



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Tentative Replat

RL-04-22

August 8, 2022

### Application Information

Proposal:	Adjust property line between three parcels.
Review Body:	Planning Staff (Type I-L Review)
Property Owner/Applicant:	1) Corey Bontrager; 810 NW Scenic Wood Place, Albany, OR 97321
Property Owner/Applicant:	2) Clear Path Home Buyers; P.O. Box 548, Corvallis, OR 97339
Surveyor:	Jason Cota; K&D Engineering Inc. 276 NW Hickory Street, Albany, OR 97321
Address/Location:	2117 First Avenue NE and 2150 Water Avenue NE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05CA; Tax Lots 3700 and 3701
Zoning:	Residential Single-Family (RS-5) District

On August 8, 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 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: August 18, 2022**

**Approval Expiration Date (if not appealed): August 8, 2025**

Attachments: Information for the Applicant, Location Map, Tentative Replat

## Condition of Approval

**Condition 1** Prior to the City's approval of the final plat, the applicant must provide a 20-foot-wide utility easement over the existing public sanitary sewer main that runs through the site.

*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 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 replat process:**
  - 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 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 return one copy of the recorded final plat to the Albany Planning Division.

### 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.

## BUILDING

### 4. **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.

### 5. **SANITARY SYSTEM**

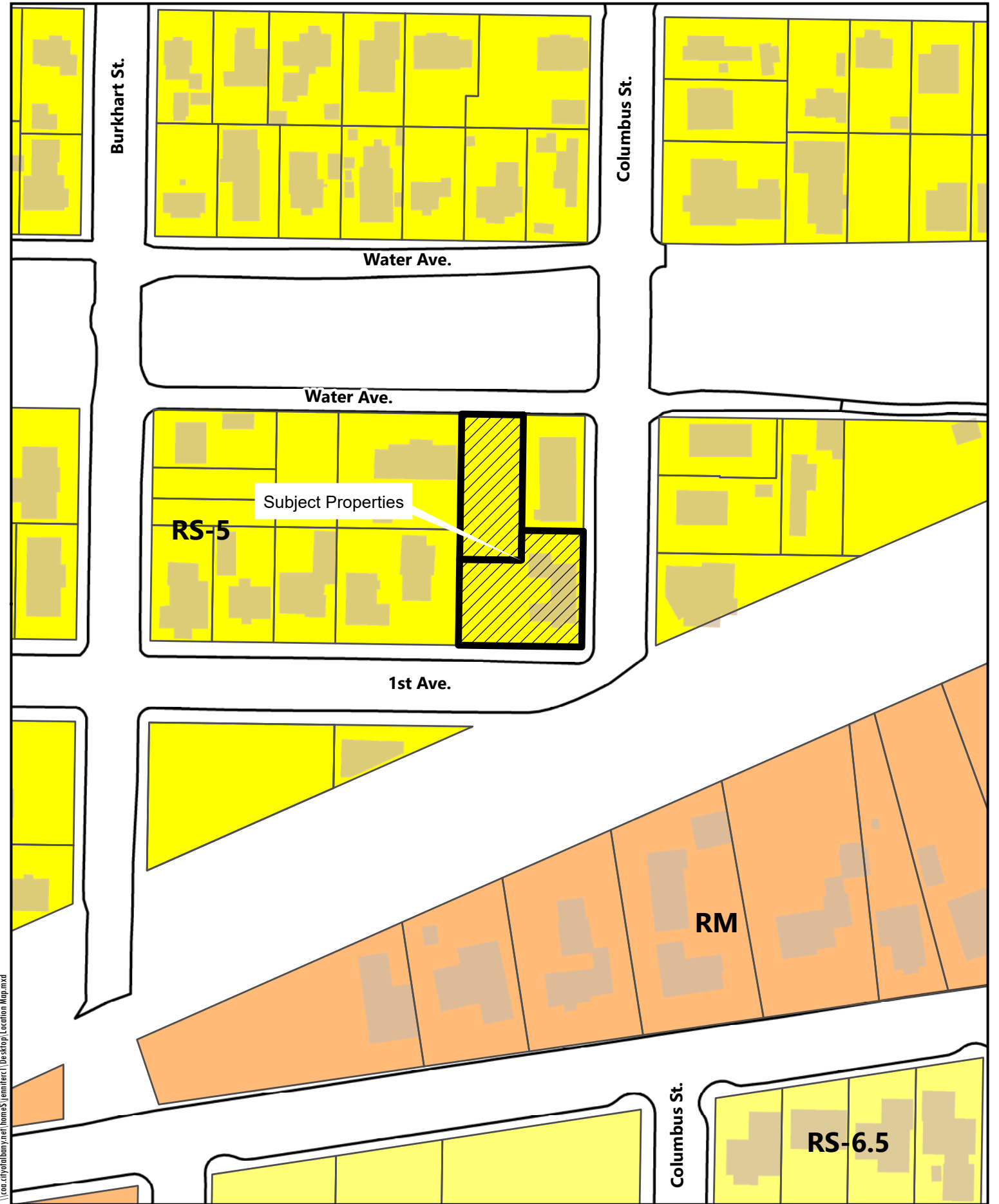
Each lot will need to be provided with a connection to an approved sewer (OPSC 721.0) and water system (OPSC 601.2). Where a well or septic system is needed, approvals from such governing entities shall be provided prior to issuance of the building permit (ex: well log and septic permit). (OPSC 601.2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

### 6. **FIRE SEPARATION**

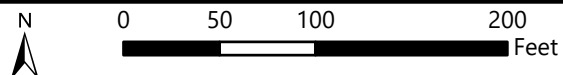
Each structure will need to be provided with fire separation from the property line in compliance with ORSC R302.1 or OSSC 602.1.

## PUBLIC WORKS – ENGINEERING

7. 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.
8. AMC 10.01.080 (2) states before the City will issue a building permit, the applicant must pay to the City the necessary system development charges, and any other applicable fees for connection to the public sanitary sewer system.
9. 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.

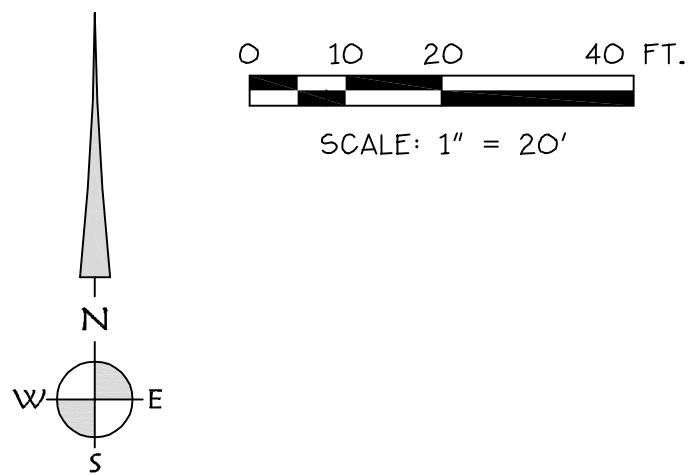


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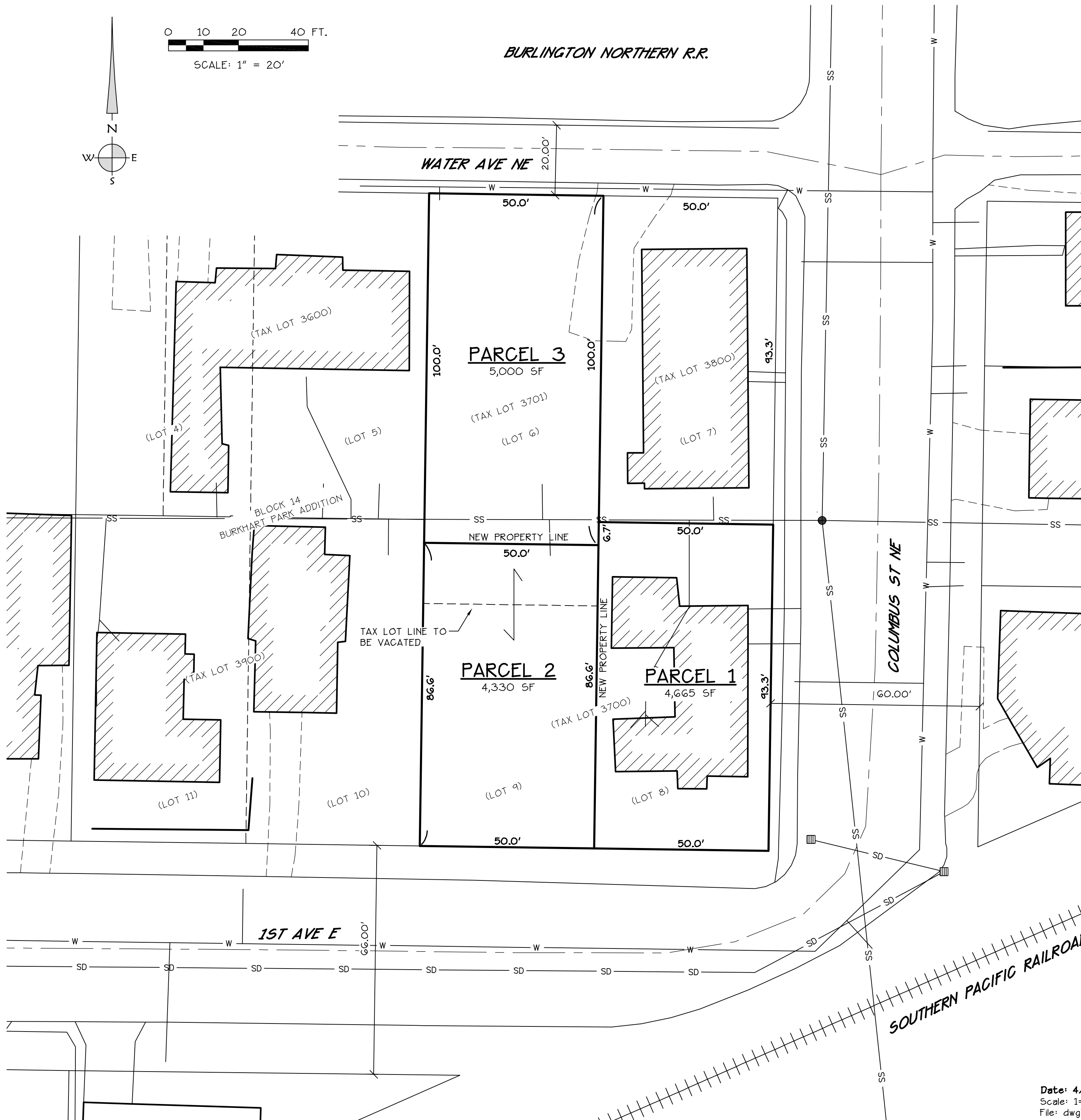
Date: 7/14/2022 Map Source: City of Albany

**2117 1st Avenue NE**  
**2150 Water Avenue NE**  
Location Map



TENTATIVE RE-PLAT  
 LOTS 6, 8 + 9 OF  
 "BURKHART PARK ADDITION"  
 FOR  
**COREY BONTRAGER**

LOCATED IN  
 TAX LOTS 3700 + 3701; MAP 115-03W-5CA  
 IN THE SW 1/4 SEC. 5, T. 11 S., R. 3 W., W.M.  
 APRIL 14, 2022



**NARRATIVE:**

APPLICANT PROPOSES TO RE-PLAT THE EXISTING LOTS INTO 3 PARCELS AS SHOWN ON THE PRE-APPLICATION EXHIBIT MAP.

**OWNER / APPLICANT:**

TAX LOT 3700, MAP 115-3W-05CA

BONTRAGER RENTALS LLC.  
 810 NW SCENIC WOOD PL.  
 ALBANY, OR. 97321

SITE ADDRESS:  
 2150 WATER AVE., NE  
 ALBANY, OR 97321

**OWNER:**

TAX LOT 3701, MAP 115-3W-05CA

CLEAR PATH HOME BUYERS  
 C/O SPIES REAL ESTATE GROUP LLC.  
 4655 NE ELLIOTT CIRCLE  
 CORVALLIS, OR. 97330

SITE ADDRESS:  
 2117 FIRST AVE., NE  
 ALBANY, OR 97321

**PROPERTY AREAS:**

EXISTING:  
 TAX LOT 3700 = 8130 SF  
 TAX LOT 3701 = 5865 SF  
 TOTAL AREA = 13,995 SF

PROPOSED:  
 PARCEL 1 = 4665 SF  
 PARCEL 2 = 4330 SF  
 PARCEL 3 = 5000 SF

**ENGINEER:**

K+D ENGINEERING INC.  
 276 HICKORY ST. NW  
 ALBANY, OR 97321  
 541-928-2583

**PROPERTY USE:**

TAX LOT 3700 = RESIDENTIAL  
 TAX LOT 3701 = VACANT

**SITE ZONING:**

PLAN ZONE = R5 5, RESIDENTIAL SINGLE FAMILY

**TOPOGRAPHY:**

SUBJECT AREA IS VIRTUALLY FLAT, WITH LESS THAN 2 FOOT OF CHANGE

**LEGEND:**

- EXIST. GRAVEL DRIVEWAYS
- SS --- EXIST. SANITARY SEWER
- W --- EXIST. DOMESTIC WATER
- EXIST. TAX LOT LINES