



## 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-05-19

December 3, 2019

### Application Information

Proposal:	Consolidate two parcels into one parcel by removing a common property line between Lot 1 and Lot 2 of Bryant's Second Addition
Review Body:	Staff (Type I-L review)
Report Prepared by:	Travis North, project planner
Property Owners/Applicant:	CMH Homes Inc., 5000 Clayton Road, Maryville, TN 37804
Address/Location	391 Cleveland Street SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S03W05CC Lot 10100
Zoning:	RM (Residential Medium)

On December 3, 2019, 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 (ADC). 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 the project planner, **Travis North**, at **541-791-0176**, or Planning Manager David Martineau 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 Department for review and approval.

*Signature on file*

Community Development Director

**Appeal Deadline: December 24, 2019**

**Approval Expiration Date (if not appealed): December 5, 2022**

Attachments: Location Map, Tentative Replat

[cd.cityofalbany.net](http://cd.cityofalbany.net)



## Conditions of Approval

*Condition 1* Before the City will sign the final plat, the applicant must provide a 10-foot wide public utility easement along the east boundary of the subject property, from the south property line to a point 10 feet north of the existing sanitary sewer manhole. The applicant must submit the legal description for this easement to the City's Public Works Department and the City will incorporate the legal description into the City's form for signatures and recording with the county.

## 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 Albany Municipal Code (AMC) or Albany 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 Department for review and approval. A completed Final Plat Application and final plat review fee must accompany the final plat.** 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 Linn 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 City Planning Department; **and**
  - (ii) Provide the Building Department with a copy of Linn County's Tax Assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.

### Public Works - 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.

All public utilities must be installed in accordance with the *City's Standard Construction Specifications*. If being constructed under a private contract, the developer must obtain a permit for private construction of public improvements through the City's engineering division.

AMC 11.01.120 (2)(c) states that the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water system improvements to be built under a private contract require that the developer obtain a permit for private construction of public improvements.

Prior to any ground disturbing activity, a grading permit shall be obtained from the City of Albany Public Works Department if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent.

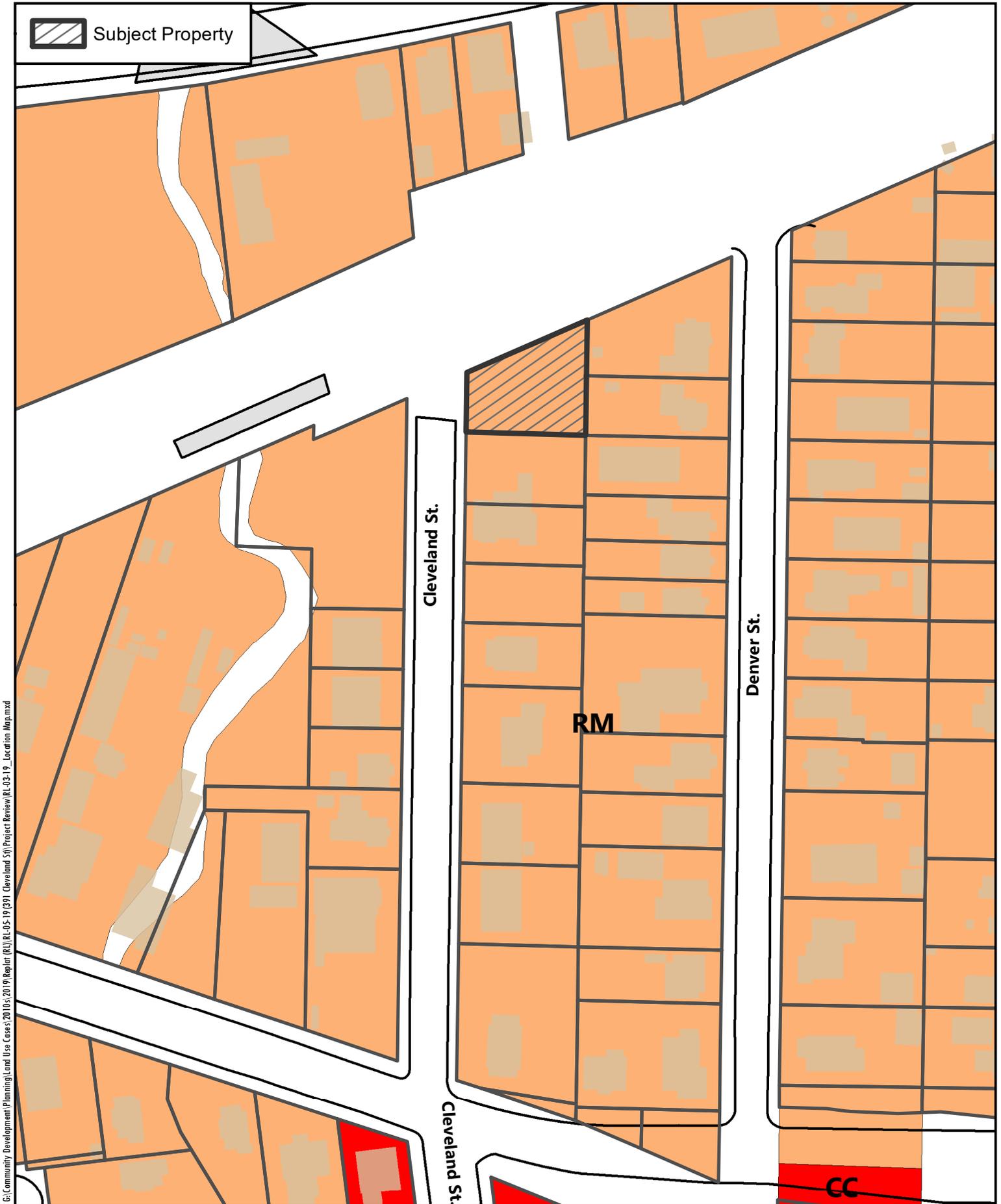
## Building

### INADEQUATE FIRE APPROACH & ACCESS TO 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 your 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.

## State Historic Preservation Office (SHPO)

Under state law (ORS 358.905 and ORS 97.745) archaeological sites, objects and human remains are protected on both public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).



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0 50 100 200 Feet

Date: 10/24/2019 Map Source: City of Albany

**391 Cleveland Street SE**

Location / Zoning Map

