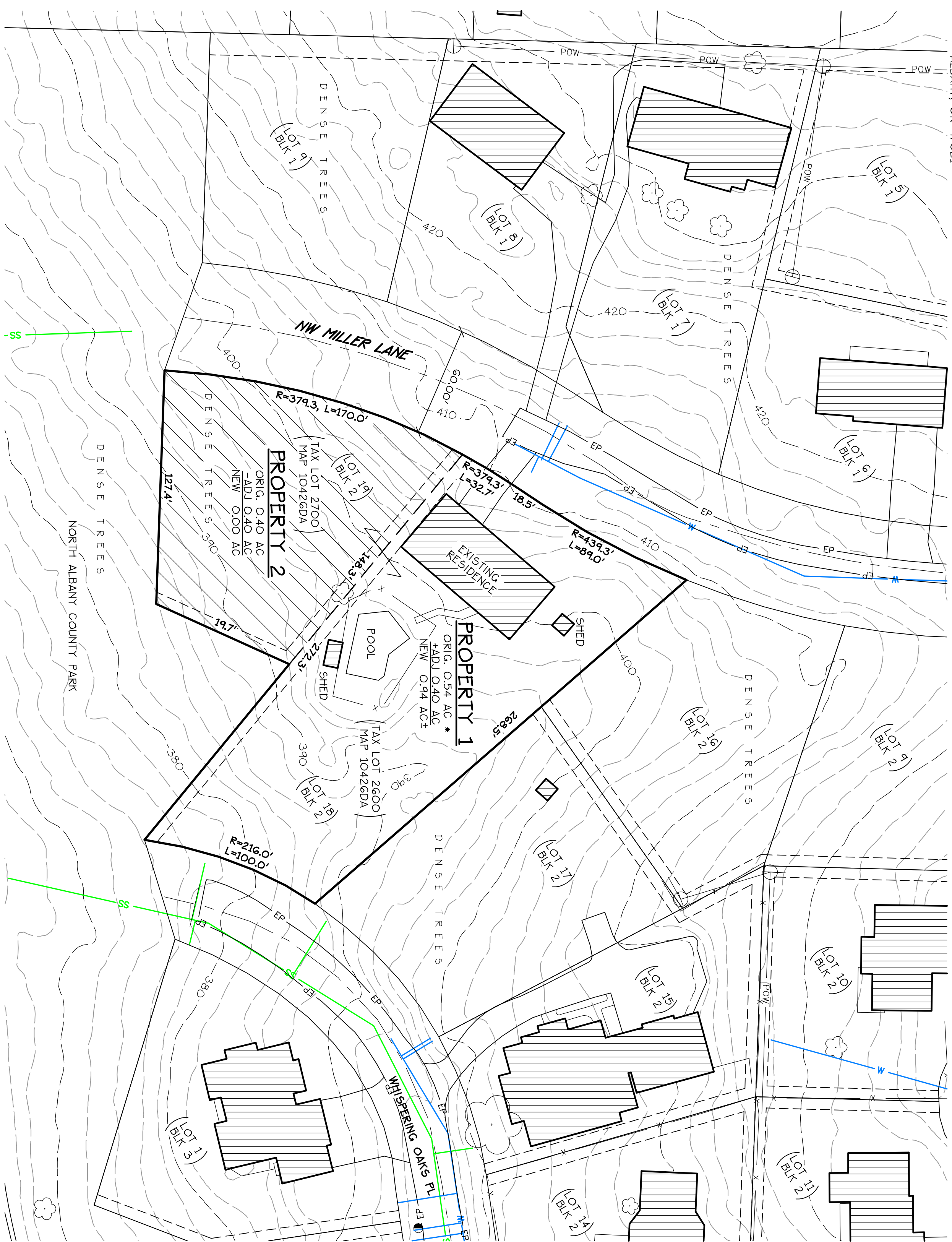
**SE 1/4 SEC. 26, T. 10 S., R. 4 W., W.M.**  
IN THE

**CITY OF ALBANY, BENTON COUNTY, OREGON**

DECEMBER 13, 2022

**LEGEND:**

- ⊙ EXIST. UTILITY POLE
- ☁ DECIDUOUS TREE
- EP — EXIST. EDGE OF PAVEMENT
- POW — EXIST. OVERHEAD POWER
- SS — EXIST. SEWER LINES
- W — EXISTING WATER MAINS
- - - EXIST. UTILITY EASEMENT LINE
- - - PROPERTY LINE TO BE REMOVED
- ▨ AREA TO BE TRANSFERRED FROM PROPERTY "2" TO PROPERTY "1" 0.40 ACRES. PER ASSESSOR



**K & D ENGINEERING, Inc.**  
276 NW Hickory Street, P.O. Box 725  
Albany, Oregon 97321  
(541) 928-2583

Date: 12/13/2022 Time: 10:03  
Scale: 1"=40'  
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