



COMMUNITY DEVELOPMENT

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

Land Division (Tentative Partition Plat)

PA-07-22

November 18, 2022

Application Information

Proposal:	Tentative Partition Plat to divide one parcel into two lots.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Allison Crow, project planner
Property Owner:	Linda Torrey-Huebner 1294 West Thornton Lake Drive NW, Albany, OR 97321
Applicant:	Dennis Derby; Double D Development 518 Fourth Street, Lake Oswego, OR 97034
Address/Location:	1294 West Thornton Lake Drive NW, Albany, OR 97321
Map/Tax Lot:	Benton County Assessor's Map No. 11S-04W-01AB; Tax Lot 2600
Zoning:	RS-10 – Residential Single-Family; OS – Open Space District

On November 18, 2022, 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 City Hall, 333 Broadalbin Street SW, Albany, OR 97321. For more information, please contact Allison Crow, project planner, at 541-917-7640 or Planning Supervisor David Martineau at 541-917-7555.

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)]. 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: December 2, 2022

Approval Expiration Date (if not appealed): November 18, 2025

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

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.

Conditions of Approval

cd.cityofalbany.net



Public Works

- 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 improvement of West Thornton Lake Drive.
- Condition 2** Whether with or prior to recordation of the final plat, an access easement shall be provided to Parcel 1 over the public street alignment across Parcel 2 as approved under SD-05-21.
- Condition 3** Before the City will approve the final plat, the applicant must provide utility easements over any private utilities serving the existing house that will cross an adjoining property.
- Condition 4** Prior to issuance of building permits, the plans must be reviewed and approved for consistency with the floodplain building standards under ADC 6.120, to ensure that no buildings or structures are being constructed in the SFHA. In the event any buildings or structures are proposed to be constructed in the SFHA, further floodplain review, including both pre-construction and post-construction elevation certificates, will be required.
- Condition 5** Prior to final plat approval, a declaration shall be included on the plat and be recorded as follows: “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.”

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 (if applicable) 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 Benton 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 Benton 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 1.310)

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 1.320.

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 10.01.120 (1) states no unauthorized person is allowed to make connection to any public sewer or appurtenance without first obtaining an encroachment permit.