



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Notice of Decision

Comprehensive Map Amendment, Zoning Map Amendment; with Concurrent Partition, and Site Plan Review for a Multi-Unit Development

CP-04-22, ZC-06-22, PA-09-22, & SP-23-22

February 24, 2023

MAIL DATE:	February 24, 2023
DECISION DATE:	February 22, 2023
TYPE OF APPLICATION:	Partition to create two parcels, Parcel 1 at 3.30 acres and Parcel 2 at 1.53 acres; Comprehensive Plan Map Amendment to change from General Commercial (GC) to Medium Density Residential (MDR), with a concurrent zone change from Community Commercial (CC) to Residential Medium Density Attached (RMA) for Parcel 2; a Site Plan Review to construct a 42-unit apartment complex upon Parcel 2.
REVIEW BODY:	Planning Commission and City Council (Type IV, Quasi-Judicial and Legislative Decision)
PROPERTY OWNERS:	Mega Investments, LLC; P.O. Box 1746; Albany, OR 97321 Lal Din Sidhu; 1038 Broadway Street NE, Salem, OR 97301
REPRESENTATIVE:	Laura LaRoque; Udell Engineering and Land Surveying LLC 63 E. Ash Street; Lebanon, OR 97355
ADDRESS/LOCATION:	2000 Queen Avenue SE, Albany, OR 97322
ASSESSOR MAP & TAX LOT:	Linn County Assessor's Map No. 11S-03W-08CD; Tax Lot 211

On February 22, 2023, the Albany City Council adopted Ordinance No. **6009** to amend the comprehensive plan and zoning map as described above.

A copy of Ordinance No. **6009** is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Jennifer Cepello, project planner, at 541-917-7561 or Jennifer.cepello@cityofalbany.net.

cd.cityofalbany.net



The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830, a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after Notice of Decision is mailed or otherwise submitted to parties entitled to notice.

Signature on file

City of Albany Mayor

Attachments:

Ordinance No. 6009 with associated exhibits

Comments from Albany Fire Department

Appeal to LUBA Expiration Date: March 17, 2023

Conditions of Approval

- Condition 1:** The final partition plat shall include:
- Dedication, or reference to dedication, of a 24-foot-wide access and utility easement across Parcel 1 for the benefit of Parcel 2. The easement shall be located as shown on the approved tentative plat map.
 - Dedication to the public right-of-way of 10-foot-wide easement for a multiuse path along the Geary Street frontage of Parcel 1.
- Condition 2** Prior to the issuance of 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 facilities that comply with the City's Engineering Standards.
- Condition 3** Prior to the issuance of any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- Condition 4** Prior to the issuance of any occupancy permit for the proposed project, the applicant must obtain a Site Improvement permit from Public Works Department for connecting to the public water main for the proposed fire hydrant.
- Condition 5** Before the City will sign the Final Plat, the applicant must show a utility easement over the sanitary sewer lateral serving Parcel 1.
- Condition 6** **Maximum Lot Coverage.** Parcel 2 shall not exceed a maximum lot coverage of 70 percent of impervious materials.
- Condition 7** **Screening of Refuse Containers.** Prior to issuance of a Building Permit for the applicant shall submit details of the screening for the refuse containers and their compliance with ADC 3.390
- Condition 8** **Site Improvements.** Before the City will issue a Final Occupancy Permit for the proposed development, all proposed and site improvements identified to the site plan (e.g., driveways, landscaping, lighting, etc.) shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.

- Condition 9 Children’s Play Area.** Before the City will issue a Building Permit for the proposed development, the applicant shall provide a detailed plan demonstrating how the criteria in ADC 8.220(2)(a)(ix) are met. Before the City will issue a Final Occupancy Permit for the proposed development, the applicant shall install the children’s play area fencing.
- Condition 10 Private Open Space.** Before the City will issue a Building Permit for the proposed development, the application shall provide detailed building plans demonstrating compliance with the private open space standards in ADC 8.220(3).
- Condition 11 Pedestrian Connections.** Before the City will issue a Building Permit for the proposed development, the applicant shall provide a detailed site plan containing pedestrian connections to the public right-of-way.
- Condition 12 Bicycle Parking.** Before the City will issue a Final Occupancy Permit for the proposed development, the applicant shall provide evidence that required bicycle parking meets the standards of ADC 9.120(13) by installing secured parking racks for each space and installing shelter for three spaces (one half of the required bicycle parking).
- Condition 13 Buffers.** Before the City will issue a Building Permit for the proposed development, the applicant shall provide a revised site plan, detailing the conformance to the buffering standards of ADC 9.210 and ADC 9.240 along the northern and eastern property lines.
- Condition 14 Landscaping and Irrigation System.** Before the City will issue a Building Permit for the proposed development, the applicant shall provide a landscape plan and either an irrigation plan or a letter from a qualified landscape professional stating irrigation is not required per ADC 9.160.
- Condition 15 Lighting.** Before the City will issue a building permit for the proposed development, the applicant shall provide a lighting plan, detailing the compliance with ADC 9.120(14).

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 Albany Development Code (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.

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 SERVICES

See attached letter from Fire Marshal Lora Ratcliff.

BUILDING

1. The proposed project will require permits that will need to be applied for at www.cityofalbany.net/permits. The proposed design has not been reviewed for code compliance and the design will need to meet the applicable Oregon Building Code requirements in effect at the time of application.
2. The proposed site plan will require an additional accessible parking stall and access aisle dedicated to the Type A unit as specified in OSSC 1106.2
3. An accessible route would need to be provided to the public way to comply with OSSC 1104.1
4. Twenty percent (13) stalls of the proposed parking shall be provided with electrical vehicle charging infrastructure complying with OAR 918-460-0200.



TO: Jennifer Cepello, Planner
FROM: Lora Ratcliff, Fire Marshal
DATE: January 6, 2023
SUBJECT: SP-23-22 – 2000 Queen Ave SE– Multi-Family Development – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments:

**** NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee***

1. 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.

2. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)
3. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
4. IF FIRE SPRINKLERED: Location of any Fire Department Connections (FDCs) that may serve any fire sprinkler system(s) protecting your buildings shall be installed at a location approved by the Albany Fire Department and shall be provided with approved STORZ fitting. **The FDC shall be located a distance equal to at least 1½ times the height of the building, when possible, near the site entrance as not to obstruct subsequent arriving fire apparatus, and within 40 feet of a fire hydrant** (public fire hydrants whenever possible). (OFC 903.3.7 and Albany Fire Department requirements)

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