



# 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](http://www.cityofalbany.net)

## NOTICE OF DECISION

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DATE OF NOTICE: April 24, 2018  
FILE: PA-02-18  
TYPE OF APPLICATION: Tentative Plat to Create a Two-Lot Partition.  
REVIEW BODY: Staff (Type I-L process)  
PROPERTY OWNER/APPLICANT: R & D Gray Inc.; Attn: Randy Gray; 30787 SW Larson Drive, Lebanon, OR 97355  
ADDRESS/LOCATION: 705 3<sup>rd</sup> Avenue SE and 221 Thurston Street SE  
MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-06DC; Tax Lot 8700  
ZONING: MUR - Mixed Use Residential

On April 24, 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 **Melissa Anderson, Project Planner**, at 541-704-2319; 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*

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Community Development Director

**Appeal Deadline to LUBA:** May 15, 2018  
**Approval Expiration Date (If not appealed):** April 24, 2021

Attachments: Location Map and Tentative Partition Plat

## CONDITION OF APPROVAL

### Transportation

1. Prior to recordation of the partition plat, the applicant shall provide a Petition for Improvement – Waiver of Remonstrance for participation in an assessment district for the improvement of Thurston Street.

*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), 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. 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 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 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.

### **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 in our records.

### **BUILDING DIVISION**

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

#### **PERMITS**

1. Obtain Demolition Permits from the Building Division prior to any demolition. An asbestos survey will be required. Please contact DEQ at 1-800-349-7677.
2. Obtain Building Permits prior to any construction.
3. Erosion Sediment Control Permits are required by Public Works.

#### **PLAN REVIEW FOR PERMITS**

4. 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.

## CODES

5. 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 2014 Oregon Fire Code (OFC) based on the 2012 International Fire Code (IFC)
  - e. The 2017 National Electrical Code (NEC) with Oregon amendments.

## OCCUPANCY

6. The occupancy of these structures will be limited to those uses within the scope of the **2017 ORSC Section R101.2**. They are limited to:
  - a. A single-family dwelling or duplex each building and their associated accessory uses. (Garages and sheds)
  - b. Family child care home or foster care per **ORS 418, 443, and 657A**
  - c. One-family congregate living facilities (accommodating 10 persons or less)
  - d. Lodging houses with not more than five guest rooms (Other local regulations apply)

## SOILS

7. 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

8. Each house 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

9. 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.

## NW NATURAL

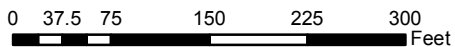
Dave Bellinger from the NW Natural Albany Field Engineering Department (541-926-4253 Ext. 8238) commented that there are two services on this property that will need to be removed.



**Location Map: 705 3rd Avenue SE**



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February 15, 2018

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



113.00'

66.00'

56.50'

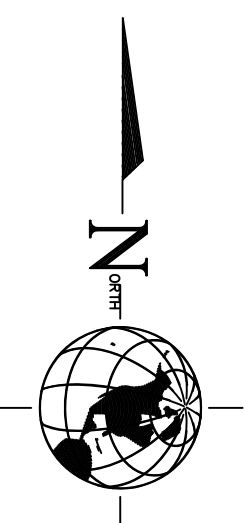
Thurston Street

113.00'

56.50'

66.00'

3rd St.



- (SPECIES & DIA AS NOTED)
- TREE TO BE REMOVED
- TREE (DIA AS NOTED)
- FIRE HYDRANT
- SEWER STUBOUT
- CATV PEDESTAL
- TELEPHONE PEDESTAL
- ELECTRIC PEDESTAL
- GAS STUBOUT

- WATER STUBOUT
- WATER VALVE
- PROPERTY CORNER
- MONUMENT FOUND AS NOTED
- COUNTOUR (ASSUMED ELEV)
- EASEMENT / SETBACK LINE
- CONCRETE CURB
- UTILITY LINE (AS NOTED)
- PROPERTY BOUNDARY

- 100' --- WATER STUBOUT
- WATER VALVE
- PROPERTY CORNER
- MONUMENT FOUND AS NOTED
- COUNTOUR (ASSUMED ELEV)
- EASEMENT / SETBACK LINE
- CONCRETE CURB
- UTILITY LINE (AS NOTED)
- PROPERTY BOUNDARY

SITE PLAN

DATE: 3-22-2018  
 SCALE: 1/8" = 1'-0"  
 FILE #  
 PROJECT:  
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HURLEY DESIGN GROUP  
 541-791-9880