



COMMUNITY DEVELOPMENT

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

Notice of Filing

Partition, Floodplain Development Permit, Natural Resources Impact Review

PA-03-23; FP-07-23; & NR-02-23

August 9, 2023

The City of Albany Planning Division has received the following APPLICATION. The deadline for submission of written comments is 5:00 p.m. on **August 23, 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
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 Tax Assessor's Map No. 11S-03W-08BB-02700
Zoning:	Community Commercial (CC)
Overlay Districts:	Floodplain Overlay District (/FP) & Riparian Corridor Overlay (/RC)

The City of Albany has received the partition application referenced above. We are mailing notice of the application to property owners within 300 feet of the proposed development. We invite your written comments on this application, to be considered when staff decides on this application. This application is subject to the Type I-L procedure identified in Section 1.100(2) of the Albany Development Code (ADC). Type I-L decisions are made by the Community Development Director after the notice period. Written comments must relate to the approval standards listed below. Issues which may provide the basis for an appeal to the Planning Commission must be raised in writing and with sufficient detail to allow the City to respond to the issue. The deadline for submission of written comments is 5:00 p.m. on **August 23, 2023**, 14 days from the date the City mails the Notice of Filing.

All application materials are available for review at the Planning Division, and copies can be obtained for a minimal charge. Should you wish to discuss this case with a planner, please contact **Alyssa Schrems, project planner**, at 541-791-0176 or alyssa.schrems@cityofalbany.net. Submit any written comments to the Planning Division; PO Box 490, Albany, OR 97321. Any person submitting written comments will receive a copy of the notice of decision.

Approval Standards for This Request

Tentative Plat Review, Section 11.180 of the Albany Development Code (Code) includes the following review criteria that must be met for this application to be approved.

1. The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.

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 Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
5. The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
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.

Floodplain Review: Site Improvement, Land Division and Manufactured Home Park Standards (ADC 6.110)

In addition to the general review criteria for site improvements, land divisions and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards:

- (1) All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
- (2) All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.
- (4) All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (5) Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.
- (6) Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
- (7) All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read 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."
- (8) In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Natural Resource Impact Review Standards (ADC 6.310)

- A. General Requirements for Significant Natural Resource overlay districts. A proposed activity will not be approved unless all of the following are true:
 - (1) The proposed activity is allowed under the requirements of the base zone.

- (2) There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.
 - (3) The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.
 - (4) Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.
 - (5) Any applicable local, state, and federal permits are secured.
 - (6) The additional requirements of ADC 6.310 (B) will be met.
- B. Additional Requirements, Limitations, and Exceptions for Specific Activities in the Riparian Corridor and Significant Wetland overlay districts. In addition to the general requirements listed above, the following requirements, limitations, and exceptions apply to development activities within the Riparian Corridor and Significant Wetland overlay districts.
- (1) Land Divisions. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any Significant Natural Resource overlay district to establish a development site area and/or separate a developed area from the natural resource areas. For the purposes of this section, for residential land divisions, "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.
 - (2) Structures and Land Altering Activities. The placement of structures and other impervious surfaces, as well as grading, excavation, placement of fill, and vegetation removal, are prohibited. Exceptions may be made for the purposes identified in items a-f of this Section, provided they are necessary to accommodate an approved activity and comply with any stated requirements for the activity or use.
 - (a) Water-Related and Water-Dependent Uses. Development of water-related and water-dependent uses.
 - (b) Permanent Alteration Within the Riparian Corridor. Disturbance or development within the Riparian Corridor overlay district shall be allowed under the following circumstances:
 - (i) The resource is characterized as 'marginal' or 'degraded' using the standards found in 6.410(5).
 - (ii) Demonstration that equal or better protection will be ensured through riparian corridor restoration and enhancement within the remaining overlay district area per the mitigation requirements in Sections 6.400 and 6.410. If the site is encumbered by easements or rights-of-way that would preclude onsite restoration or enhancement, an "in-lieu of payment" may be made to the City in the amount equal to the cost of onsite mitigation. Residentially zoned lots that were created prior to December 1, 2011, that are less than 20,000 square feet and can't be further subdivided are allowed to encroach up to 25 feet into the Riparian Corridor overlay district without the requirement for restoration or enhancement of the remaining 25 feet. The mitigation requirements in Section 6.400 still apply.
 - (iii) In no case shall the site improvements be any closer than 25 feet from the Ordinary High-Water mark or upland edge of the wetland unless the improvements are otherwise allowed or exempted per this Section of the Code.
 - (c) Vegetation Removal. Removal of live vegetation that is not exempt under 6.290(9) is only allowed to accommodate an approved use or development activity under this section of the Code.

(d) Private Construction of Public Non-Master Planned Transportation Facilities and Privately Owned Transportation Facilities. In addition to other city standards, the following standards shall apply to the location and construction of public non-master planned and/or private transportation facilities and structures, such as driveways, local streets, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths. In addition to other city standards, the following standards shall apply to privately constructed transportation facilities and structures:

- (i) The facility is designed to be the minimum width necessary to allow for safe passage of vehicles, bicycles and/or pedestrians, and to meet minimum width requirements.
- (ii) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.
- (iii) The number of crossings is the minimum amount necessary to afford safe and efficient access. Albany Development Code, Article 6 6 - 25 December 28, 2022
- (iv) The number of crossings is minimized where reasonably feasible through use and creation of shared access for abutting lots and access through easements for adjacent lots.
- (v) Crossing structures have a natural bottom or other design that meets ODFW fish passage requirements.

(e) Private Construction of Public Non-Master Planned Utilities and Privately Owned Utilities. In addition to other city standards, the following standards shall apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for public non-master planned utilities and private utilities, within or crossing parcels in Significant Natural Resource overlay districts, as well as any above-ground utility structures. In addition to other city standards, the following standards shall apply to privately constructed utility projects:

- (i) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only feasible alternative, it shall be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity.
- (ii) Common trenches for private utilities, to the extent allowed by the building code, shall be required where reasonably feasible in order to minimize disturbance to the protected resource.
- (iii) Topsoil and sod shall be conserved during trench construction or maintenance and replaced on top of the trench. Side-casting and storage of excavated material prior to replacement on top of trench is permitted. Any side-cast material not placed back on top of the trench shall be removed and may not be stored in the Significant Natural Resource overlay district after the construction or maintenance work is completed.
- (iv) Hydraulic impacts on protected resources are minimized.
- (v) Where reasonably feasible, crossings of significant natural resources shall be aligned to minimize impact area.
- (vi) Above-ground utilities that cause ground disturbance in the Significant Natural Resource overlay district and are not within an existing right-of-way or easement, and are not shown in an approved master plan, will only be allowed in limited circumstances, and if they meet the general requirements in 6.310(A).

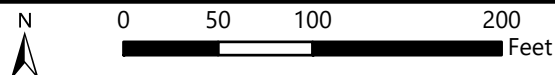
(f) Minor or Major Variance. Development associated with an approved Minor or Major Variance.

Additional review standards for this application are found in ADC Articles 1, 2, 4, 6, 8, 9, 11 & 12.

Attachments: Location Map, Applicant's Partition Site Plan



\\con.cityofalbany.net\homes\analysis\ss\Desktop\Notice Map Template.mxd



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

1455 Pacific Blvd SE

Location Map

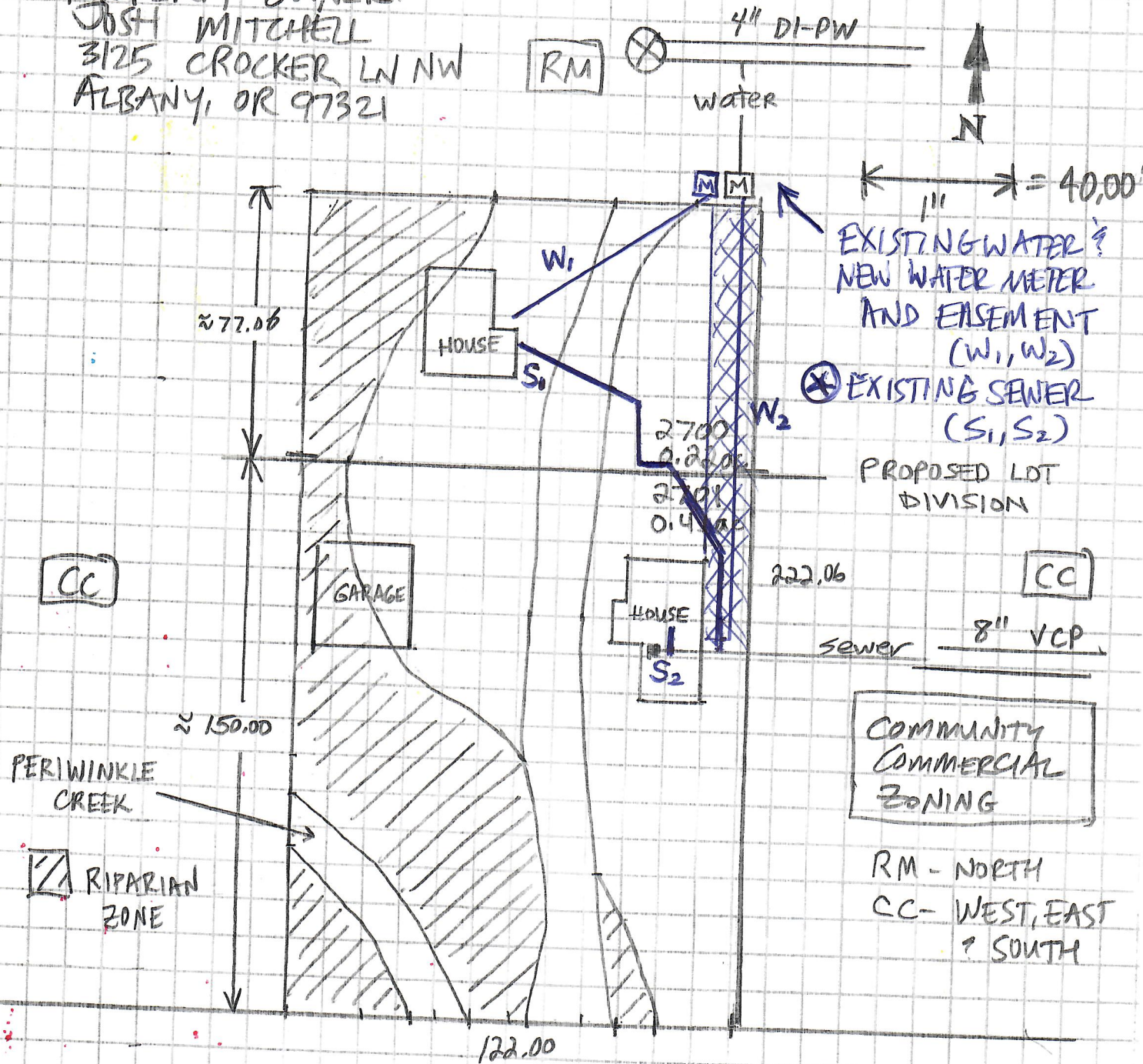
1455 PACIFIC BLVD

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

DIMENSIONS

122 x 222.06
 0.62 ACRES

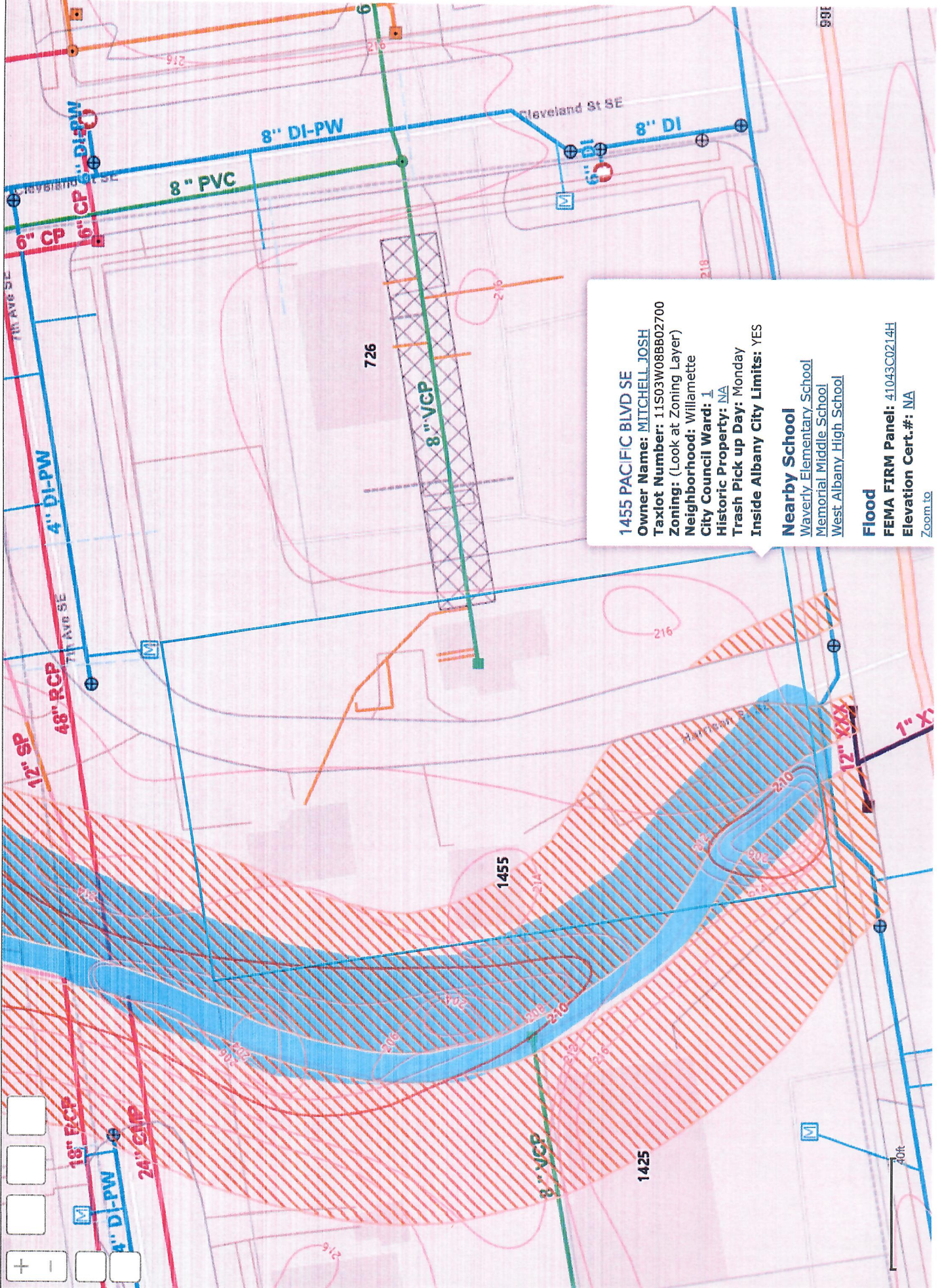
PROPERTY OWNER:
 JOSH MITCHELL
 3125 CROCKER LN NW
 ALBANY, OR 97321



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