



COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, P.O. Box 490
Albany OR 97321

Ph: 541-917-7550 Fax: 541-917-7598
www.cityofalbany.net

NOTICE OF DECISION

DATE OF NOTICE: March 7, 2018
FILE: PA-01-18
TYPE OF APPLICATION: Land Division (Tentative Partition Plat) to create two parcels from one existing parcel (Type I-L)
REVIEW BODY: Staff
PROPERTY OWNER/
APPLICANT: TS West LLC; P.O. Box 436; Mt. Angel, OR 97362
SURVEYOR/ENGINEER: Jason Cota, K & D Engineering; 276 NW Hickory Street, Albany, OR 97321
ADDRESS/LOCATION: 2618 Geary Street SE
MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-17BC Tax Lot 00800
ZONING: RS-6.5 - Residential Single Family

On March 7, 2018, 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. Conditions of approval are attached to this notice. For more information, please contact **Anne Catlin, Project Planner**, at 541-917-7560 or Bob Richardson, Planning Manager, at 541-917-7555.

The City's decision may be appealed to the State Land Use Board of Appeals (LUBA), if a person with standing files a completed Notice to Appeal application and the associated filing fee no later than 21 days from the date the City mails the Notice of Decision. 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 shall expire three years from the date of approval unless 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 Albany Development Code Section 12.600, or if the development did not require public infrastructure, a valid building permit exists for new construction or improvements and work has commenced.

Signature on file

Community Development Director

Appeal Deadline: March 28, 2018
Approval Expiration Date (If not appealed): March 7, 2021

Attachments: Staff Report with Attachments

CONDITIONS OF APPROVAL

- General: Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval, and shall comply with all applicable state, federal and local laws.
 1. Prior to recording the partition plat, the applicant shall construct or financially assure the construction of public sidewalk to City standards across the development frontage on Geary Street.
 2. Prior to or with the recording of the partition plat, the applicant shall dedicate right-of-way along the site's frontage on Geary Street for installation of public sidewalk to City standards. Dedication may be as shown on the tentative plat map or there may be dedication of two feet of right-of-way together with a four-foot public sidewalk easement.
 3. Before the City will approve the final partition plat, a water connection charge will be due for the existing public water main in Geary Street.
 4. A private utility easement for plumbing shall be provided on the final plat over a portion of Parcel 1 for the benefit of Parcel 2.

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 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 Albany Development Code (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 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. An electronic or paper draft copy of the plat may be submitted with the application. The final plat application form is available on the City's website, www.cityofalbany.net, on the Community Development Department's page.

Note: **The County Surveyor also needs to review the final plat.** These reviews should be done concurrently. Contact the County Surveyor's 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 (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 Parcel 2, 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 County's Tax Assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.

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.

NOTICE: Because the subject property has never been connected to the public water system, a water connection charge is due for the existing public water main in Geary Street along the properties frontage. This charge is based on the length of the property's frontage and ***must be paid prior to the City signing the final partition plat.***

BUILDING DIVISION

Building Division Comments have been provided by Gary Stutzman Building Official. 541-917-7626.

PERMITS

1. Obtain Building Permits prior to any construction.
2. Erosion Sediment Control Permits are required by Public Works prior to construction.

PLAN REVIEW FOR PERMITS

3. 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.

CODES

4. The current residential building codes are:
 - a. The 2017 Oregon Residential Specialty Code (ORSC)
 - b. The 2014 Oregon Energy Efficiency Specialty Code (OEESC),
 - c. The 2017 Oregon Plumbing Specialty Code (OPSC) based on the 2011 OPSC.
 - d. The 2017 National Electrical Code (NEC) with Oregon amendments.

SOILS

5. At the time of or prior to application for a building permit or prior to setback and footing inspections, a letter of approval from a qualified engineer registered in Oregon shall be submitted to the Building Division which stipulates the "excavated site" meets all the building design requirements to support the proposed structure as required by State Building Code. **ORSC R401.4**

UTILITIES

6. Each parcel must be served by its own sewer, water, and other utilities. Easements or covenants that run with the land must be provided between the parcels where utility lines cross property lines, for vehicle parking and access, and to allow Fire Department access.

DRAINAGE

7. Provide a complete drainage plan for all hard surface drainage areas. Shape the lot to facilitate surface, gutter, and under-floor drainage to the street or a pre-approved system or area.

INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

8. 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 one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.
 - a. Installation of an NFPA Standard 13D fire suppression system;
 - b. Installation of a partial NFPA Standard 13D fire suppression system;
 - c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
 - d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
 - e. Installation of fire-resistive exterior wall covering and roofing components; or
 - f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See **OAR 629-044-1060**).

WETLANDS

9. This parcel is not shown to be located within the wetlands. In the event wetlands are on the property, the City will require Notice of Land Use and Future Development to be made to any State and Federal agency with jurisdiction, such as DSL. Additional delineation, mitigation and permits will be required, and proof submitted, before building permits can be issued.

FIRE DEPARTMENT

Fire Department Comments provided by Lora Ratcliff, Senior Deputy Fire Marshal. 541-917-7728.

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. 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).

The approximate distance from Geary to the most remote portion of the new flag property is about 300 feet. The first 150 feet (approximately) will need to meet fire apparatus roadway requirements (300-150'=150'). These measurements shall be verified, and the portion of the driveway required for fire department apparatus access shall be identified on future plans submittals.

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):

- a. **An Emergency Vehicle Access Easement recorded on the affected parcel(s) identifying that said easement shall be maintained by the owner(s) 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.**
 - b. **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 apparatus access.**
2. Dead-end fire apparatus roads more than 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)

If the required apparatus access road exceeds 150 feet in length an approved turn-around will be required.

3. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer. Future submittals for Planning and Building permit approvals shall be annotated to show the turning radii provided at the intersections of all public and private fire apparatus access roads to be constructed. (OFC 503.2.4 & Appendix D 103.3)
4. 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.

This requirement will apply to the portion of the access/driveway that is required to provide fire department apparatus access.

5. 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 for shall be as specified in Appendix B of the fire code. (OFC 507.3)

The location and spacing requirements for fire hydrants are based on four project-specific criteria:

- The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
- The calculated “fire flow” of the proposed building(s)
- The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the properties.
- The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

No additional hydrants will be required.

6. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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