



PUBLIC WORKS - COMMUNITY DEVELOPMENT

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

Notice of Decision

Modification to an Approved Tentative Subdivision

SD-01-19

April 17, 2019

Application Information

Review Body:	Planning Commission (Type III review)
Type of Application:	Modification to Tentative Plat approval for the Nature Way Subdivision (file SD-03-18). The proposed modification is limited to the re-location of the stormwater detention and stormwater quality facilities.
Property Owner / Applicant:	Gary and Patty Davenport; P.O. Box 2744, Albany, OR 97321
Applicant Representatives:	Troy Plum, PE, TKP Engineering, LLC; P.O. Box 374, Corvallis, OR 97339
Address/Location	Unaddressed parcel, east of Skyline Drive and south of Patrick Lane
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-36CC; Tax Lots 3300 & 3311
Zoning:	RS-10 (Residential Single Family) and /HD (Hillside Development Overlay)

On April 15, 2019, the City of Albany Planning Commission 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. 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, 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 of Decision.

Planning Commission Chair

Appeal Deadline: April 27, 2019

Approval Expiration Date (If not appealed): April 17, 2024

Attachments: Location Map, Subdivision Plan Set (4 sheets)

cd.cityofalbany.net



Conditions of Approval

Public Utilities* (see note)

1. Before the final plat will be approved by the City, the applicant must construct public sanitary sewer, water and storm drainage facilities to serve the proposed subdivision, generally as shown on the preliminary utility plans. A Permit for Private Construction of Public Improvements must be obtained through the City's Public Works Department before beginning work.
2. Before the final plat will be approved by the City, the applicant must have individual sanitary sewer and water services installed to each proposed lot.
3. Before the final plat will be approved by the City, the applicant must construct storm water quality facilities to serve the proposed subdivision. A post-construction storm water quality permit must be obtained through the City's Public Works Department before beginning work.

* Note: As an alternative, the applicant may provide financial assurances for the required public infrastructure work in order to receive subdivision plat approval prior to actual infrastructure construction.

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 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 assure compliance with all applicable regulations.

Planning

1. *This land use review to modify the tentative plat approval is limited to only those aspects of the plan that are proposed to change, which is the type and location of stormwater detention and stormwater quality infrastructure for the subdivision; the rest of the original tentative plat approval and conditions of approval under planning file SD-03-18 remain in effect unless specifically amended through this land use review.*
2. Land use approval does not constitute Building or Public Works permit approvals.
3. 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 Benton County Surveyor also needs to review the final plat. These reviews should be done concurrently. Contact the County Surveyor's 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.

ADC 1.080 Expiration of Land Use Approvals.

- (4) 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.

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.

Building Division

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

Fire Department

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) and has the following comments:

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 (OFC D106.1 Exception)
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)
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)
4. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)
5. 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).
6. 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 property.
 - The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.