



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-07-19

March 24, 2020

Application Information

Proposal:	Partition one lot into two lots
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	Timber Knox Development, LLC Attention: Dave Montagne PO Box 3308, Salem, OR 97302
Applicant's Representative:	Multi/Tech Engineering Attention: Brandie Dalton 1155 13th Street SE, Salem, OR 97302
Address/Location	Unaddressed Parcel
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-03B; Tax Lot 2200
Zoning:	MUC-Mixed Use Commercial with Riparian Corridor Overlay (/RC) and Significant Wetland Overlay (/SW)

On March 24, 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, project planner**, at 541-704-2319, 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.

Signature on File

Community Development Director

cd.cityofalbany.net



Appeal Deadline: April 21, 2020

Approval Expiration Date (if not appealed): March 24, 2023

Attachments: Location Map, DSL Response, and Tentative Partition Plat Plan Sheets 1-2

Conditions of Approval

- Condition 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 construction of public street improvements along the development’s frontage on Knox Butte Road.
- Condition 2 Before the City will sign the final partition plat, the applicant must construct a public sanitary sewer main extension along the Knox Butte Road frontage of Parcel Two. Alternatively, the applicant may provide financial assurances for these improvements as a mean of gaining City approval of the partition plat.
- Condition 3 Before the City will sign the final partition plat, the applicant must sign a Petition for Improvements and Waiver of Remonstrance for future public infrastructure improvements in Knox Butte Road.
- Condition 4 At the time of final plat, the following statement shall be recorded on the final plat: *“Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”*

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. 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.

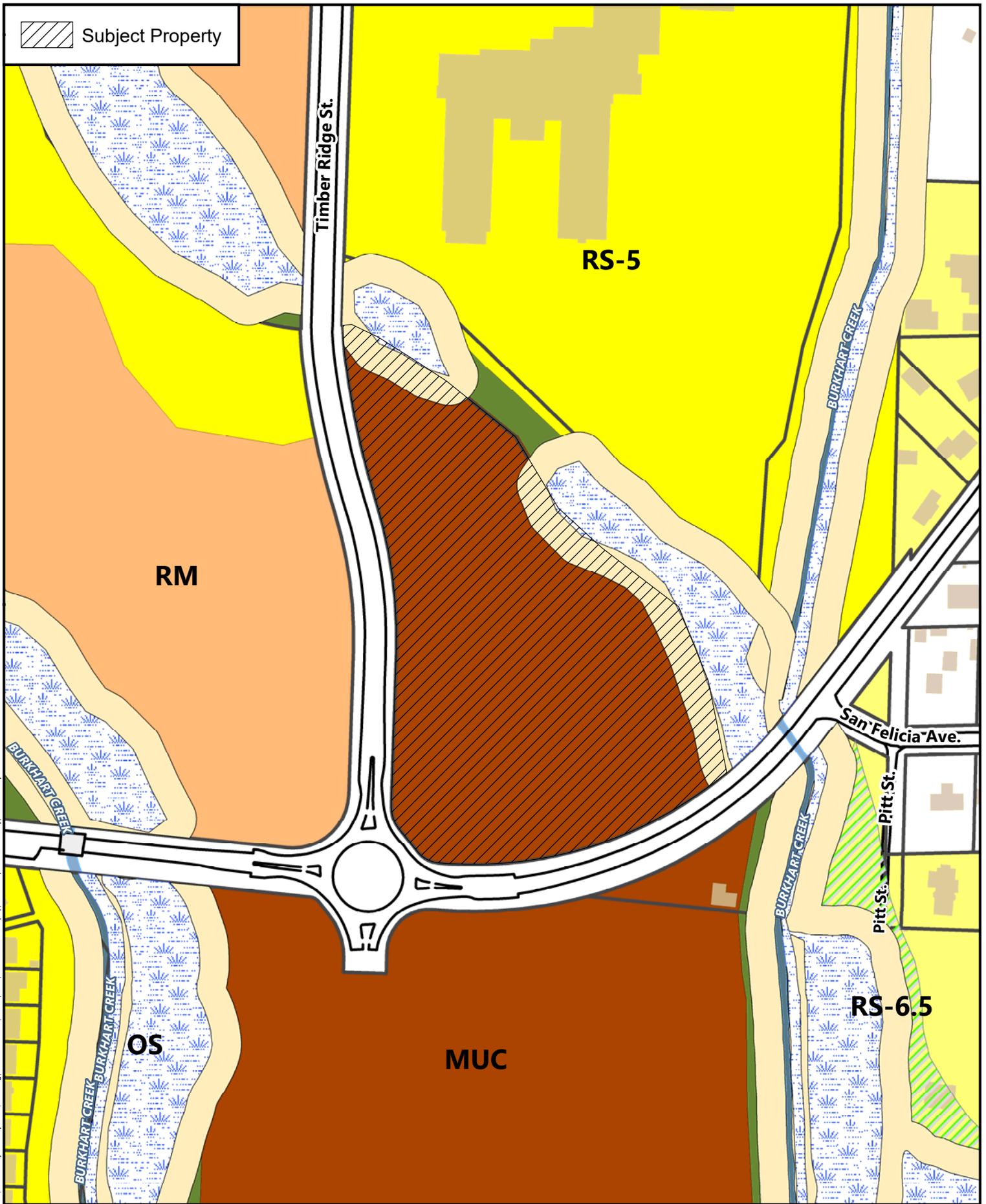
Note: The Linn County Surveyor also needs to review the final plat. These reviews should be done concurrently. Contact the County Surveyor's office to learn about their current processes, fees, and possible other expenses (for example, property taxes must be current).
 - b. The survey and final plat 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.

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.

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 Subject Property



G:\Community Development\Planning\Land Use Cases\2019\OS\2019 Site Plan Review (SP)_SP-03-19\2409 SE Pacific\Location Map.mxd



Assessor's Map No(s): 11S03W03B 02200

Date: 4/24/2019 Map Source: City of Albany

Location / Zoning Map



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2019-0713

Responsible Jurisdiction

Staff Contact Melissa Anderson	Jurisdiction Type City	Municipality Albany
Local case file # PA-07-19	County Linn	

Activity Location

Township 11S	Range 03W	Section 03	QQ section B	Tax Lot(s) 2200
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Street Address
Unaddressed Parcel
Address Line 2
City
Postal / Zip Code

State / Province / Region
Country
Linn

Latitude
44.644732

Longitude
-123.040515

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- Local Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)



- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.
- A state permit is required for any amount of fill or removal activity within State Scenic Waterways.
- A state permit is required for any amount of fill or removal activity within a compensatory mitigation site.

Closing Information



Additional Comments

After review of mapping and supporting documents submitted, it does not appear that the project ("2-lot partition on 7.97 acre parcel") will impact jurisdictional wetlands, waterways or other waters of the state. A wetland delineation may be needed for future development proposals for Parcel 1 or Parcel 2 (reference is to "Tentative Plat - PART 2").

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

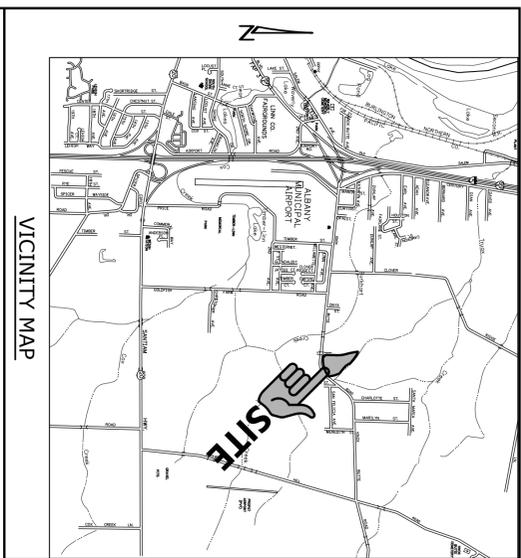
12/31/2019

Response by:

Grey Wolf

Response Phone:

503-986-5321



TIMBER KNOX PROPERTY

SEC. 03, T. 11 S., R. 3 W., W.M.
 CITY OF ALBANY
 LINN COUNTY, OREGON
 LOT 3 OF TIMBER RIDGE - C.S. 26357

11S03W03B
 T.L. 102
 GREATER ALBANY PUBLIC SCHOOL DIST
 C/O RUSSELL ALLEN
 718 7TH AVE SW
 ALBANY, OR 97321

RS-5
 SCHOOL

11S03W03B
 ALBANY CITY OF
 333 BROADALBIN ST SW
 ALBANY, OR 97321

OS
 OPEN SPACE

MUC
 VACANT LAND

11S03W03B
 T.L. 2200
 MONTAGNE DEVELOPMENT INC
 PO BOX 3308
 SALEM, OREGON 97302

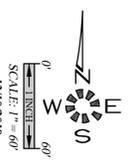
OS
 OPEN SPACE

11S03W03B
 T.L. 2100
 LARONO LLC
 15245 LAMADA ST STE 301
 SHERMAN OAKS, CA 91403

MUC
 VACANT LAND

MUC
 VACANT LAND

11S03W03C
 T.L. 100
 BRANDIS VILLAGE LLC
 PO BOX 3308
 SALEM, OREGON 97302



Owner / Developer:

**TIMBER KNOX
 DEVELOPMENT LLC**
 P.O. BOX 3308
 SALEM, OREGON 97302

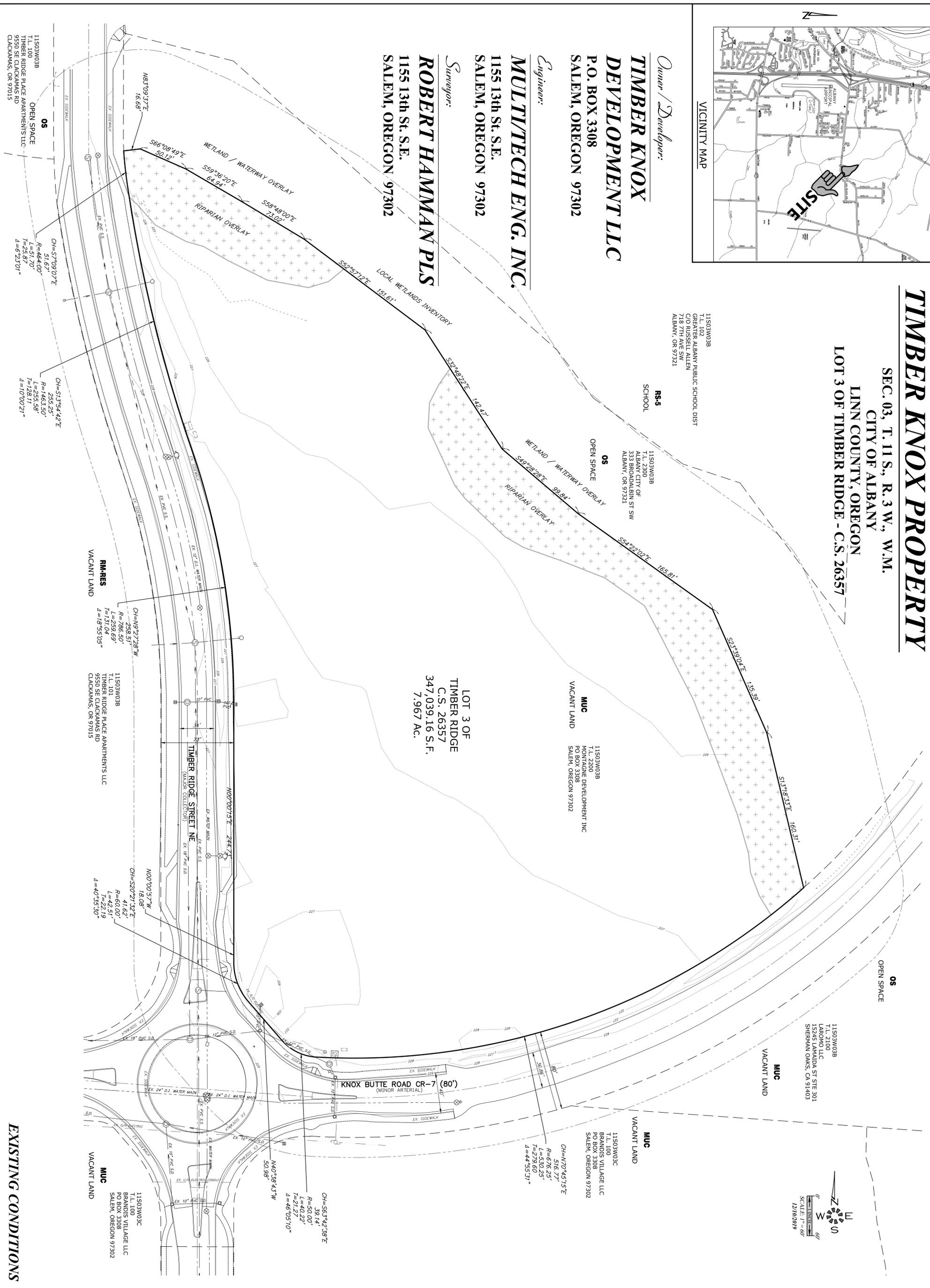
Engineers:

MULTI/TECH ENG. INC.
 1155 13th St. S.E.
 SALEM, OREGON 97302

Surveyor:

ROBERT HAMMAN PLS
 1155 13th St. S.E.
 SALEM, OREGON 97302

LOT 3 OF
 TIMBER RIDGE
 C.S. 26357
 347,039.16 S.F.
 7.967 AC.



EXISTING CONDITIONS

	Design: M.D.G. Drawn: GID/PHS Checked: B.M.G. Date: SEPT 19 Scale: AS SHOWN	NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.	TIMBER KNOX PROPERTY	TENTATIVE PLAT	
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