



COMMUNITY DEVELOPMENT

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

Notice of Decision

Land Division (Tentative Partition Plat)

PA-01-20

February 26, 2020

Application Information

Proposal:	Tentative Partition Plat to divide one parcel into three
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Laura LaRoque
Property Owner:	Norma Harris Trust; 3394 Hillwood Road, Jefferson, OR 97352
Applicant:	Jeanine Howell; 1434 Jefferson Street SE, Albany, OR 97322
Representative:	Jason Cota; K&D Engineering, PO Box 725, Albany, OR 97321
Address/Location:	2440 Queen Avenue SE, Albany, OR 97322
Map/Tax Lot:	Linn Tax Assessor's Map No(s): 11S-03W-08DB; Tax Lot 5000
Zoning:	Residential Medium (RM) District

On February 26, 2020 the City of Albany Community Development Director granted **APPROVAL WITH CONDITIONS** of the application described above.

The City based its decision upon consideration of applicable standards and 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 Albany City Hall, 333 Broadalbin Street SW. For more information, please contact Laura LaRoque, project planner, at 541-917-7640 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. This approval expires in three years unless the final plat has been submitted to the City's Planning Division for review and approval.



Community Development Director

Appeal Deadline: March 18, 2020

Approval Expiration Date (if not appealed): February 26, 2023

Attachments: Information for the Applicant, Location Map, Tentative Partition Plat

cd.cityofalbany.net



Conditions of Approval

The application for a Tentative Partition Plat Review satisfies all applicable review criteria with adherence to the following conditions of approval:

TRANSPORTATION

- Condition 1** A dedication of two feet of right-of-way must be shown on the final plat along the site's frontage on Queen Avenue in order to provide sufficient right-of-way for the eventual construction of a public sidewalk to the City's standard width of seven feet.
- Condition 2** A "no access" restriction must be shown on the final plat across Queen Avenue frontage of Parcel 1. Access to Parcel 1 must be as proposed, from the shared access on the 12-foot "flags" of Parcels 2 and 3.
- Condition 3** Parcels 1 – 3 share a single driveway approach to Queen Avenue. A shared access and maintenance agreement shall be recorded over the flag portions of Parcels 2 and 3 benefitting all three parcels. This may be provided on the final plat.
- Condition 4** The driveway must be paved for the entire length that is shared. The driveway must be at least 20 feet wide. The driveway must be paved before the City signs the final partition plat, or the property owner may enter into a "mutual improvement agreement" with the City that guarantees the driveway will be paved within a certain amount of time.
- Condition 5** Prior to recordation of the partition plat, the property owner/developer shall show provision of an emergency vehicle access easement over the shared accessway and any required turnaround on Parcels 2 and 3. The easement shall be for purposes of ingress and egress to provide, without limitation, fire protection, ambulances and rescue services, and other lawful government or private emergency services to the premises, owners, occupants, and invitees.
- Condition 6** To ensure fire access is maintained at all times to structures built on Parcel 3, 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.
- (a) The approved fire apparatus roadway must be paved from the existing edge of pavement on Queen Avenue to the total length of the shared portion. Beyond that distance the fire marshal *may* approve an alternate surface material. The fire apparatus access road must be constructed to be capable of supporting at least 75,000 pounds gross vehicle weight (GVW) as verified by a qualified State of Oregon licensed design professional. The designer of record shall provide written certification to the fire department upon completion of the private access road.
 - (b) A "no-parking" restriction must be placed over the 20-foot-wide private access way and any additional areas on the property the fire marshal determines must be restricted for fire apparatus access.

PUBLIC UTILITIES

- Condition 7** Before the City will approve the final partition plat, the applicant must construct the private storm drainage system within the shared driveway and make connection to the public storm drainage facility in Queen Avenue. All required permits must be obtained from the Public Works Department before beginning work in the public right-of-way. (The applicant may provide financial assurances for this work in order to obtain City approval of the plat.)
- Condition 8** Before the City will sign the final partition plat, the applicant must pay a water connection charge for the existing public water facilities along the property's Queen Avenue frontage.

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 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.** A paper draft copy of the plat may be submitted with the application. The final plat application is available on the City's website.

Note: The Linn County Surveyor also needs to review the final plat. These reviews should be done concurrently. Contact the county surveyor's office 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 at 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 either parcel, 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 Linn County's Tax Assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.

Expiration of Land Use Approvals (ADC 1.080)

3. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
 - (a) 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 Section 12.600, or the first phase, if the development was approved for phased construction; or
 - (b) If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
 - (c) Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various

phases not to exceed five years for all phases. Each phase that is platted and developed shall conform to the applicable requirements of this title; or

- (d) An extension has been filed before the expiration date and subsequently granted approval pursuant to Section 1.083.

PUBLIC WORKS – ENGINEERING

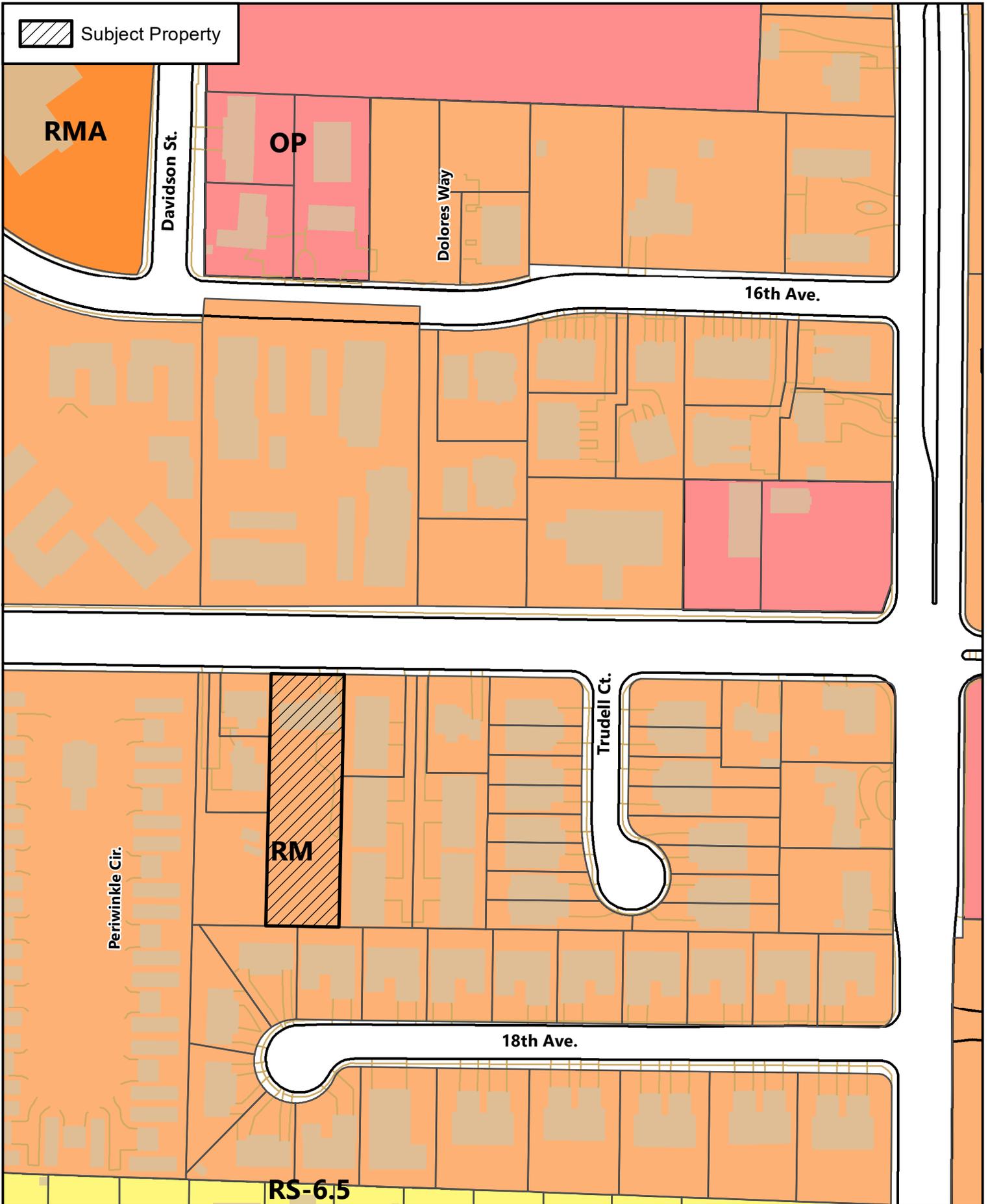
4. The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While 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.
5. AMC 10.01.080 (2) states that before the City will issue a building permit, the applicant must pay to the City the necessary system development charges, and any other applicable fees for connection to the public sanitary sewer system.
6. AMC 10.01.120 (1) states that no unauthorized person is allowed to make connection to any public sewer or appurtenance without first obtaining an encroachment permit.

BUILDING

7. Should the fire official determine that an inadequate fire apparatus approach and/or inadequate access to water supply condition exists for one or more parcels of your proposed partition, the building official shall require the installation of a National Fire Protection Association (NFPA) Standard 13D fire suppression system to address the inadequacies pertaining to structures built on affected parcel(s), in lieu of your having to provide adequate fire apparatus approach (turn-around) and water supply (hydrant). This is in conformance to the standards set forth in Oregon Administrative Rules (OAR) 918-480-0125, the Uniform Alternate Construction Standard for One- and Two-Family Dwellings.
8. Plumbing permits shall be required for all private plumbing needed to fulfill the aforementioned conditions. (AMC 18.06.010)

Page Intentionally Left Blank

 Subject Property



G:\Community Development\Planning\Land Use Cases\2020s\2020\Periwinkle (PA)\PA-01-20\Location Map_PA-01-20.mxd



0 125 250 500 Feet

Date: 1/27/2020 Map Source: City of Albany

2440 Queen Ave. SE

Location / Zoning Map

PROPOSED EASEMENTS:
 A 24.00' WIDE RECIPROCAL ACCESS AND UTILITY EASEMENT TO BENEFIT PARCELS 1, 2 AND 3 AS SHOWN.

TENTATIVE PARTITION PLAT
 FOR
JEANINE HOWELL
 LOCATED IN

SE 1/4 SEC. 8, T. 11 S., R. 3 W., W.M.
 CITY OF ALBANY, LINN COUNTY, OREGON

JANUARY 23, 2020

OWNER / APPLICANT:
 JEANINE HOWELL
 3394 HILLWOOD RD.
 JEFFERSON, OREGON 97352

ENGINEER:
 K&D ENGINEERING INC.
 276 HICKORY ST. NW
 ALBANY, OR 97321
 541-928-2583

SITE DATA:
 TAX LOT 5000
 MAP 115-03W-8DB

SITE ADDRESS:
 2440 QUEEN AVENUE SE
 ALBANY, OREGON 97322

TOTAL LOT AREA: 0.49 ACRES

CURRENT USE:

TAX LOT 5000: VACANT LOT

TOTAL NUMBER OF LOTS:

1 TAX LOT WILL BE RECONFIGURED INTO 3 TAX LOTS

SITE ZONING:

RM - RESIDENTIAL MEDIUM DENSITY

SURROUNDING PROPERTIES ARE ZONED RM

COMPREHENSIVE PLAN ZONING:

RESIDENTIAL - MEDIUM DENSITY

FLOOD ZONE:

SUBJECT PROPERTY IS LOCATED OUTSIDE OF THE 100 YEAR FLOOD ZONES PER FEMA FIRM MAP 41043C05278G DATED SEPTEMBER 29, 2010

TOPOGRAPHY DATA:

THE SUBJECT PROPERTY IS ESSENTIALLY FLAT. TOPOGRAPHY AND EXISTING UTILITIES ARE BASED ON CITY OF ALBANY GIS DATA.

LEGEND:

	PROPERTY LINE
	EXIST. WATER LINE
	EXIST. SEWER LINE
	EXIST. STORM DRAIN
	EXIST. FENCE
	EXIST. FIRE HYDRANT
	EXIST. WATER METER
	EXIST. STREET LIGHT / LAMP POST
	EXIST. MANHOLE
	EXIST. CATCH BASIN
	EXIST. CURB INLET
	ASPHALT CONCRETE
	COUNTY SURVEY
	EXISTING
	STORM DRAIN
	SQUARE FEET
	SANITARY SEWER
	WATER
	EXIST. BUILDINGS

