



COMMUNITY DEVELOPMENT

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

Revised Notice of Decision

Land Division (Tentative Partition Plat)

PA-11-22

December 22, 2022

Application Information

Proposal:	Tentative Partition Plat to divide one parcel into three lots.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Property Owner:	Randy Kennel; 790 Millstream Pl NE, Albany, OR 97322
Applicant's Representative:	Laura LaRoque, Udell Engineering and Land Surveying, LLC 63 E Ash Street, Lebanon, OR 97355
Address/Location:	Unassigned; Adah Avenue NE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 10S-03W-33DC, Tax Lot 3301
Zoning:	Residential Single-Dwelling Unit (RS-6.5)

On December 16, 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 Jennifer Cepello, project planner, at 541-917-7561 or Current Planning Manager 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: January 2, 2023

Approval Expiration Date (if not appealed): December 22, 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

- 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 Adah Avenue.
- Condition 2 The applicant shall dedicate two feet of right-of-way along the site's frontage on Adah Avenue.
- Condition 3 Prior to the recordation of the final plat map, the applicant shall pave the shared portion of the driveway serving Parcels 1, 2, and 3.
- Condition 4 ~~Prior to the final plat approval, an~~ NFPA 13D system shall be installed, ~~on Adah Avenue NE, at a location~~ approved by the City Fire Marshal and consistent with the City standards for each dwelling unit constructed upon Parcels 1, 2, and 3.
- ~~Condition 5 Prior to the final plat approval, the fire apparatus turnaround shall be located solely upon Parcel 4.~~

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 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 1.310)

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.

BUILDING

6. **ONE- & TWO-FAMILY STRUCTURE FIRE DEPARTMENT APPROACH & WATER SUPPLY**

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 an NFPA Standard 13D fire suppression system to address the inadequacies pertaining to structures built on affected parcel(s) in lieu of you having to provide adequate fire apparatus approach (turn-around) and water supply (hydrant). This is in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two-Family Dwellings.
7. **SANITARY SYSTEM**

Each lot will need to be provided with a connection to an approved sewer (OPSC 721.0) and water system (OPSC 601.2). Where a well or septic system is needed, approvals from such governing entities shall be provided prior to issuance of the building permit (ex: well log and septic permit). (OPSC 601.2 & 713.1)
8. **FIRE SEPARATION**

Each structure will need to be provided with fire separation from the property line in compliance with ORSC R302.1 or OSSC 602.1.

FIRE

9. 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).

If several lots share an Emergency Vehicle Access, 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 (OFC 503):

An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal.

A “no-parking” restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire apparatus access. Signage will be required.

10. 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)

A turnaround will be required. Since the turnaround is required only for the farthest lot (parcel 1), the turnaround will be required to be placed solely on the parcel 1, not split between parcel 1 & 2. An NPFA 13D fire suppression system can be installed in lieu of a turnaround for Parcel 1.

11. The fire apparatus roadways for this project accessing the site from the public way and serving two or more residential structures are required to be provided and maintained with a minimum 20 feet wide improved surface and have a height clearance of 13 feet, six inches. (OFC 503.2.1)

The width of the improved surface may be reduced to 16 feet if all the structures are fire sprinklered to NFPA 13D.

It appears several existing trees fall within this clearance area and shall be trimmed and maintained or removed.

12. 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.

13. This proposed project is located within an “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)~~ **“Unprotected Area”, the maximum allowable fire flow of any one or two-family residential structure for this project is 1,500 gpm from approved water source (e.g., fire hydrants). This maximum fire flow limits the size of the structures to a maximum of 3,600 square feet. Residential structures in excess of 3,600 square feet may be constructed if they are provided with acceptable mitigation such as an approved fire sprinkler system. (ORS 479.200, OFC 508, and Appendices B & C)**

~~The location and spacing requirements for fire hydrants are based on four project-specific criteria:~~

- ~~• The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.~~
- ~~• The calculated “fire flow” of the proposed building(s)~~
- ~~• The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the properties.~~
- ~~• The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.~~

~~The requirements for fire hydrants for this proposed project will be based on the following requirements:~~

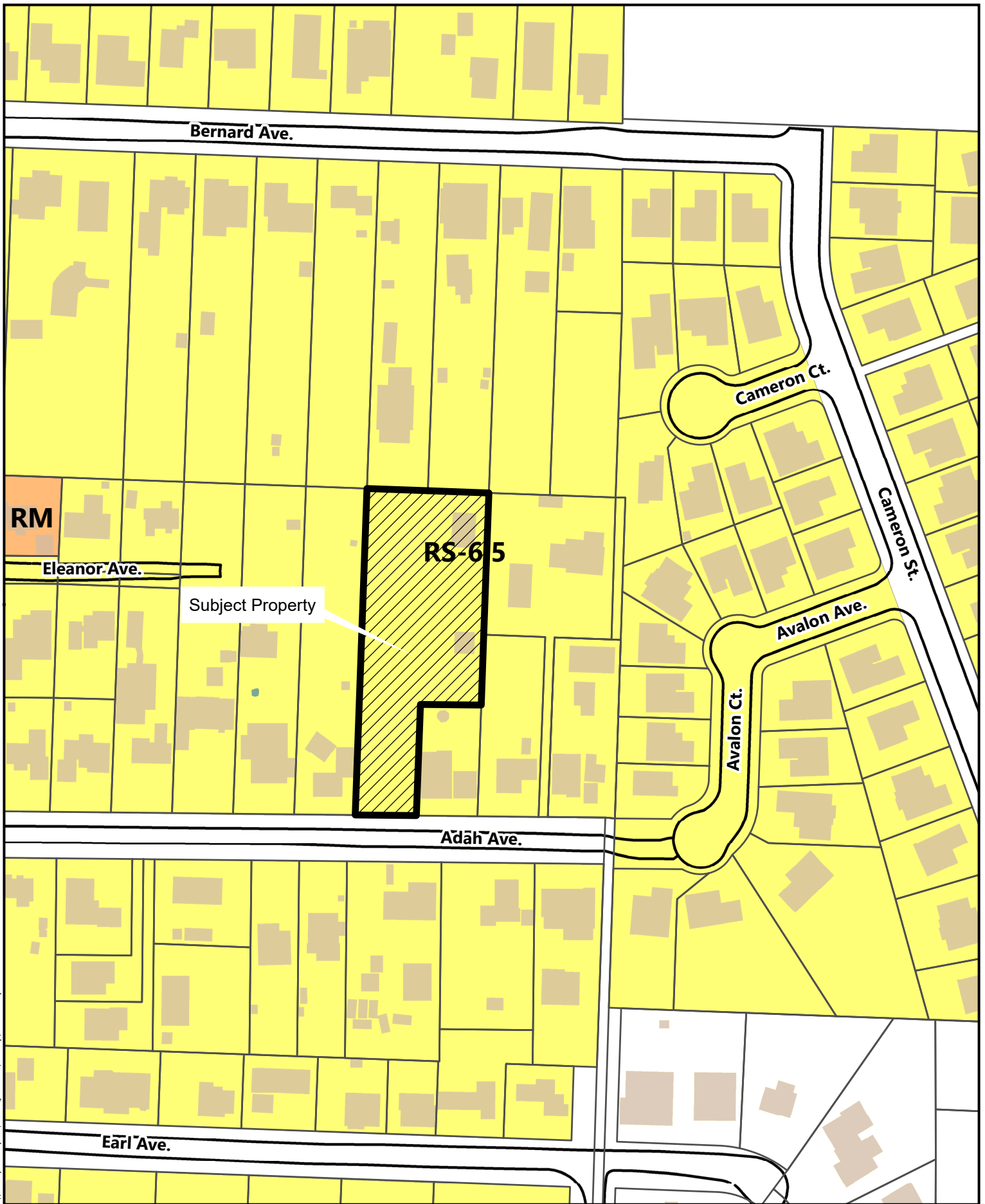
- ~~a. **Fire hydrant location:** All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)~~

~~**A hydrant will be required on Adah somewhere along the property’s frontage. The closest hydrant on Avalon Ct is approximately 1,030 feet from the farthest portion of the farthest structure (600 feet is the max).**~~

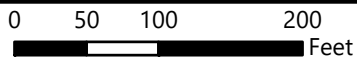
14. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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 the following standard to address the inadequacies pertaining to structures built on the affected parcels:

- a. Installation of an NFPA Standard 13D fire suppression system



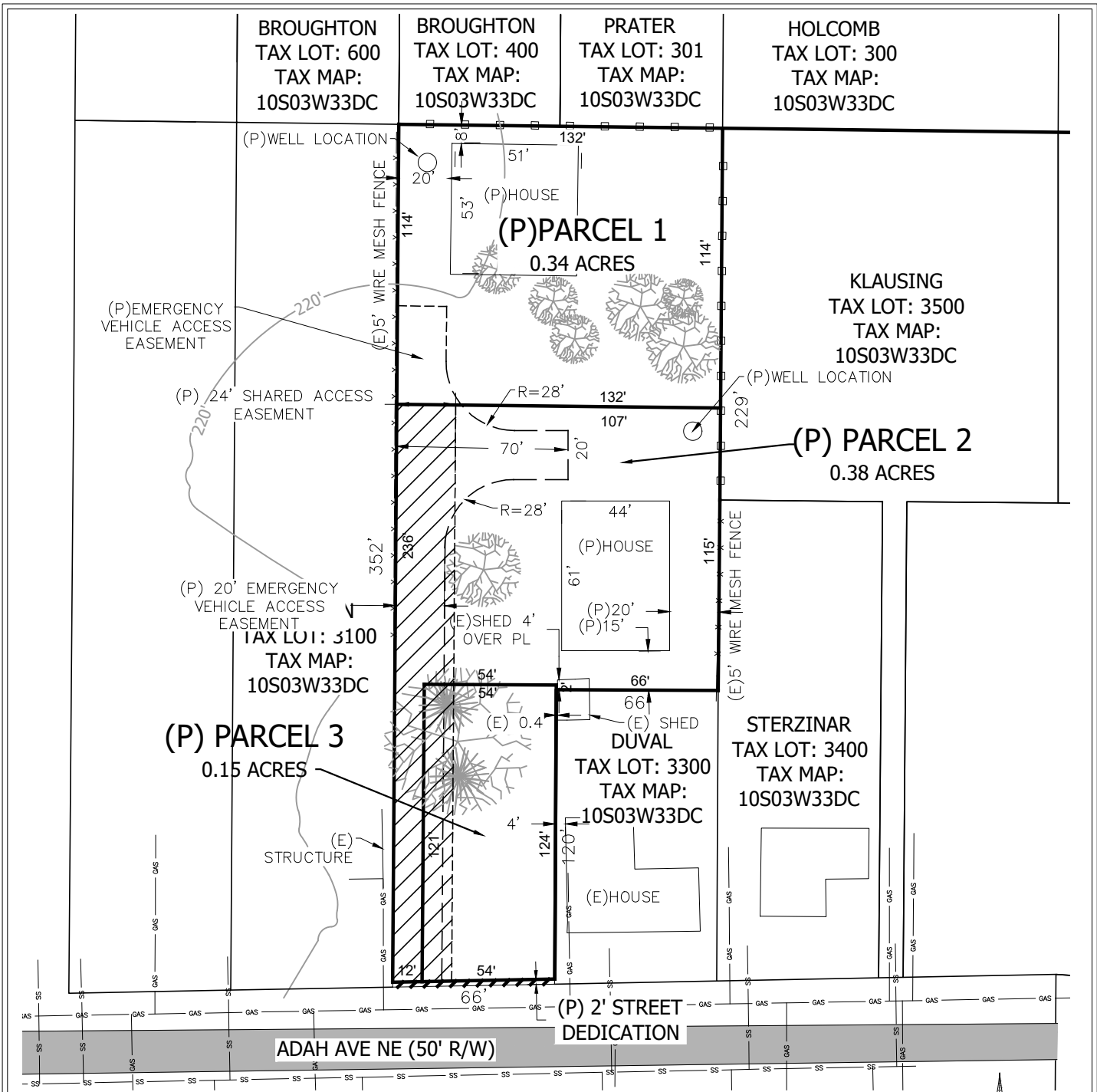
\\con.cityofalbany.net\homes\jenifac1\Desktop\Location Map.mxd



Date: 11/10/2022 Map Source: City of Albany

Unassigned, Adah Avenue

Location Map



LEGEND

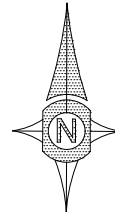
- PAVEMENT HATCH
- BOUNDARY
- LOT LINE
- EASEMENT LINE
- (P) GRAVEL DRIVEWAY
- BUILDING OUTLINE
- OVERHEAD POWER LINE
- GAS LINE
- SEWER LINE

- R/W RIGHT OF WAY
- AC ACRES
- BLDG BUILDING
- (E) EXISTING
- (P) PROPOSED
- SF SQUARE FEET
- EXISTING TREE
- CONTOUR LINE

PROPERTY INFORMATION

ZONING: RS 6.5
 LAND USE: SINGLE FAMILY RESIDENCE
 OWNER: RANDY W KENNEL
 ASSESSORS MAP: 10S03W33DC
 TAX LOT: 3301

NOTE: CONTOURS SHOWN HEREON
 REFERENCE NGVD 1929 ELEVATIONS



SCALE:



SHEET 1
of 1
SCALE: AS NOTED



Date: 10/06/22
 Project: KENNEL ADAH 22-201
 Drawn by: AWJ
 Checked by: KWL

TENTATIVE PARTITION MAP
TAX LOT 3301, MAP 10S3W33DC
ALBANY, OREGON

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