



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)

PA-01-24

April 2, 2024

Application Information

Proposal:	Tentative Partition Plat to divide a 16,099 square foot property into two parcels.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Property Owner/Applicant:	JPRE LLC c/o John Wulf, 6125 Belle Pond Way S, Salem, OR 97306
Address/Location:	2240 Water Avenue NE, Albany, OR 97321
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-05DB-03000
Zoning:	RS-5 (Residential Single-Dwelling Unit)

On April 2, 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 Alyssa Schrems, project planner, at 541-791-0176 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: April 16, 2024

Approval Expiration Date (if not appealed): April 2, 2027

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 ensure compliance with all applicable regulations.

Conditions of Approval

- Condition 1** Prior to recordation of the partition plat, the owner shall provide a Petition for Improvement/Waiver of Remonstrance for the improvement of Water Avenue.
- Condition 2** Prior to recordation of the partition plat, the applicant must extend public sanitary sewer and water mains to the eastern boundary line of Parcel 1 to provide access for Parcel 2. The applicant must have individual sanitary sewer and water services installed for each of the proposed new parcels.
- Condition 3** Prior to any building permit applications, a detailed drainage report will need to be submitted to Public Works for review and approval.

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

6. 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.
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-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

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. 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).
11. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4).
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)

“No-Parking – Fire Lane” signage will be required on both sides of Water Avenue, from Columbus to the easternmost portion of your property.

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.

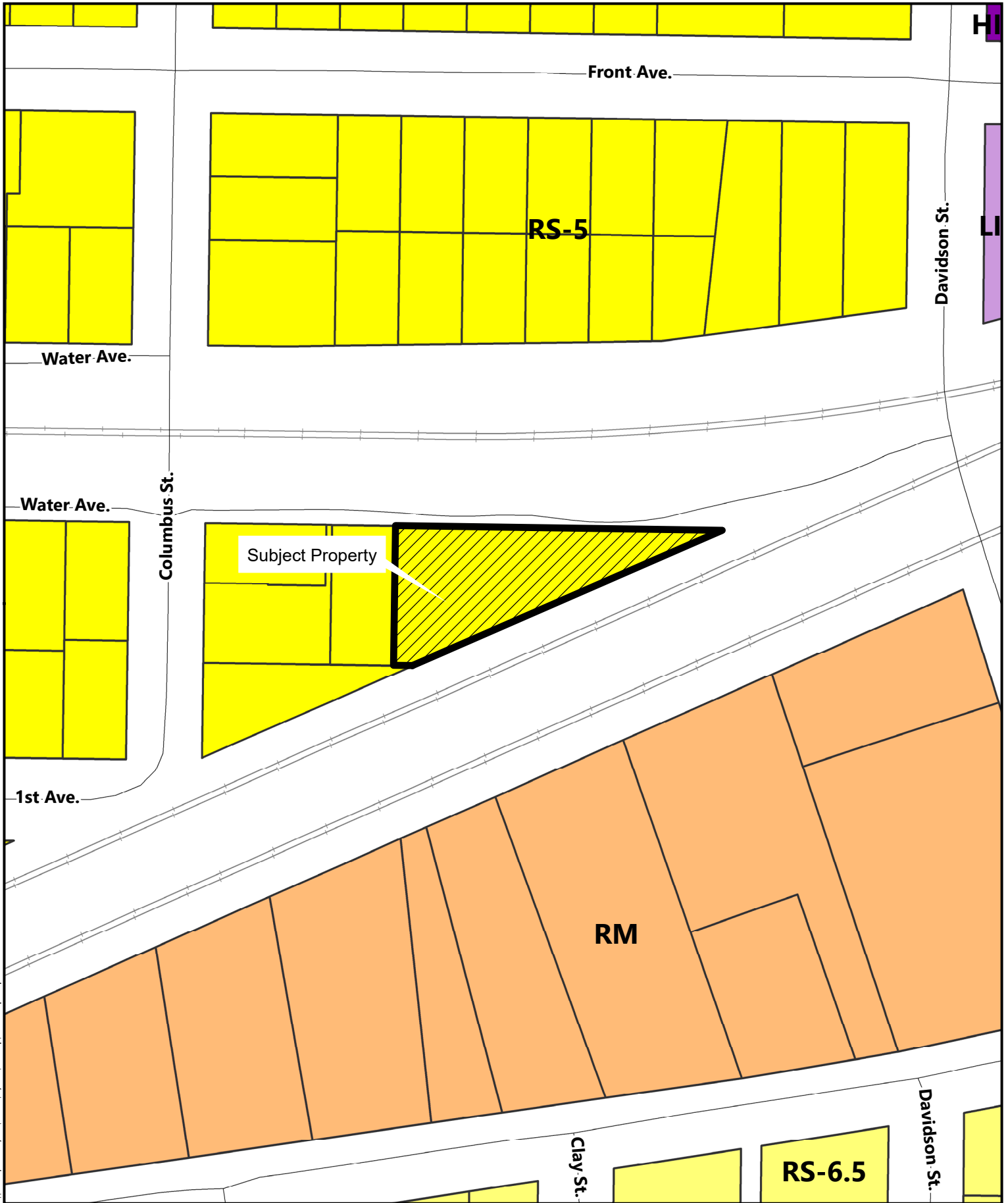
The existing road must be free of potholes.

14. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be 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

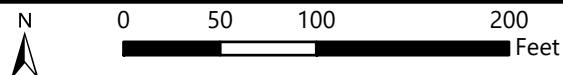
If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in OAR 918-480-0125, 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

16. Since Water Avenue cannot be widened to 20 feet due to railroad right-of-way and existing property restrictions, Fire will entertain a full NFPA 13 fire suppression system with ESFR heads. The hydrant for the FDC shall be placed on the SE corner of the intersection of Columbus and Water.



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2240 Water Ave NE

Date: 2/16/2024 Map Source: City of Albany

Location Map

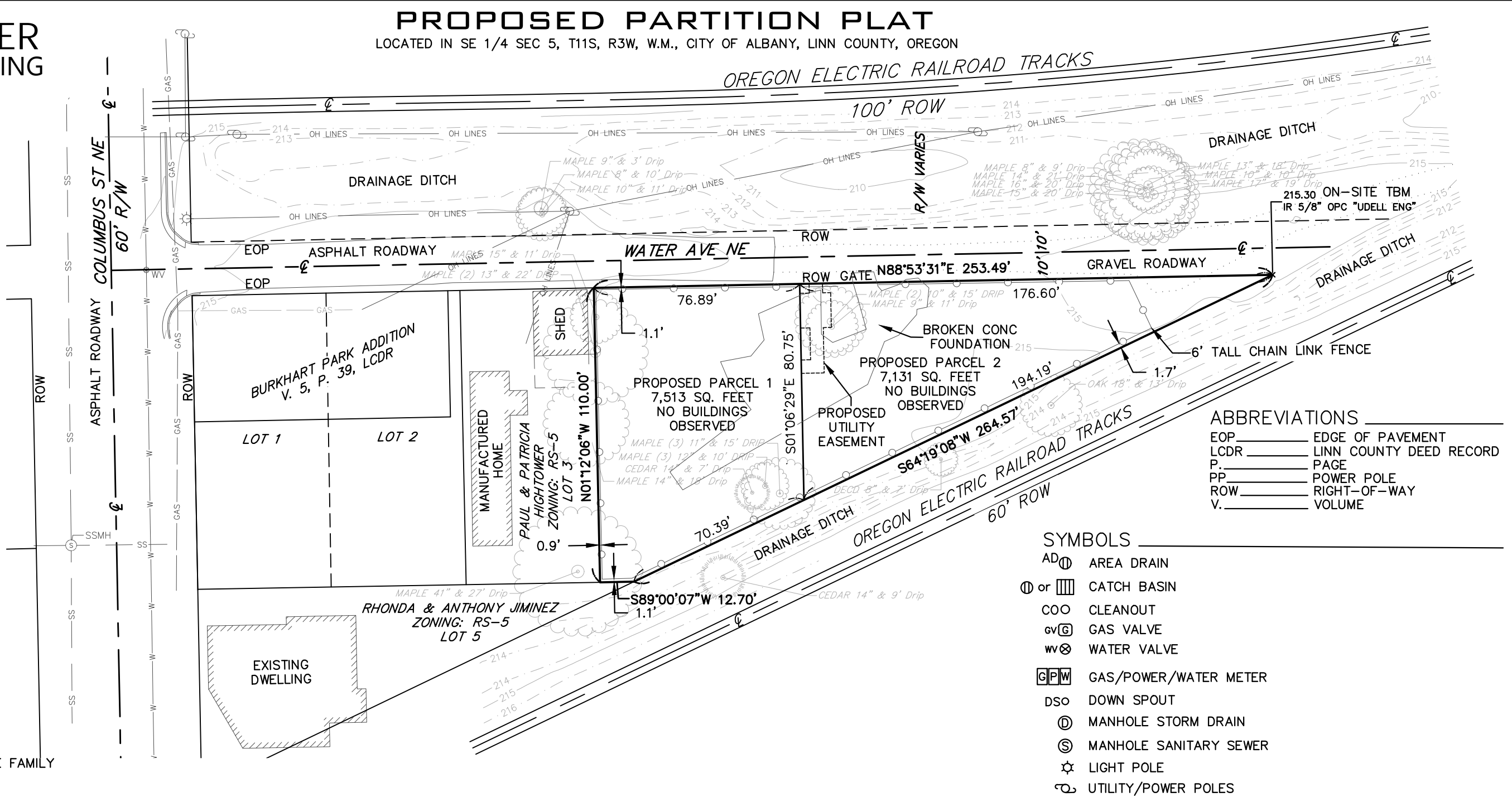


PROPOSED PARTITION PLAT

LOCATED IN SE 1/4 SEC 5, T11S, R3W, W.M., CITY OF ALBANY, LINN COUNTY, OREGON



SCALE: 1" = 40'
DATE: 2/1/2024



OWNER:
JPRE LLC
6125 BELLE POND WAY S
SALEM, OR

LOCATION:
2240 WATER AVE NE
ALBANY, OR

TAX LOT:
11S03W05DB03000

ZONING:
RS-5, RESIDENTIAL SINGLE FAMILY

TOTAL AREA:
14,644 SQ. FEET

ARCHITECT:
GENE BOLANTE
STUDIO 3 ARCHITECTURE
275 COURT ST NE
SALEM, OR 97301
GENE@STUDIO3ARCHITECTURE.COM
503-390-6500

SURVEYOR:
BRAD R. HARRIS
BARKER SURVEYING
3657 KASHMIR WAY SE,
SALEM, OR 97317
BRAD@BARKERWILSON.COM
503-588-8800

EASEMENT NOTE:
SUBJECT PROPERTY IS AFFECTED BY THE EASEMENTS MENTIONED IN DOC. NO. 2013-15825 & 2014-00192. EASEMENTS ARE GRANTED TO QWEST COMMUNICATIONS COMPANY, LLC, AND LOCATION OF EASEMENT IS DESCRIBED AS BEING WITHIN OR "HAS COMMON BOUNDARY" TO SUBJECT PROPERTY.

DOCUMENTS DO NOT PROVIDE PARTICULARS ON LOCATION OF EASEMENT.

NO PROPOSED EASEMENTS OR DEDICATION

BENCHMARK UTILIZED:
N.G.S. #QE1470

ELEV: 223.62' NAVD 88

LOCATED IN ALBANY, OREGON, AT THE INTERSECTION OF SALEM AVE AND WAVERLY DRIVE, 81.0' SOUTH OF THE CENTERLINE OF SALEM AVENUE, 28.9' SOUTHEAST OF THE NORTHEAST CORNER OF THE TWIN OAKS APARTMENTS, 24.3' WEST OF THE CENTERLINE OF THE DRIVE, AND 0.3' EAST OF THE WEST SIDEWALK OF THE DRIVE.

ABBREVIATIONS

EOP	EDGE OF PAVEMENT
LCDR	LINN COUNTY DEED RECORD
P.	PAGE
PP	POWER POLE
ROW	RIGHT-OF-WAY
V.	VOLUME

SYMBOLS

AD	AREA DRAIN
or	CATCH BASIN
COO	CLEANOUT
gv	GAS VALVE
wv	WATER VALVE
G/P/W	GAS/POWER/WATER METER
DSO	DOWN SPOUT
⊙	MANHOLE STORM DRAIN
⊙	MANHOLE SANITARY SEWER
⊙	LIGHT POLE
⊙	UTILITY/POWER POLES

TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET)
NOTE: DIAMETER MEASURED AT BREAST HEIGHT

LINE TYPES

EASEMENT LINE	---
FENCE LINE	—○—○—○—○—○—○—
GAS LINE	—GAS—GAS—GAS—GAS—GAS—
EDGE OF GRAVEL LINE
OVERHEAD LINE	—OH LINES—OH LINES—OH LINES—
SANITARY SEWER LINE	—SS—SS—SS—SS—SS—SS—
WATER LINE	—W—W—W—W—W—W—