Notice of Decision
Planned Development Review, Tentative Plat Review
and Tree Felling Review

Files: PD-01-20, SD-02-20 and SP-08-20

August 5, 2020

Application Information

Review Body: Planning Commission (Type III review)

Proposal: Request for a Phased Planned Development with Tentative Plat Review and Tree Felling application. The applicant is proposing a total of 55 residential units: 44 multi-family residential units and 11 single-family homes.

Property Owner / Applicant: Well Built Homes
Attn: Mike Shults and Susan Willis
PO Box 41
St. Paul, OR 97137

Applicant’s Engineer: Andrey Chernishov
HBH Consulting Engineers
501 E. First Street
Newberg, OR 97132

Address/Location: 840 Airport Road

Map/Tax Lot: Linn Tax Assessor’s Map No. 11S-03W-09BB Tax Lots 2700 and 2701

Zoning: R-5 (Single Family Residential) District

On August 3, 2020, the City of Albany Planning Commission granted Approval with Conditions of the application referenced above.

The Planning Commission based its decision upon consideration of applicable standards and review criteria listed in the Albany Development Code and consideration of public testimony. 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 Project Planner Melissa Anderson at melissa.anderson@cityofalbany.net or 541-917-7550 or Planning Manager David Martineau at 541-917-7561.

The City’s decision may be appealed to the City Council if a person with standing files a completed Notice to Appeal application and the associated filing fee no later than 10 days from the date the City mails the Notice
cd.cityofalbany.net
of Decision. The applicant may proceed, at his own risk, prior to the end of the appeal period, provided he signs a Release and Indemnity Agreement with the City.

Planning Commission Chair

Appeal to City Council Deadline: August 15, 2020
Approval Expiration Date (If not appealed): August 5, 2025
(per ADC 1.080(1)(c), Phased Subdivisions or Planned Developments)
Conditions of Approval

Planned Development

Condition 1  Lots 1-11 are permitted to have a 10-foot front yard setback and a 70 percent lot coverage. Notwithstanding this modification, the minimum driveway length from the garage to the front property line is 20 feet, in accordance with ADC 3.190, Table 1.

Condition 2  Prior to Final Plat approval of Phase One, the applicant shall establish a Homeowners Association (HOA) and submit a Declaration of Covenants, Conditions, and Restrictions (CC&R) to the Community Development Department for review and approval. The CC&Rs shall specify the access and maintenance responsibilities of outdoor common areas, indoor recreation areas, private streets, driveways, and parking areas.

Condition 3  Solar Access Protection shall be preserved through the following mechanisms:
   a. The Final Plat shall include a note regarding the Solar Access Protection, as proposed on the Preliminary Plat (Sheet C2).
   b. The Homeowners Association (HOA) Declaration of Covenants, Conditions, and Restrictions (CC&R) shall specify the provisions for Solar Access Protection, as proposed for the Planned Development and described on the Housing Bonus Plan (Sheet C11).

Condition 4  New dwellings on Lots 1-7 shall avoid second story, west-facing windows. Alternatively, new dwellings on Lots 1-7 may install second story west-facing windows if they are constructed of sight-obscuring material (i.e. textured or frosted privacy glass). At the time of building permit, the building plans shall be submitted to the Community Development Department for review and approval to ensure compliance with this standard.

Transportation

All Phases

Condition 5  Prior to or with recordation of a final plat map, the applicant shall dedicate two feet of public right-of-way along the development’s frontage on Franklin Avenue.

Condition 6  The applicant shall install public sidewalk with the construction of street improvements along the portion of Franklin Avenue being improved with each phase of the development.

Condition 7  The applicant shall install street lighting to city standards along the portion of Franklin Avenue being improved with each phase of the development.

Phase One

Condition 8  Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements on Franklin Avenue from the east side of the proposed private cul-de-sac to existing improvements at the South Shore Street/Franklin Avenue intersection. Improvements shall include:
   a. Construction of curb and gutter along the south side of the road. The face of curb shall be aligned for an ultimate curb-to-curb width of 30 feet.
   b. Installation of new pavement with a width of 24 feet as measured from the new face of curb.
   c. A pavement transition approved by the City Engineer shall be installed at the east end of the new street improvement.
   d. Installation of a stop sign and stop bar shall be installed on the Franklin Avenue approach to South Shore Drive.

Phase Two

Condition 9  Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements on Franklin Avenue from the east side of the proposed private cul-de-sac across the frontage of lots 8 through 11. Improvements shall include:
a. Construction of curb and gutter along the south side of the road. The face of curb shall be aligned for an ultimate curb-to-curb width of 30 feet.

b. Installation of new pavement with a width of 24 feet as measured from the new face of curb.

c. A pavement transition approved by the City Engineer shall be installed at the east end of the new street improvement.

**Phase Three**

**Condition 10** Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements on Franklin Avenue from the east side lot 11 to Airport Road. Improvements shall include:

a. Construction of curb and gutter along the south side of the road. The face of curb shall be aligned for an ultimate curb-to-curb width of 30 feet.

b. Installation of new pavement with a width of 24 feet as measured from the new face of curb.

c. Installation of a curb return on the southwest corner of Franklin Street and Airport Road. The design of the curb return shall be approved by ODOT, and any necessary permits and approvals shall be secured prior to performing any work within ODOT right-of-way.

**Utilities**

**Condition 11** Prior to issuance of building permits, the applicant shall submit final plans for review and approval by the Albany Fire Department to ensure standards of the Oregon Fire Code are met.

**Condition 12** Before the City will sign the final plat creating Lots 1-7, or issue a building permit for construction on the property, the applicant must pay connection charges for the existing public sanitary sewer mains along the property’s west boundary and a portion of the Franklin Avenue frontage.

**Condition 13** Before the City will sign the final plat creating Lots 1-7, the applicant must construct a public sanitary sewer main in Franklin Avenue, from the existing main near the northwest corner of the site to the east boundary of proposed private street (“Franklin Court”).

**Condition 14** Before the City will sign the final plat creating Lots 8-12, the applicant must construct a public sanitary sewer main in Franklin Avenue, to the east boundary of proposed Lot 11.

**Condition 15** Before the City will sign the final plat creating Lots 1-7, the applicant must extend a public water main in Franklin Avenue from the existing main in South Shore Drive to the east boundary of Lot 1, and a public water main to the south terminus of the private street (“Franklin Court”).

**Condition 16** Before the City will sign the final plat creating Lots 8-12 or issue a building permit for construction on this portion of the property, the applicant must construct a public water main in Franklin Avenue easterly to the existing main in Airport Road. This main will complete the connection of the public water system from South Shore Drive to Airport Road.

**Condition 17** Before the City will sign the final plat, the applicant must construct public storm drainage improvements in Franklin Avenue in conjunction with the required public street improvements.

**Condition 18** Before the City will sign the final plat for any phase of the proposed development, the applicant must construct stormwater collection facilities for that portion of the development. Any phase of the development must include storm drainage facilities capable of serving that phase as a stand-alone development. These storm drainage facilities must include on-site detention and stormwater quality facilities. The facilities must be designed and constructed to accommodate any future runoff that may discharge into those facilities.

NOTE: Alternatively, the applicant may provide financial assurances for the required public infrastructure in order to obtain City approval for the final plat(s) or building permits.
Airport Overlay

Condition 19  The final plat for each phase shall include a declaration of anticipated airport noise levels between 55 to 60 Day-Night Sound Level (dN).  

Parking and Access

Condition 20  The applicant shall install “no parking” signs on the south side of Franklin Avenue with the construction of street improvements. The signs shall be placed at a spacing of no more than 200 feet.

Condition 21  Prior to recordation of the plat map for Phase 1, all existing site driveways to Airport Road shall be removed. The applicant shall secure all necessary permits and approvals from ODOT prior to performing any work within ODOT right of way.

Condition 22  Prior to issuance of a building permit, the applicant shall submit a site plan to the Community Development Department for review and approval to ensure consistency with the standards of Table 9-2: Parking Lot Design and Supplemental Drawings.

Condition 23  Prior to issuance of a building permit, the applicant shall provide detailed plans to show how the bicycle parking meets the standards of ADC 9.120(13)(e-h).

Condition 24  Site lighting must be directed down, contained on site, and shielded, full cut-off design.

Compatibility

Condition 25  Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan shall be in substantial conformance with the preliminary plans, as shown on Landscape Plan Sheets L1.0 & L2.0. The plans shall also meet the minimum standards for landscaping under ADC 9.140, landscape parking lot standards of ADC 9.150, buffering standards of ADC 9.240, and irrigation standards of ADC 9.160.

Condition 26  Prior to issuance of a certificate of occupancy for the multi-family development on Lot 12, all proposed and required site improvements for each phase (e.g., vehicle and bicycle parking, landscaping, community amenities, refuse screening, lighting, etc.), shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.

Design Standards

Condition 27  Prior to issuance of a building permit, the applicant shall submit a site plan and building plans to the Community Development Department for review and approval that shows the standards for private open space per ADC 8.230 are met. Outdoor storage closets on decks and balconies may not be included in the dimension and area requirements of the private open space decks and patios.

Tree Felling

Condition 28  Prior to issuance of an Erosion Prevention Sediment Control (EPSC) permit for each phase of development, tree protection measures shall be implemented in accordance with the Arborist Report. At a minimum, tree protection measures shall include installation of a tree protection fence located a minimum of 15 feet from the center of the tree.

Condition 29  In the event additional trees need to be removed to accommodate the proposed development, a new tree felling application shall be submitted to the Community Development Department for review and processing, in accordance with ADC 9.208(2).

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 ensure 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 ensure compliance with all applicable regulations.

Planning

1. Prior to development, planning staff must review the building plans to verify consistency with the Conditional Use approval.

2. Land use approval does not constitute building or public works permit approvals.

3. Precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process, in accordance with ADC 9.208(5).

4. 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 (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.

Expiration of Land Use Approvals (ADC 1.080).

(1) 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 1.083.

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.

Fire Department
Refer to the attached memo from the Albany Fire Department

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

PLAN REVIEW FOR PERMITS
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.

Attachments:
1. Location Map
2. Albany Fire Department Memo
3. Landscape Plans
4. Civil Plan Set
TO: Melissa Anderson, Planner
From: Lora Ratcliff, Fire Marshal
DATE: June 17, 2020
SUBJECT: PD-01-20 – 840 Airport Rd SE – Multi- & Single-Family Development– Fire Department Comments

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments:

1. The only new street to receive a name will be Franklin Ct (Pvt) which serves the single-family residences. All other internal roads will not be named, and the multi-family buildings will be addressed off Franklin Ave SE with one address number given to the complex and a separate building letter designation for each structure.

2. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)

   The last two single-family lots at the southernmost end of Franklin Court (Pvt) will be fire sprinklered with an NFPA 13D system in lieu of this requirement per approved F1 sheet.

3. 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)

   The last two single-family lots at the southernmost end of Franklin Court (Pvt) will be fire sprinklered with an NFPA 13D system in lieu of this requirement per approved F1 sheet.

4. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently 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).

5. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response (OFC 505.1).

   Wayfinder signage will be required at each entrance.

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.

   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).

LAR/iar
OUTLINE SPECIFICATIONS: PLANTING DETAIL

GENERAL: All plants shall be as indicated on the planting plan of the lot or the "Permitted Landscape Planting Schedule," if any. The plans shall be in a clear, legible print and shall be approved by the Landscape Architect and the Landscape Architectural Firm. All plants shall be listed in the "Permitted Landscape Planting Schedule," if any. All materials shall be properly installed and shall conform to the specifications herein.

MISCELLANEOUS: The landscape plan shall be in a clear, legible print and shall be approved by the Landscape Architect and the Landscape Architectural Firm. All materials shall be properly installed and shall conform to the specifications herein.

SPECIFICATIONS: All plants shall be as indicated on the planting plan of the lot or the "Permitted Landscape Planting Schedule," if any. The plans shall be in a clear, legible print and shall be approved by the Landscape Architect and the Landscape Architectural Firm. All plants shall be listed in the "Permitted Landscape Planting Schedule," if any. All materials shall be properly installed and shall conform to the specifications herein.

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