Notice of Decision
Adjustment

Application Information

Proposal: Adjustment to the 25-foot Noise Setback from Pacific Blvd. (per ADC 3.320) to allow a portion of a new single-family home to be located within the noise setback.

Review Body: Staff (Type I-L review)
Report Prepared By: Tony Mills, Planner I
Property Owner/ Applicant: Calvin Bontrager and Justin Tedrow
Address/Location 1000 36th Avenue SW Albany, Oregon 97322
Map/Tax Lot: Linn County Assessor’s Map No. 11S-04W-13DC; Tax Lots 2802
Zoning: RS-6.5 (Residential Single Family)

On June 26, 2020, the City of Albany Community Development Director granted Approval with Conditions of the application referenced above.

The City based its decision on the project’s conformance with the 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. For more information, please contact the project planner, Tony Mills at 541-917-7555, or Planning Manager David Martineau at 541-917-7561.

The City’s decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the Director’s Notice of Decision is mailed [ADC 1.330(5)(a)]. 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.

Appeal Deadline: July 29, 2020
Approval Expiration Date (if not appealed): July 8, 2023
Attachments: Location Map, Site Plan
Conditions of Approval

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.

Condition 1  A layer of 5/8” gypsum board with green glue noise proofing compound is required to be installed to manufacturers specifications along any habitable space situated within the 25-foot noise setback area.

Information for the Applicant

Please read 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, engineering, fire, or building departments that you must meet as part of the development process. You must comply with state, federal, and local law. 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.

Planning

1. Land use approval does not constitute building or public works permit approvals.
2. Construction of the development must substantially conform to the approved Site Plan Review.

Building

Permits

3. Obtain building permits prior to any construction.
4. An Erosion Prevention and Sediment Control Permit is required to be obtained from public works before commencing land disturbing activities affecting an area of 2,000 square feet or greater, cumulatively.

Plan Review for Permits

5. All plans submitted for review for building permits will need to be submitted electronically. Contact the Building Division front counter at ePlans@cityofalbany.net for details and instructions prior to submittal.

Public Works - Engineering

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.

Fire

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code and has no comments.