

## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# Notice of Decision

## Floodplain Development Review

FP-02-20

August 18, 2020

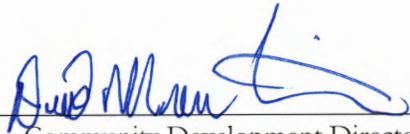
### Application Information

Proposal:	Floodplain Review for fill and grading in the special flood hazard area
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	City of Albany; 333 Broadalbin Street SW, Albany, Oregon 97321
Engineer / Representative:	Public Works Engineering, Nolan Nelson on Behalf of the City of Albany, 310 Waverly Drive NE, Albany, Oregon 97321
Address/Location	554 Columbus Street NE (Multiple Addresses)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05DB; Tax Lot 5600
Zoning:	Zoning at the Site Area: Heavy Industrial (HI) with Floodplain Overlay (/FP) Zoning on the Subject Property: Heavy Industrial (HI), Light Industrial (LI), Residential Medium Density (RM) with Floodplain Overlay (/FP), Riparian Corridor Overlay (/RC) and Significant Wetland Overlay (/SW)

On August 18, 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. 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 **Melissa Anderson, senior planner**, at 541-704-2319 or by email at [melissa.anderson@cityofalbany.net](mailto:melissa.anderson@cityofalbany.net) or David Martineau, Planning Manager, 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.

  
Community Development Director:

**Appeal Deadline to LUBA: September 8, 2020**

**Approval Expiration Date (if not appealed): February 13, 2021**

*This approval expires within 180 days unless the permitted activity has been substantially begun and thereafter pursued to completion (ADC 6.093).*

## Conditions of Approval

- Condition 1 Prior to issuance of an EPSC permit, the applicant shall submit to the Community Development Department a final grading plan stamped by a licensed engineer.
- Condition 2 At the conclusion of the proposed project, the following documentation shall be submitted to the Community Development Department:
- a) As-built drawings with elevations provided; and
  - b) Letter from the Engineer of Record who is licensed in the state of Oregon, stating the fill was placed in accordance with the signed plans.

**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 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 Municipal Code (AMC) or 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.

### Planning

1. Land use approval does not constitute Building or Public Works permit approvals.
2. An Erosion Prevention and Sediment Control Permit is required by Public Works prior to site development.
3. Construction of the development must substantially conform to the approved plans.
4. Impacts to wetlands are regulated by the Department of State Lands (DSL) and the U.S. Army Corps of Engineers (ACOE). It is the applicant's responsibility to contact DSL and ACOE to ensure compliance with all applicable regulations.
5. Prior to development of the site for a compost facility, a land use review with approval is required.

### Engineering

Stormwater Quality: While not an approval criterion for the floodplain development permit, the AMC requires stormwater quality facilities to be constructed with all new/redevelopment projects on sites in excess of one-acre where more than 8,100 square feet of impervious surface will be created and/or replaced. This project appears to exceed these thresholds and therefore will be required to construct stormwater quality facilities. Associated code sections for this requirement are presented below.

12.45.030 Permit required: A post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).

12.45.040 Permit exemptions:

- (1) A development may be exempted from the requirement of AMC 12.45.030 when one or more of the following conditions exist:
  - (a) The development is for the construction of not more than three single-family or duplex dwelling(s) on an existing lot(s) of record.
  - (b) The development creates and/or replaces less than 8,100 square feet of impervious surface, cumulatively.
  - (c) The Director has determined that physical characteristics of the site (including current development) make effective on-site construction of the facilities impractical; and that an off-site post-construction stormwater quality fee has been paid per AMC 12.45.100.
  - (d) The Director has determined that the site topography or soils makes it impractical or ineffective to construct the facilities on site or within planned improvements in the public right-of-way; and that an off-site post-construction stormwater quality fee has been paid per AMC 12.45.100.

12.45.080 Post-construction stormwater quality plan required: Applicants for a post-construction stormwater quality permit shall submit as a part of their permit application a post-construction stormwater quality plan. Each plan shall comply with the minimum standards outlined in the engineering standards, construction

standards, and the provisions of this chapter. Each post-construction stormwater quality plan shall be reviewed, approved, and stamped by a professional licensed in Oregon as a civil or environmental engineer or landscape architect. (Ord. 5841 § 3, 2014).

## Building

### PERMITS

A Geotechnical Report and Building Permits will be required prior to future construction of the site as a compost facility.

### PLAN REVIEW FOR PERMITS

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

## Attachments:

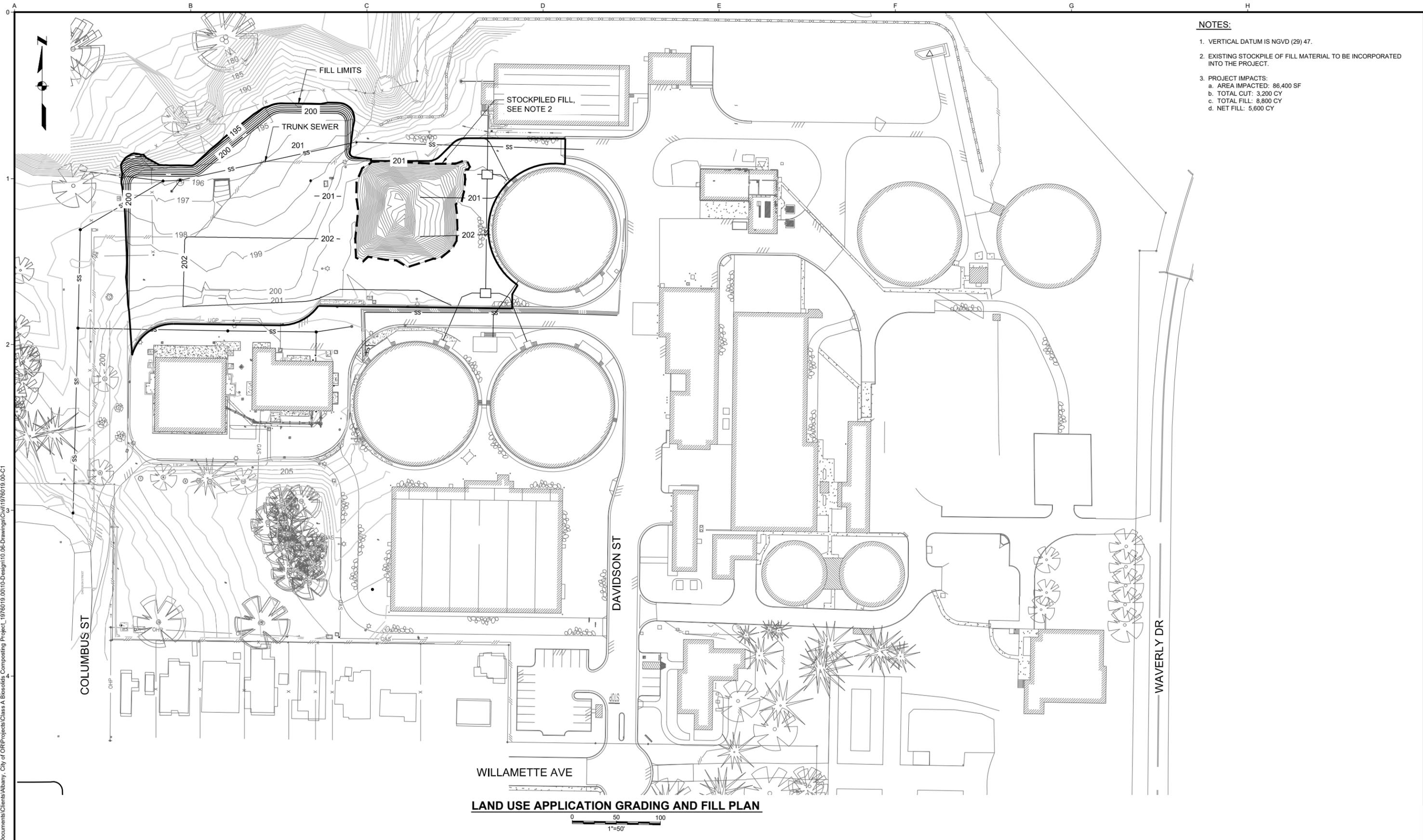
1. Location Map
2. FIRMette Map
3. Preliminary Grading Plan (Sheet C-2)







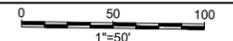




- NOTES:**
1. VERTICAL DATUM IS NGVD (29) 47.
  2. EXISTING STOCKPILE OF FILL MATERIAL TO BE INCORPORATED INTO THE PROJECT.
  3. PROJECT IMPACTS:
    - a. AREA IMPACTED: 86,400 SF
    - b. TOTAL CUT: 3,200 CY
    - c. TOTAL FILL: 8,800 CY
    - d. NET FILL: 5,600 CY

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**LAND USE APPLICATION GRADING AND FILL PLAN**



<p><b>USE OF DOCUMENTS</b></p> <p>THIS DOCUMENT, INCLUDING THE INCORPORATED DESIGNS, IS AN INSTRUMENT OF SERVICE FOR THIS PROJECT AND SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF KENNEDY/JENKS CONSULTANTS ©.</p>		<p><b>SCALES</b></p> <p>0 — 1" = 50'</p> <p>0 — 25mm</p> <p>IF THIS BAR IS NOT DIMENSION SHOWN, ADJUST SCALES ACCORDINGLY.</p>	<p><b>PRELIMINARY NOT FOR CONSTRUCTION</b></p>	<p>DESIGNED CLW</p> <p>DRAWN GAS</p> <p>CHECKED</p>	<p>CITY OF ALBANY ALBANY, OR</p> <p><b>CLASS A BIOSOLIDS COMPOSTING PROJECT: PHASE 1</b></p> <p> Kennedy Jenks</p>	<p><b>LAND USE APPLICATION GRADING AND FILL PLAN</b></p>	<p>FILE NAME 1976019.00-C-1.dwg</p> <p>JOB NO. 1976019.00</p> <p>DATE APRIL 2020</p> <p>SHEET OF <b>C-1</b></p>