



PUBLIC WORKS - COMMUNITY DEVELOPMENT

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

Notice of Decision

Property Line Adjustment and Tentative Partition Plat

PA-04-18 and LA-01-18

June 25, 2018

Application Information

Proposal:	Property line adjustment to reconfigure common boundary between tax lots 200 & 3300 and a two-lot partition on tax lot 200.
Review Body:	Staff Decision (Type I-L review)
Property Owner:	Robert and Helen Richardson; 2219 Jackson Street SE, Albany, OR 97322
Property Owner:	Tom and Aimee Elliott; 2299 Jackson Street SE, Albany, OR 97322
Surveyor:	North Star Surveying; 720 NW 4th Street, Corvallis, OR 97330
Address/Location	2219 & 2299 Jackson Street SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-18AB Tax Lots 200 & 3300
Zoning:	Residential Medium Density (RM)

On June 25, 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. 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 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.

Signature on file

Community Development Director

Appeal Deadline: July 16, 2018

Approval Expiration Date (if not appealed): June 25, 2021

Attachments: Location Map, Lot Line Adjustment Plan and Tentative Partition Plan

cd.cityofalbany.net



Conditions of Approval

Property line Adjustment

- Condition 1 The adjusted property line on the final plat shall be setback a minimum of three feet from the existing accessory structure that is located on Tax Lot 200 (Property A).
- Condition 2 Prior to approval of the final plat, the applicant shall pay a connection charge for the existing public water main in Jackson Street for the length of the frontage transferred from tax lot 200 to tax lot 3300. The length of the frontage shown on the property line application is 30 feet.

Partition

- Condition 3 The existing accessory structure on Tax Lot 200 shall be removed prior to final plat approval. Alternatively, the applicant may obtain approval to relocate the building in accordance with applicable development code standards such that it is not on a property line and meets setback and other applicable development standards.
- Condition 4 With the recordation of the final partition plat, the applicant shall dedicate five feet of right of way across the site's frontage on Jackson Street.
- Condition 5 Prior to recordation of the partition plat, the applicant shall install, or provide financial assurance for the construction of, public sidewalk along the site's frontage on Jackson Street. The sidewalk may be curbside.
- Condition 6 Prior to approval of the final plat, the applicant shall pay a connection charge for the existing public water main in Jackson 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 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.

Property Line Adjustment

2. The property line adjustment shall occur in substantial conformance with the plans submitted for review. The Planning Division must approve any changes to the approved plan.
3. In all cases, the adjusted property line created by the relocation of the common boundary between tax lots shall be surveyed and documented in accordance with Oregon Revised Statute (ORS), subsection 92.060(3). The map of the survey shall be prepared for recording to comply with ORS 209.250.
4. Conveyance of the property must be executed by deed. The applicants shall cause a deed to be prepared by a title company or an attorney. A legal description shall be prepared for the reconfigured property and for the land being conveyed. The deed shall contain the names of the parties, legal description of the land, references to original recorded documents, and signatures of all parties with proper acknowledgment.
5. To convey (transfer) the property, the deed with the legal description must be recorded with the Linn County Recorder and Surveyor (ADC 11.140). Prior to recording, all the documents shall be reviewed and approved by the City of Albany, Community Development Division. (For City review, deeds do not need signatures.)
6. When the legal documents are recorded, that portion being removed from one tax lot must be consolidated with the other. Consolidation is done by the Linn County Tax Assessor. Before the county tax assessor's office can approve a consolidation, the applicants must present evidence that the following are met:
 - (a) The ownership interest must be exactly the same on each parcel involved (i.e., one cannot be the contract purchaser on one parcel and the deed holder of the other).
 - (b) Taxes must be paid in full; no taxes can be owed on the parcels involved.
 - (c) A tax lot under a mortgage will not be combined with a tax lot that is not covered by a mortgage unless approved by the mortgage holder.

Contact the Linn County Assessor's office for additional information or assistance with the consolidation.

7. Prior to issuance of any building permits on the properties covered by this application, the applicants must return a copy of the recorded deed to the Planning Division.
8. This proposal must be initiated within three years of the date of this letter of approval.

Partition

9. 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.

Engineering

General Engineering Processes: 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.

Not to Applicant: Because the property has never been connected to the public water system, a connection charge for the existing public water main in Jackson Street will be due before the City signs the final plat. This charge is based on the amount of linear feet of the property's Jackson Street frontage.

Building Division

Permits

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

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 2014 Oregon Fire Code (OFC) based on the 2012 International Fire Code (IFC)
 - e. 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**

Property Lines

6. The new property lines would not be able to be platted running through existing buildings. All exterior walls per **ORSC Table R302.1** will be required to be a minimum three feet to the property line. Openings in the walls, projections, and penetrations in the walls must comply with **Table R302.1**.

Utilities

7. 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

8. 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 and Access to Water Supply

9. 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

10. 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

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) 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).
2. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
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.
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 requirements for fire hydrants for this proposed project will be based on the following requirements:

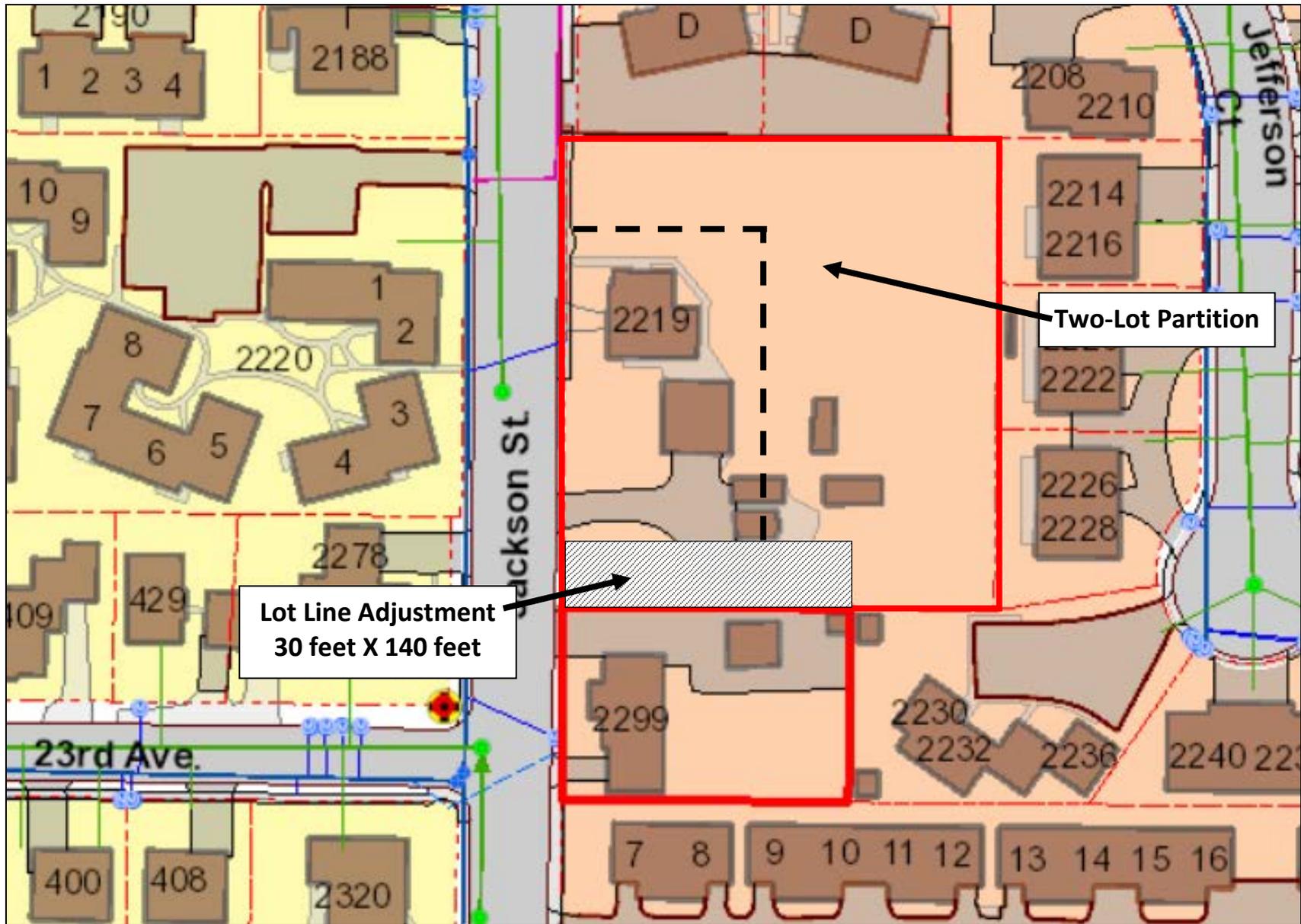
- a. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)

- b. Required fire hydrant spacing will be based upon your required fire flows as determined by OFC Appendix C105.1 and Table C105.1. Please note that dead end roads require a reduced spacing.
- c. Existing fire hydrant spacing. In addition, OFC Section C105.10; requires the placement of additional hydrants along all your required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through your private property with spacing requirements per Appendix C 105.1. (See 2012 ICC Commentary, Appendix C-1, Section C103.1).

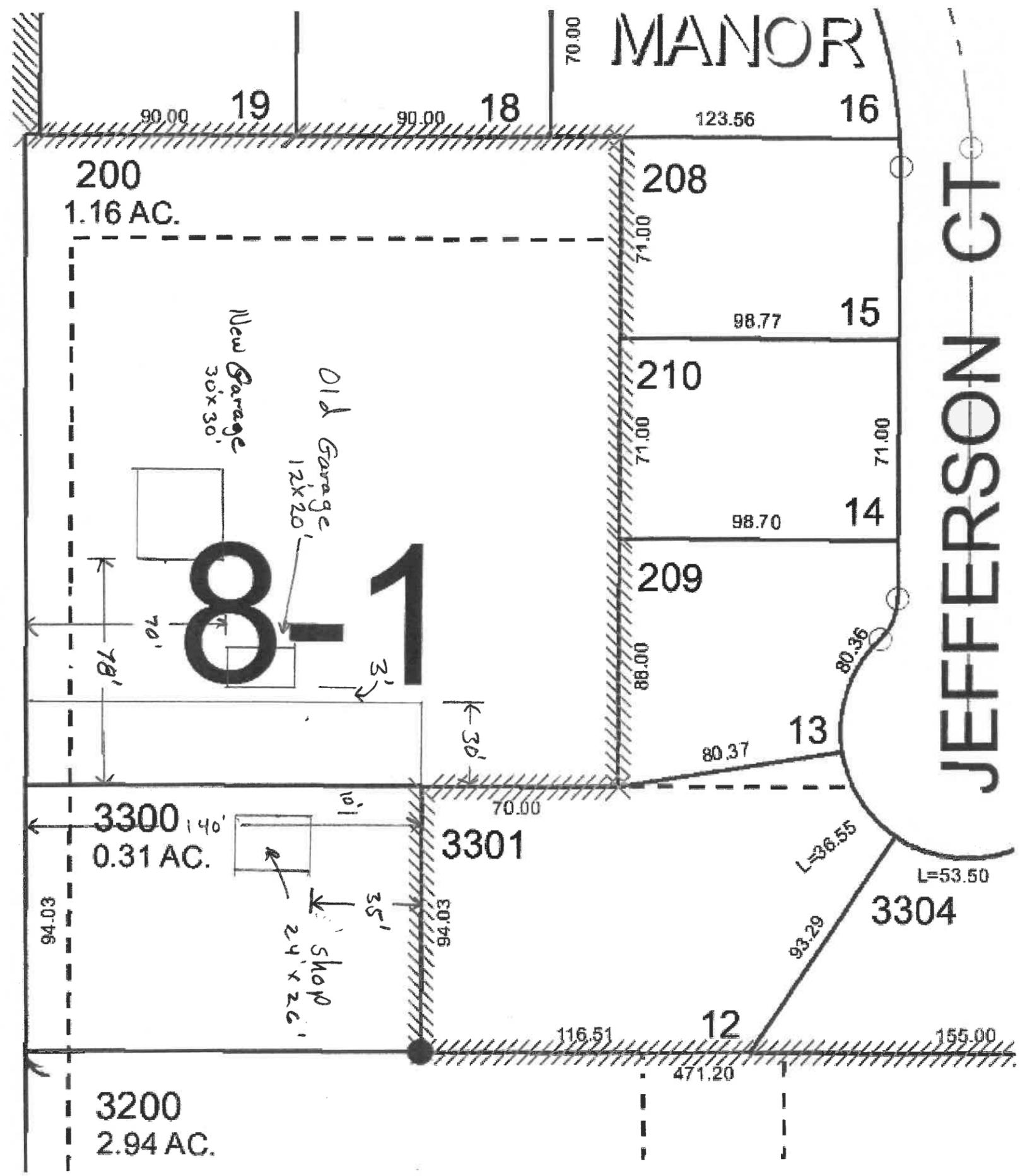
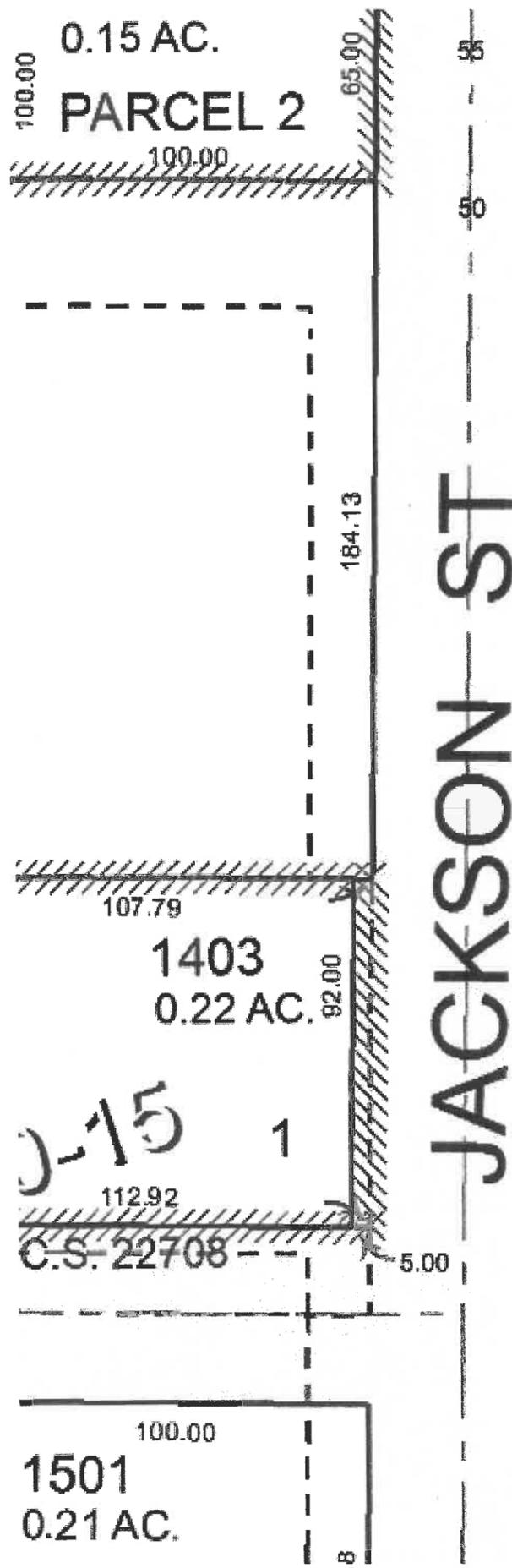
6. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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.

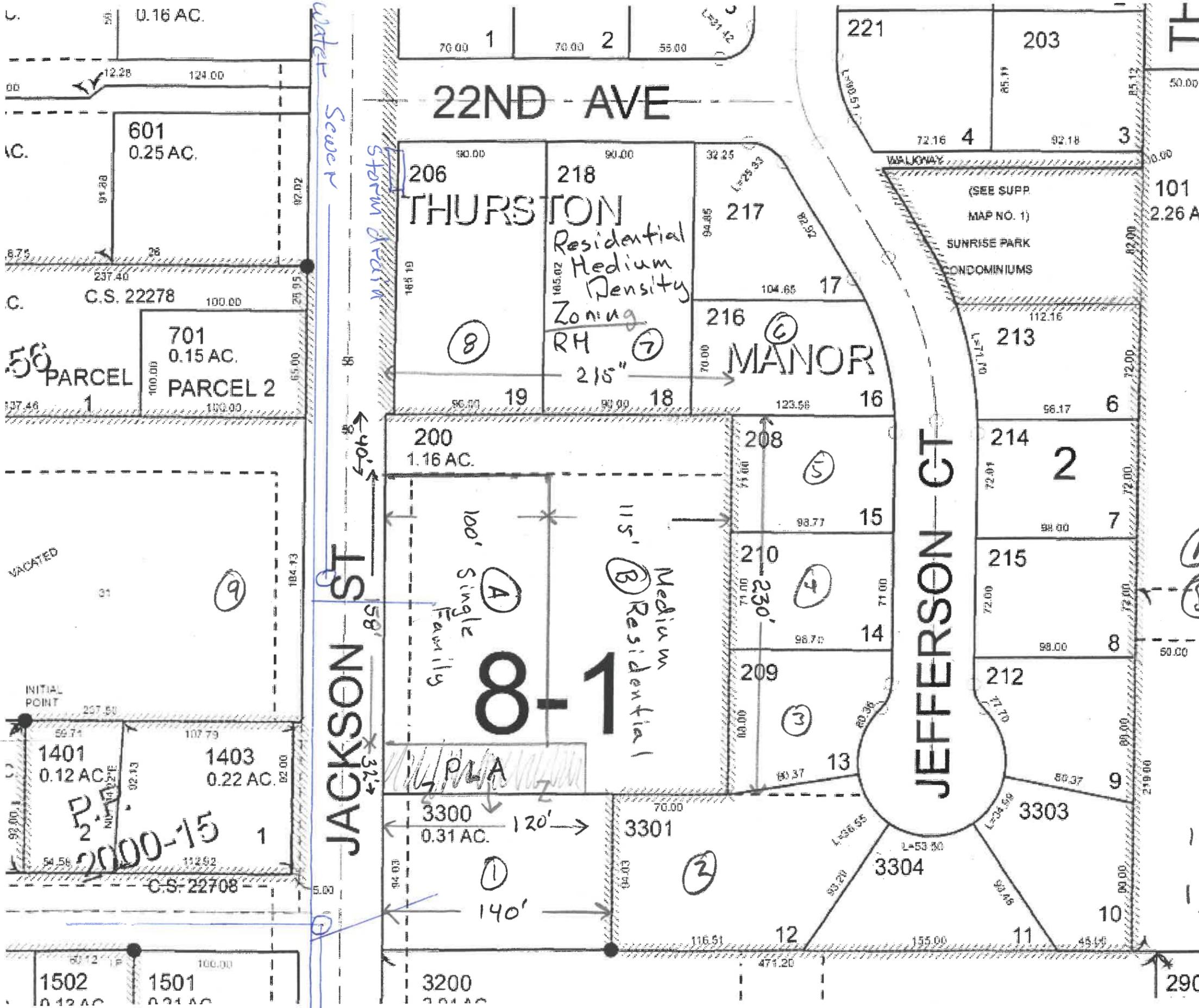
- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the 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).



PROPOSED LOT LINE ADJUSTMENT AND TWO-LOT PARTITION



Lot line adjustment
1" = 40' scale
change lot size from
32' x 120' → 30' x 140'



2219 Jackson St SE

Ass 11503W18 AB Tax 200

Bob + Helen Richardson (owners)

2219 Jackson St SE

Albany Ore 97322

Surveyor * North Star

Gross - 1.16 47150 sq ft

PLA - 3840 sq ft

land Division 43310 sq ft

(A) Single family 15800 sf

(B) Medium Res 29,810 sf

1" = 60'

1/20/2018

