Staff Report

Modification to a Previously Approved Tentative Subdivision Plat

SD-04-20

November 2, 2020

Summary

The application is for a modification to the previously approved “Henshaw Farm” Tentative Subdivision Plat. The proposed modification would allow the division of five large lots prior to developing multiple lots within each of these large lots.

As shown on the original Notice of Decision (Attachment E), the Planning Commission granted approval for the “Henshaw Farm” 226-lot residential subdivision with floodplain review on May 19, 2014. The original application was approved to be developed in up to eight phases under planning files SD-01-14 and FP-01-14.

The 105.7-acre property is located at 6150 Columbus Street SE. The property is on the west side of Columbus Street SE, is bisected by Ellingson Road SE, and the Oak Creek riparian corridor traverses the northern portion of the site. The southern 21.69 acres, south of Ellingson Road is not proposed for development, and the northern 27.59 acres of the site is proposed to be preserved and dedicated to the City as open space. A location map is included as Attachment A.

Minor revisions to the original approved phasing plan have been necessary as part of the final site engineering. In preparing engineering plans, the developer found that the Bonneville Power Authority (BPA) powerline easement crossing the site was incorrectly located in the original survey and preliminary plat. Accordingly, the easement has been correctly located in the engineering plans that was submitted to the Albany Public Works Engineering Department, and on the plan set that is submitted with this application. The required changes are de minimis in nature, and both the Tentative Plat and phasing plan remain substantially the same as those originally approved.

The applicant now requests a modification to the original “Henshaw Farm” Tentative Subdivision Plat approval to add a Large Lot Tentative Plat creating five large lots, consistent with the approved phasing plan. Other than the revisions to reflect the actual location of the BPA easement across the site, no changes to the underlying site layout, tentative lotting patterns, or existing Conditions of Approval are proposed with this application. The proposed five large-lot tentative plat is shown in Attachments H - P.

The Land Division review criteria under Albany Development Code (ADC) 11.180 are applicable for the proposed modification. These criteria must be satisfied to grant approval for this application.
Application Information

Review Body: Planning Commission (Type III Process)
Staff Report Prepared By: Melissa Anderson, Planner III
Planning File: SD-04-20 (Related Files: SD-01-14 and FP-01-14)
Type of Application: Modification of a previously approved “Henshaw Farm” Tentative Subdivision Plat. The previous decision granted approval for a 226-Lot Phased Subdivision with Floodplain review under Planning files SD-01-14 and FP-01-14. The proposed modification would divide five large lots prior to developing multiple lots within each of these large lots.

Property Owner / Applicant: Tri-County Investments LLC
17933 NW Evergreen Parkway, Beaverton, OR 97006
Applicant Representatives: Pioneer Design Group
9020 SW Washington Square Road, Suite 170, Portland, OR 97223
Address/Location: 6150 Columbus Street SE
Map/Tax Lot: Linn County Assessor’s Map No. 11S-03W-029; Tax Lot 300
Zoning: Multiple Zones: Residential Single Family (RS-5); Residential Medium Density (RM); Mixed Use Commercial (MUC); Open Space (OS); Floodplain Overlay (/FP); Significant Wetland Overlay (/SW); and Riparian Corridor Overlay (/RC)

Total Land Area: 105.7 Acres
Existing Land Use: Vacant
Comprehensive Plan Designation: Residential – Low Density
Neighborhood: South Albany
Surrounding Zoning: North: Residential Single Family (RS-6.5) and Residential Medium Density (RM); Open Space (OS); and Linn County-UGM 20 Urban Growth Management, 20-acre minimum)
South: Linn County-EFU (Exclusive Farm Use)
West: Linn County-UGM 20 (Urban Growth Management, 20-acre minimum) and EFU
East: OS and Linn County- UGM 20 (Urban Growth Management, 20-acre minimum) and UGM 5 (Urban Growth Management, 5 acre minimum)

Surrounding Uses: North: Oak Creek; Single Family homes and the Mennonite Village complex
South: Vacant / Farmland
East: Single-family residential and Farmland
West: Vacant / Farmland
Prior History:

AN-06-04: Annexation of approximately 110 acres into the City of Albany with the majority zoned RS-5 and the remainder zoned OS. Approved by the voters on May 18, 2005 and on July 13, 2005, the Albany City Council approved the annexation (ORD 5623).

SD-14-05: Subdivision Tentative Plat to divide 109± acres of a 181± acre parcel of land into 429 residential single-family lots and a 5-acre park site. The subdivision was to be constructed in phases. A portion of the land to be divided is in a 100-year floodplain. The remainder acreage is outside the City's Urban Growth Boundary

SP-48-05: Site Plan Review to remove eight trees that have trunks larger than 8-inches in diameter

CP-04-12: Change designation from URR to VC for a site of approximately 10 acres on Columbus Street across from Seven Mile Lane (portion of Linn County Assessor's map #11S-03W-0029, Tax Lot 300).

ZC-07-12: Change zoning from Residential Single-family (RS-5) to Mixed Use Commercial for a 3-acre site on Columbus Street across from Seven Mile Lane and change the zoning from RS-5 to RM for approximately 27-acres (portion of Linn County Assessor's map #11S-03W-0029, Tax Lot 300).

SP-17-13: Administrative map amendment to refine the boundaries of the Open Space (OS) zoning district and OS comprehensive plan designation to the RS-5 zoning district and the Urban Residential Reserve plan map designation based on a wetland delineation that was approved by DSL.

ZC-03-13: Quasi-Judicial Zoning Map Amendment (Type IV) to reconfigure the size and location of existing Residential Medium Density (RM), Single Family Residential (RS-5), and Mixed-Use Commercial (MUC) zoning on one parcel.

SD-01-14 and FP-01-14: Tentative Subdivision Plat for a 226-Lot Phased Subdivision with Floodplain Review.

Notice Information

A notice of public hearing for this application was mailed on October 16, 2020, to owners of property located within 300 feet of the subject property in accordance with ADC 1.360. On October 30, 2020, the property was also posted with two public hearing notice signs, no less than seven days before the hearing, in accordance with ADC 1.410. At the time of writing this report, no comments had been received by the Community Development Department. The Staff Report was available to the public and posted on the City’s website at www.cityofalbany.net on Monday, November 2, 2020, at least seven days prior to the public hearing.

Appeals

Within five days of the Planning Commission’s final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the Planning Commission to the City Council by filing a Notice of Appeal and associated filing fee within ten days from the date the City mails the Notice of Decision.
Staff Analysis

The Albany Development Code (ADC) includes the following review criteria for a land division, which must be met for the applications to be approved. Code criteria are written in **bold italics** and are followed by findings and conclusions.

Tentative Plat Review Criteria (ADC 11.180)

Criterion (1)
*The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.*

Findings of Fact

1.1 The application is for a modification to the previously approved “Henshaw Farm” Tentative Subdivision Plat. The proposed modification would allow the division of five large lots prior to developing multiple lots within each of these large lots.

1.2 As shown on the original Notice of Decision (Attachment E), the Planning Commission granted approval for the “Henshaw Farm” 226-lot residential subdivision with floodplain review on May 19, 2014. The original application was approved to be developed in up to eight phases under planning files SD-01-14 and FP-01-14.

1.3 The 105.7-acre property is located at 6150 Columbus Street SE. The property is on the west side of Columbus Street SE, is bisected by Ellingson Road SE, and the Oak Creek riparian corridor traverses the northern portion of the site. The southern 21.69 acres, south of Ellingson Road is not proposed for development, and the northern 27.59-acres of the site is proposed to be preserved and dedicated to the City as open space. A location map is included as Attachment A.

1.4 Minor revisions to the original approved phasing plan have been necessary as part of the final site engineering. In preparing engineering plans, the developer found that the Bonneville Power Authority (BPA) powerline easement crossing the site was incorrectly located in the original survey and preliminary plat. Accordingly, the easement has been correctly located in the engineering plans that was submitted to the Albany Public Works Engineering Department, and on the plan set that is submitted with this application. The required changes are de minimis in nature, and both the Tentative Plat and phasing plan remain substantially the same as those originally approved. On October 24, 2014, the City acknowledged substantial conformance of the “Henshaw Farm” Subdivision layout with minor changes to accommodate for the correct location of the BPA easement (Attachment D).

1.5 The current application is a request to modify the original Tentative Subdivision Plat approval by adding a Large Lot Tentative Plat for five large lots, consistent with the approved phasing plan. Other than the revisions to reflect the actual location of the BPA easement across the site, no changes to the underlying site layout, tentative lotting patterns, or conditions of approval are proposed with this application. The proposed five large-lot tentative plat is shown in Attachments H - P.

1.6 The property is zoned Residential Single Family (RS-5), Residential Medium Density (RM), Mixed Use Commercial (MUC), and Open Space (OS). Natural Resource Overlay Districts encumber the northeast portion of the property with the Significant Wetland Overlay (/SW), Floodplain Overlay (/FP), and Riparian Corridor Overlay (/RC). The subdivision is designed to avoid impacting Oak
Creek, the wetland and riparian corridor, and the floodplain overlays. A zoning map is included as Attachment B.

1.7 The lot and block standards under ADC 11.090 and the development standards of the underlying zoning district were addressed when the Tentative Subdivision Plat was granted approval under planning file SD-01-14. The proposed modification to the tentative subdivision plat does not affect the lot and block layout or the development standards per the underlying zoning districts. On October 24, 2014, the City acknowledged substantial conformance of the “Henshaw Farm” Subdivision layout with corrections to the location of the BPA easement (Attachment D). The proposed five lot tentative plat is shown in Attachments H - P and described below:

Large Lot 1 is 1,027,061-square-feet in size. Large Lot 1 incorporates Phases A, B, and E of the approved Tentative Plat of “Henshaw Farm,” and is designated RS-5 (Attachment F). The applicant has worked with the Albany Public Works Engineering Department on the site improvement plans for Large Lot 1, which will be Phase 1 of the development. Engineering Plans for Phase 1 were approved on November 11, 2019. The Cover Sheet for the approved engineering plans for SI-19-18 is included with the submittal for reference (Attachment G).

Large Lot 2 is 2,004,224-square-feet in size. Large Lot 2 incorporates Phases C, D, and F of the approved Tentative Plat of “Henshaw Farm” (Attachment F). Large Lot 2 includes the future Tract 1, which is a 27.59-acre area on the northeast portion of the subdivision that is traversed by Oak Creek. Tract 1 is zoned RS-5 and OS, with Significant Wetland, Floodplain, and Riparian Corridor Overlays. The subdivision was designed to avoid impacting Oak Creek and the significant wetlands and to minimize development in the floodplain. Therefore, Tract 1 is proposed to be preserved and dedicated to the City as open space, as part of the development of Large Lot 2. The approval of FP-01-14 addresses flood plain management in this area.

Lot 3 is 153,743-square-feet in size. Lot 3 incorporates Phase H of the approved Tentative Plat of “Henshaw Farm,” and is entirely zoned MUC (Attachment F). Lot 3 can be further developed; however, the Site Plan Review process will be required prior to any new development, to ensure that any future development will be in accordance with the Albany Development Code.

Large Lot 4 is 422,424-square-feet in size. Large Lot 4 incorporates Phase G of the approved Tentative Plat of “Henshaw Farm”, which was made up of Lots 2 and 3, and Tract 5 (Attachment F). Large Lot 4 is zoned RM and bisected by the BPA easement. These lots can be further subdivided and developed. Site Plan Review process will be required prior to any new development, which will ensure that any new development will be in accordance with the ADC.

Large Lot 5 is 952,014-square-feet in size. Large Lot 5 incorporate Phase G of the approved Tentative Plat of “Henshaw Farm”, which was made up of Lots 2 and 3, and Tract 5 (Attachment F). Lot 5 is located south of Ellingson Road and it is not proposed for development at this time.

1.8 At the time of building permit, setback, lot coverage, and height standards will be applied to ensure construction of new dwellings meet all applicable development standards of each underlying zoning district.

Conclusions

1.1 The proposed modification to create a five large-lot subdivision meets the development standards of the underlying zoning district.
1.2 The proposed modification continues to meet all applicable lot and block standards under ADC 11.090, with the original conditions of approval remaining the same. Those conditions are reiterated at the end of this report.

Criterion (2)

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact

2.1 The subject property is owned by Tri-County Investments, LLC, in its entirety.

2.2 The proposed modification to create a five large-lot subdivision, prior to developing the subdivision further does not create any remainder property.

2.3 Original Condition of Approval #1.3 under planning files SD-01-14 and FP-01-14 requires Tract 5 and Lots 2 and 3 be combined into one Tract of land as a single unit of property (see Attachments E and F). However, as part of this modification, the applicant requests Lots 2 and 3 be consolidated as Large Lot 4, and Tract 5 recorded as Large Lot 5, to avoid a situation whereby a single parcel becomes land-hooked, consisting of two non-contiguous areas bisected by public rights-of-way (SE Ellingson Road). As such, the original condition of approval under #1.3 is replaced with new condition of approval #4.7, which requires the developer provide a petition and waiver for the extension of sewer and water on Columbus Street through the project’s frontage. Replacing condition of approval #1.3 with condition #4.7 accomplishes the same objective, which is to ensure adequate infrastructure is provided at the time of new development.

Conclusions

2.1 The subject property is owned by one entity and there is no remainder property to consider with the proposed modification to the previously approved tentative plat.

2.2 All conditions of approval from the original approved land use decision under planning files SD-01-14 & FP-01-14 remain in full effect, except for the deletion of condition of approval #1.3 presented below. All conditions of approval are reiterated in full at the end of this report.

Conditions

1.3 Prior to City approval of the Final Subdivision Plat of the initial phase of the subdivision, Tract 5 (south of Ellingson Road) and Lots 2 and 3 (northwest corner of Ellingson and Columbus) shall be combined into one Tract of land as a single unit of property. Original Condition Deleted and Replaced with Condition of Approval 4.7 (below).

Criterion (3)

Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Findings of Fact & Conclusions

3.1 Adjoining properties have access to public streets through the existing transportation system. The approved subdivision plan and proposed modification for a five large-lot subdivision prior to dividing the land further will not remove that access.

3.2 The proposed modification to the approved subdivision does not affect access to public streets; therefore, the criterion related to access (above) is not applicable to the proposed modification.
Criterion (4)

*The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*

Findings of Fact & Conclusions

4.1 The development is located on the west side of Columbus Street. Proposed Lot 5 is located on the south side of Ellingson Road, and the remainder of the site is located north of Ellingson Road. The development will create 225 single-family lots, two larger lots intended for future multi-family and commercial development and one larger lot intended for future single-family and multi-family development.

4.2 The proposed modification to the approved subdivision plat does not affect the street plan; therefore, the transportation criterion (above) is not applicable to the proposed modification.

4.3 All conditions of approval from the original approved land use decision under planning files SD-01-14 & FP-01-14 remain in full effect, unless modified to the reference “5-Lot Modification” when the condition is specific to this modification application. Those conditions are reiterated at the end of this report.

Criterion (5)

*The location and design allow development to be conveniently served by various public utilities.*

Findings of Fact

Sanitary Sewer:

5.1 The proposed modification to the approved subdivision creates a separate lot on the south side of Ellingson Road.

5.2 ORS 92.090 states no subdivision plat shall be approved unless sanitary sewer service from an approved sewage disposal system is available to the lot line of every lot depicted in the proposed subdivision plat.

5.3 ADC 12.490 states sewer collection mains must be extended along the full length of a property’s frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.

5.4 AMC 10.01.100(5)(d) states where a property abuts more than one street or right-of-way, sewer mains shall be extended for the full length of the property frontages along the rights-of-way for all frontages, unless it is determined that the extensions on the frontages from which service is not being taken are not currently needed to provide service to other properties, and that those sewer mains may be completed at a future time.
5.5 AMC 10.01.010(1) states the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.

5.6 The applicant must construct public sanitary sewer mains along the full length of the subject property’s frontages on Columbus Street and Ellingson Road, to provide direct sewer service to all proposed lots and to properties east of Columbus Street. Final design details for public sanitary sewer system improvements will be reviewed as part of the Permit for Private Construction of Public Improvements.

Water:

5.7 The proposed modification to the approved subdivision creates a separate lot on the south side of Ellingson Road.

5.8 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.

5.9 AMC 11.01.120 (2)(e) states all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property’s entire frontage and/or through the interior of the property. Extension of the water across the property’s frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.

5.10 AMC 11.01.120 (2)(c) states 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.

5.11 AMC 11.01.120 (2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.

5.12 ORS 92.090 states no subdivision plat shall be approved unless water service from an approved water supply system is available to the lot line of every lot depicted in the proposed subdivision plat.

5.13 The applicant must construct public water mains along the full length of the subject property’s frontages on Columbus Street and Ellingson Road, to provide direct sewer service to all proposed lots and to properties east of Columbus Street. Final design details for public water system improvements will be reviewed as part of the Permit for Private Construction of Public Improvements.

Storm Drainage:

5.14 The proposed modification to the approved subdivision plat does not affect the stormwater system; therefore, the utility criterion (above) is not applicable to the proposed modification regarding the stormwater system.
Conclusions

5.1 Public utilities (sanitary sewer, water, storm drainage) can be made adequate for the proposed development by the extension of these public utilities from the existing utilities near the property’s northeast corner in Columbus Street. The sizes of the required public utilities are determined by the City’s Engineering Standards and the City’s various Facilities Plans. The utilities must be extended along the property’s frontages and through the site as necessary to provide service to each phase of the development, and to provide for future extensions for surrounding properties.

5.2 While the applicant’s preliminary utilities plans appear to be generally acceptable, final design details must be reviewed and approved by the City’s Engineering Division as part of the Permit for Private Construction of Public Improvements.

5.3 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.

5.4 As discussed under finding #2.3 (above), the original condition of approval under #1.3 is replaced with new condition of approval #4.7 (below), which requires the developer to provide a petition and waiver for the extension of sewer and water on Columbus Street through the project’s frontage. Replacing condition of approval #1.3 with condition #4.7 accomplishes the same objective, which is to ensure adequate infrastructure is provided at the time of new development. The additional condition of approval necessary to meet this criterion is presented below.

5.5 All conditions of approval from the original approved land use decision under planning files SD-01-14 & FP-01-14 remain in full effect, with the exception of the addition of condition of approval #4.7. Those conditions are reiterated in full at the end of this report.

New Condition

4.7 New Condition Replaces Original Conditional of Approval 1.3 (above): Prior to recording of the plat for the 5-Lot Modification, the applicant shall provide a “Petition for Improvement/Waiver of Remonstrance” for participation in a future assessment district for utility improvements within Columbus Street and Ellingson Road along the site’s frontages.

Criterion (6)

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact and Conclusion

6.1 The proposed modification for a five large-lot subdivision prior to dividing the land further as originally approved does not affect the original approval for tentative plat with floodplain development review.

6.2 The findings of fact and conditions for the original land use decision under SD-01-14 and FP-01-14 remain the same; therefore, the criterion related to natural resource overlays (above) is not applicable to the proposed modification.

6.3 All conditions of approval from the original approved land use decision under planning files SD-01-14 & FP-01-14 remain in full effect. Those conditions are reiterated in full at the end of this report.
Overall Conclusion

As proposed and conditioned, the application under planning file SD-04-20 for a modification to the approved Tentative Plat with Floodplain Development Review (files SD-01-14 and FP-01-14) for a five large-lot subdivision, satisfies all applicable review criteria as outlined in this report. All conditions of approval from the original approved land use decision under files SD-01-14 & FP-01-14 remain in full effect unless otherwise presented below using strike-out or underline revisions.

Conditions

1.1 Prior to dedicating Tract 1 to the City of Albany, the land must be free of encumbrances and released from any conditions pertaining to permits from the Department of State Lands (DSL) and the U.S. Army Corps of Engineers (ACOE).

1.2 Prior to City approval of the Final Subdivision Plat of the initial phase of the subdivision, a copy of the agreement between the property owner and BPA shall be provided to the Albany Community Development Department to ensure the developer has a right to use the land within the easement as proposed.

1.3 Prior to City approval of the Final Subdivision Plat of the initial phase of the subdivision, Tract 5 (south of Ellingson Road) and Lots 2 and 3 (northwest corner of Ellingson and Columbus) shall be combined into one Tract of land as a single unit of property. Original Condition Deleted and Replaced with Condition of Approval 4.7 (below).

Transportation - General:

3.1 The applicant shall construct to city standards all public streets interior to the development. The right-of-way widths and curb-to-curb widths shall be as identified on the Tentative Plat Map.

3.2 Project phasing and interior street construction must demonstrate compliance with applicable Fire Code requirements relating to the need for secondary access and access point spacing.

3.3 The applicant shall install public sidewalk with the construction of street improvements along the public street frontage of all lots and tracts of land that do not have future development potential. Sidewalk installation along the frontage on newly created parcels adjoining streets with a local street classification can be deferred to development of individual lots.

3.4 Prior to recording the final plat for the 5-Lot Modification, the applicant shall, with the first phase of the development, dedicate public street right-of-way along the site’s frontages on Columbus Street and Ellingson Road. The right-of-way dedication shall conform to the cross sections identified in the adopted South Albany Area Plan. Dedication widths shall be:

a. 10 feet of right-of-way along the west side of Columbus Street from Ellingson Road to the site’s south boundary.

b. 23 feet of right-of-way dedication along both the north and south side of Ellingson Road from Columbus Street to the site’s west boundary.

c. Dedication of right-of-way for construction of a roundabout at the Ellingson/Columbus intersection. Dedication will involve lot’s 2 & 3, and tracts 2 & 5 of the 5-Lot Modification. Dedication shall be based on the roundabout concept plan developed by David Evans & Associates, Inc.

3.5 The applicant shall, with the first phase of the development, dedicate a 10-foot-wide public access easement along Tracts 2, 3, and 4 for a future pathway. The easement shall follow the alignment of the access road proposed for maintenance of the detention facilities and overhead power transmission facilities.
3.6 Prior to recording of the plat for the 5-Lot Modification, the applicant shall provide a “Petition for Improvement/Waiver of Remonstrance” for participation in a future assessment district to improve Columbus Street and Ellingson Road along the site’s frontage and construction of a roundabout at the Ellingson/Columbus intersection.

3.7 The applicant shall, with Phase F, install a 20-foot-wide concrete walkway between lots 80 and 81. The design of the walkway shall provide for a Fire Department turn around at its connection to G Court.

3.8 On street parking shall be restricted along “A” Drive between Ellingson Road and the north boundary of lot 201.

3.9 On street parking shall be restricted along “E” Avenue between Ellingson Road and “B” Street.

3.10 On street parking shall be restricted along the first 100 feet of Seven Mile Lane from Columbus Street west.

3.11 The applicant shall install street lighting and street name signs to city standards on all public streets within the development.

Columbus Street:

3.12 Columbus Street shall be improved from the development’s north boundary south to Seven Mile Lane with the first of the following to occur:

a. With construction of the 4th phase of the development to record.

b. At the time of creation of the 112th single family lot.

c. With a local street connection to Columbus Street.

   i. If the first local street connection is Oak Creek Parkway, Columbus Street must be improved from the development’s north boundary to and thru this intersection.

   ii. Columbus Street must be improved from the development’s north boundary thru the Seven Mile Lane intersection with the connection of Seven Mile Lane to Columbus Street.

3.13 Improvements to Columbus Street shall conform to the South Albany Area Plan. Improvements are illustrated in the cross-section diagram below and include the following:

a. Curb and gutter along both sides of the street.

b. Sidewalk along the west side of the street, from Oak Creek Parkway south to Seven Mile Lane.

c. A vehicle travel lane in each direction and median/two way center turn lane.

d. A northbound bike lane along the east side of the road.

e. A southbound bike lane on the west side of the road between Oak Creek Parkway and Seven Mile Lane.

f. A 10-foot-wide concrete multi-use path along the west side of the road from the Oak Creek Bridge south to Oak Creek Parkway.
3.14 The design of the pavement structural section shall conform to Albany’s Engineering Standards and shall be approved by the City Engineer.

3.15 If Columbus Street is not fully improved with the first phase of the development; the utility work done with the first phase shall include an asphalt overlay over the full width of Columbus Street between the Oak Creek Bridge and Seven Mile Lane as part of the pavement repair work necessary over utility trenches. The thickness of the overlay shall be approved by the City Engineer but shall in no case be less than two inches. The use of an overlay does not preclude the possibility of the need for pavement reconstruction when the full street improvements identified above are constructed.

**Ellingson Road:**

3.16 Ellingson Road shall be improved from the site’s west boundary to “E” Avenue with Phase A.

3.17 Improvements to Ellingson Road shall conform to the South Albany Area Plan. Improvements are illustrated in the cross-section diagram below and include the following:

a. Curb, gutter, and setback sidewalk along the north side of the street.
b. A vehicle travel lane in each direction and median/two way center turn lane. The median island shall be designed to restrict vehicle movements to right in and right out, and allow for crossing bicycle and pedestrian movements. In the event Phase A is the first phase of the development to be constructed, installation of the median island improvements and associated turn restrictions can be deferred and constructed with the first project street connection to Columbus Street.

c. A westbound cycle track along the north side of the road.

d. Landscaping along the north side of the road between the sidewalk and cycle track, and the cycle track and the north curb and gutter.

Ellingson Interim Cross Section

Ellingson Build-out Cross Section

3.18 The design of the pavement structural section shall conform to Albany’s Engineering Standards and shall be approved by the City Engineer.

Utilities:

4.1 Before the City will give final approval to any phase of the proposed subdivision, the applicant must construct public utility extensions (sanitary sewer, water, storm drainage) as needed to provide service to the lots to be created within that phase, and to provide for future extensions to surrounding properties. These utility extensions must conform to the requirements established in the City’s Engineering Standards, Construction Specifications, and Facilities Plans. Final design details for all
public utilities must be reviewed and approved by the City’s Engineering Division as part of the Permit for Private Construction of Public Improvements.

4.2 Before the City will give final approval for the first phase of the proposed subdivision, the applicant must either: install a 16-inch public water main from the end of the existing main in Columbus Street to the point where the subject property’s west boundary intersects with Ellingson Road; or, provide a public utility easement over the subject property as needed from the end of the extension of the 16-inch main for the first phase of the project to Ellingson Road. The intent of this public easement is to provide a route for the City to complete the extension of the 16-inch public water main through the site in the event that the City deems it necessary before development of the subdivision brings the main to that point.

4.3 Before the City will give final approval for the first phase of the subdivision, the applicant must establish a legal entity (e.g., homeowners’ association) assuring private maintenance of the storm water detention facilities and any water quality facilities that are constructed outside of the public right-of-way.

4.4 Before the City will give final approval for any phase of the proposed subdivision, the applicant must submit a storm drainage plan that shows that the proposed storm water facilities for that phase will be adequate for that phase, and can be incorporated into future phases of development.

4.5 Before the City will give final approval for the first phase of the proposed subdivision, the applicant must pay all in-lieu-of assessments and/or connection charges for existing public utility improvements benefitting the subject property.

4.6 Unless alternative methods for fire safety are approved by the Fire Marshall, the following standards must be met at each phase of the subdivision:

a. Residential developments/projects of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with at least two means of fire apparatus access. These access points shall be remotely separated by at least half the length of the maximum overall diagonal dimension of the property or area served (OFC Appendix D107.1).

b. 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).

c. 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).

4.7 New Condition Replaces Original Conditional of Approval 1.3 (above): Prior to recording of the plat for the 5-Lot Modification, the applicant shall provide a “Petition for Improvement/Waiver of Remonstrance” for participation in a future assessment district for utility improvements within Columbus Street and Ellingson Road along the site’s frontages.

Special Purpose Districts:

5.1 Prior to impacting land areas regulated under a required state or federal permit, the applicant shall provide the Community Development Department with a copy of the approved permits (e.g. NPDES permit, DSL permit, ACOE permit).

5.2 Upon completion of the fill project on Lots 86 and 87, the following documentation shall be submitted to the Community Development Department:

a) As-built drawings;

b) Elevation certificate; and

c) Letter from the Engineer of Record who is licensed in the state of Oregon, stating that the fill was placed in accordance with the signed plans.
5.3 Prior to City approval of the final subdivision plat for the initial phase, the grove of Oak trees and the boundary of clearing limits on Lot 2 (of Phase G) shall be identified and protected as required by the annexation agreement and the SAAP.

Lot and Block Arrangement, ADC 11.090:

3.1 Prior to issuance of a certificate of occupancy for new residences on Lots 212-226 abutting Ellingson Road (Phase A), a 6-foot fence made of uniform material shall be constructed by the developer along the rear yards of theses lots.

3.2 Prior to City approval of the first phase of the subdivision, the applicant must establish a legal entity (e.g. homeowners’ association) assuring private maintenance of the fencing along Ellingson Road.

Options for the Planning Commission

The Planning Commission has three options with respect to the proposed development:

Option 1: Approve the request as proposed and conditioned; or
Option 2: Approve the request with amendments; or
Option 3: Deny the request.

Staff Recommendation

Based on the analysis provided in this report, staff recommends the Planning Commission pursue Option 1 and approve the modification to the previously approved “Henshaw Farm” Tentative Subdivision Plat. The proposed modification would allow the division of a five large-lot subdivision prior to developing multiple lots within each of these large lots in accordance with the phasing plan.

If the Planning Commission follows this recommendation, the following motion is suggested:

I move to approve the proposed modification to the previously approved “Henshaw Farm” Tentative Subdivision Plat. The proposed modification would allow the division of five large lots prior to developing multiple lots within each of these large lots. This motion is based on the findings and conclusions in the staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.
Attachments
A. Location Map
B. Zoning Map
   Applicant’s Submittal:
   C. Land Use Application Narrative
   D. Confirmation of Substantial Conformance
   E. Original Notice of Decision (planning files SD-01-14 and FP-01-14)
   F. Approved Phasing Plan
   G. Cover Sheet (Site Improvement Permit SI-19-18)
   H. Large Lot Preliminary Plat (Sheet P1.0)
   I. Large Lot with Approved Phasing Plan (Sheet P2.0)
   J. Large Lot with Layout Plan (Sheet P3.0)
   K. Large Lot with Grading Plan (Sheet P4.0)
   L. Large Lot with Utilities (Sheet P5.0)
   M. Large Lot Existing Conditions (Sheet P6.0)
   N. Large Lot Circulation and Aerial Plan (Sheet P7.0)
   O. “Henshaw Farm” Estates Plat (Sheet 1 of 2)
   P. “Henshaw Farm” Estates Plat (Sheet 2 of 2)
Location: 6150 Columbus Street SE
City of Albany, OR

Date: 9/17/2020
Map Source: City of Albany
LAND USE REVIEW APPLICATION FOR:

HENSHAW FARMS

A Revision of the Decision in City of Albany File SD-01-14 & FP-01-14 (Tentative Plat Subdivision for a Phased Subdivision to Create 226-Lots with Floodplain Development Review) to add a Large Lot Tentative Plat Creating 5-Large Lots, Consistent with the Approved Phasing Plan

June 5, 2020

OWNER/APPLICANT:
Tri-County Investments, LLC
17933 NW Evergreen Parkway
Beaverton, OR 97006
Contact: Darrel Smith
Phone: (503) 597-7149

APPLICANT’S REPRESENTATIVE:
Pioneer Design Group. LLC
9020 SW Washington Square Road, Suite 170
Portland, OR 97223
Contact: Matthew Sprague
Phone: (503) 643-8286
FACT SHEET

Project Name: Henshaw Farms

Project Requests: A Revision of the Decision in City of Albany File SD-01-14 & FP-01-14 (Tentative Plat Subdivision for a Phased Subdivision to Create 226-Lots with Floodplain Development Review) to add a Large Lot Tentative Plat Creating 5-Large Lots, Consistent with the Approved Phasing Plan

Requested Actions: Revised Decision – Planning Commission (Type III)

Tax Map: 11S03W29

Tax Lots: 00300

Site Addresses: 6150 Columbus Street SE, Albany

Site Size: 105.7 acres

Location: On both sides of Ellingson Road SE, west of Columbus Street SE

Comprehensive Plan: Open Space; Urban Residential Reserve; and Village Center

Zoning: RS-5 – Residential Single Family (8-10 Units per Acre); RM – Residential Medium Density; MUC – Mixed Use Commercial; & OS – Open Space

OWNER/APPLICANT:
Tri-County Investments, LLC
17933 NW Evergreen Parkway
Beaverton, OR 97006
Contact: Darrel Smith
Phone: (503) 597-7149

APPLICANT’S REPRESENTATIVE:
Pioneer Design Group, LLC
9020 SW Washington Square Road, Suite 170
Portland, OR 97223
Contact: Matthew Sprague
Phone: (503) 643-8286
BACKGROUND

The subject development, identified as “Henshaw Farms”, was approved via City of Albany File No’s SD-01-14 and FP-01-14, as a “Proposed Land Division (Tentative Plat Subdivision) to create 226 lots with Floodplain Development Review”. The Notice of Decision approving the request was issued on May 23, 2014, with Conditions. A copy of the Notice of Decision is included within the submitted application materials.

The original application consists of a 226-lot subdivision proposed to be developed in up to 8 phases, identified as Phases A – H. The subject property totals 105.7 acres located on the west side of Columbus Street SE and is bisected by Ellingson Road SE, at 6150 Columbus Street SE. Seven Mile Lane SE terminates across from the subdivision's eastern boundary, and the Oak Creek riparian corridor traverses the northern portion of the property. The southern 21.69 acres, south of Ellingson Road was not proposed for development with the original application; however, an urban conversion plan was provided at that time to show how the site could be developed in the future. The northern 27.59-acres of the site is proposed to be preserved and dedicated to the City as open space.

The site is zoned RS-5 (Residential Single Family, 5,000 square foot lot size), RM (Residential Medium Density), MUC (Mixed Use Commercial) and OS (Open Space). Natural Resource Overlay Districts encumber the northeast portion of the property with the Significant Wetland Overlay (SW); Floodplain Overlay (FP); and Riparian Corridor Overlay (RC). The subdivision was designed to avoid impacting Oak Creek, and the significant wetland and riparian corridor overlays, and to minimize development in the floodplain.

It is noted that some minor revisions to the original approved phasing plan have been necessary as part of the final site engineering. In preparing engineering plans, it was found that the BPA powerline easement crossing the site was incorrectly located in the original survey and Tentative Plat. Accordingly, the easement has been correctly located in the engineering plans submitted to the Albany Public Works Engineering Department, and on the plan set submitted with this application. The required changes are de minimis in nature, and both the Tentative Plat and phasing plan remain substantially similar to those originally approved as part of City of Albany File No’s SD-01-14 and FP-01-14.

CURRENT REQUEST

The applicant now requests a Revision of the Decision in City of Albany File SD-01-14 & FP-01-14 (Tentative Plat Subdivision for a Phased Subdivision to Create 226-Lots with Floodplain Development Review) to add a Large Lot Tentative Plat Creating 5-Large Lots, consistent with the Approved Phasing Plan. Other than the revisions to reflect the actual location of the BPA easement across the site, no changes to the underlying site layout, tentative lotting patterns, or existing Conditions of Approval are proposed with this application. This application will not authorize development of the site beyond the recording of the Large Lot Tentative Plat, with all future development continuing to be subject to the requirements of City of Albany File SD-01-14 & FP-01-14, which remain in full force and effect.
While the original application was approved to be constructed in up to 8 phases, the timing or order of the original phasing plan was not specified by the applicant, nor do Conditions of Approval specify the order in which development is to occur. Accordingly, many of the Conditions of Approval of City of Albany File SD-01-14 & FP-01-14, including Conditions 3.2 (secondary access and access point spacing) and 4.1 and 4.2 (provision of utility improvements) require the applicant to demonstrate continued compliance with Albany Development Code for both proposed and future phases, prior to issuance of Final Plat Approval for any phase.

As described, the applicant proposes the creation of a 5-Lot Large Lot Subdivision, so as to facilitate an orderly and efficient development of the site. This is the same approach as taken by representatives of the applicant in large developments within the Portland Metropolitan Area. As proposed, the 5 Large Lots are configured as follows:

Large Lot 1 = 1,027,061 square feet. Large Lot 1 incorporates Phases A, B, and E of the approved Tentative Plat of Henshaw Farms, and is designated RS-5. The applicant has worked with the Albany Public Works Engineering Department on the site improvement plans for Large Lot 1, which will be Phase 1 of the development. Engineering Plans for Phase 1 were approved on November 11, 2019. The Cover Sheet for the approved engineering plans for SI-19-18 is included with the submittal for reference.

Large Lot 2 = 2,004,224 square feet. Large Lot 2 incorporates Phases C, D, and F of the approved Tentative Plat of Henshaw Farms. Large Lot 2 will notably include the future Tract 1, which is a 27.59-acre area on the northeast portion of the subdivision that is traversed by Oak Creek. Tract 1 is zoned RS-5 and Open Space, with Significant Wetland, Floodplain, and Riparian Corridor Overlays. The subdivision was designed to avoid impacting Oak Creek and the significant wetlands and to minimize development in the floodplain. Therefore, Tract 1 is proposed to be preserved and dedicated to the City as open space, as part of the development of Large Lot 2. The approval of FP-01-14 addresses flood plain management in this area.

Lot 3 = 153,743 square feet. Lot 3 incorporates Phase H of the approved Tentative Plat of Henshaw Farms, and is entirely zoned MUC. Lot 3 can be further developed; however, the Site Plan Review process will be required prior to any new development, to ensure that any future development will be in accordance with the Albany Development Code.

Large Lot 4 = 428,890 square feet, and Large Lot 5 = 952,014 square feet. Large Lots 4 and 5 incorporate Phase G of the approved Tentative Plat of Henshaw Farms, which was made up of Lots 2 and 3, and Tract 5. Large Lot 4 is zoned RM-Residential Medium Density and bisected by the BPA easement/Tract 2. These lots can be further subdivided and developed. Site Plan Review process will be required prior to any new development, which will ensure that any new development will be in accordance with the Albany Development Code. Tract 5 is that area located south of SE Ellingson Road and it is not proposed for development at this time. An urban conversion plan was provided to show how the site could be developed in the future.

Condition 1.3 of SD-01-14 and FP-01-14 requires that prior to City approval of the Final Subdivision Plat of the initial phase of the subdivision, Tract 5 and Lots 2 and 3 be combined into one Tract of land as a single unit of property. However, as part of this revision request, the
applicant requests that Lots 2 and 3 be approved to be consolidated as Large Lot 4, and Tract 5 recorded as Large Lot 5, in order to avoid a situation whereby a single parcel becomes land-hooked, consisting of 2 non-contiguous areas bisected by public rights-of-way (SE Ellingson Road).

As previously described, the timing or order of the original phasing plan was not specified by the applicant, nor do Conditions of Approval specify the order in which development is to occur. As such, the above configuration of the original phases does not modify the phasing schedule. Each phase remains discrete and able to be developed individually or in combination with any other adjoining phase, dependent on the request for approval of each applicable Final Subdivision Plat.
ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICTS

3.020 Establishment of Residential Zoning Districts.

In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following residential zoning districts are established:

(4) RS-5 — RESIDENTIAL SINGLE FAMILY DISTRICT.

The RS-5 District is intended primarily for low- to moderate-density single-family development. The average minimum detached single-family lot size is 5,000 square feet. [Ord. 5673, 6/27/07]

RESPONSE: The subject site includes areas zoned R-5, as adopted as adopted/amended through of City of Albany File No.s ZC-03-13, ZC-07-12, and SP-17-13. The proposed revision to add a large lot subdivision matching the original phasing plan does not alter or amend the adopted land use zone boundaries, or proposed land use densities.

(5) RM — RESIDENTIAL MEDIUM DENSITY DISTRICT.

The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre.

RESPONSE: The subject site includes areas zoned RM, as adopted as adopted/amended through of City of Albany File No.s ZC-03-13, ZC-07-12, and SP-17-13. The proposed revision to add a large lot subdivision matching the original phasing plan does not alter or amend the adopted land use zone boundaries, or proposed land use densities.

ARTICLE 5 MIXED USE ZONING DISTRICTS

ZONING DISTRICTS

5.030 Establishment of Mixed Use Zoning Districts.

In order to implement the mixed-use and livability concepts in the Town Center and Albany Comprehensive Plans, the following zoning districts are created:

(10) MUC – MIXED USE COMMERCIAL DISTRICT.
The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store and may include a mix of smaller retailers, offices, live-work units, and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region. [Ord. 5556, 2/21/03; Ord. 5577, 7/28/04; Ord. 5555, 2/7/03]

RESPONSE: The subject site includes areas zoned MUC, as adopted as adopted/amended through of City of Albany File No’s ZC-03-13, ZC-07-12, and SP-17-13. The proposed revision to add a large lot subdivision matching the original phasing plan does not alter or amend the adopted land use zone boundaries, or proposed land use densities.

ARTICLE 6 NATURAL RESOURCE DISTRICTS

OPEN SPACE ZONING DISTRICT (OS)

6.020 Purpose and Intent.

The Open Space zoning district is intended for the continuation and preservation of existing agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural areas, flood conveyance, and uses that do not involve the construction of structures other than minor accessory facilities required to conduct the principal use.

RESPONSE: The subject site includes areas zoned OS, as adopted as adopted/amended through of City of Albany File No’s ZC-03-13, ZC-07-12, and SP-17-13. The proposed revision to add a large lot subdivision matching the original phasing plan does not alter or amend the adopted land use zone boundaries.

FLOODPLAIN

6.070 Purpose.

The Floodplain overlay district (/FP) standards are intended to manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.

As submitted with the original application and described in the Staff Report for FP-01-14, Article 6 Floodplains, Comprehensive Plan Plate 5: shows a portion of the northern area of the subject site in a 100-year floodplain. FEMA/FIRM Community Panel Nos. 41043C0527G and 41043C0529G, dated September, 2010, shows that this property is in Zone AE of the Special Flood Hazard Area. In addition, Natural Resource Overlay Districts encumber the northeast portion of the property with the Significant Wetland Overlay (/SW); Floodplain Overlay (/FP); and Riparian Corridor Overlay (/RC). The subdivision is designed to avoid impacting Oak Creek and to minimize development in the floodplain.
As found in FP-01-14, the only development located within the flood fringe are Lots 86 and 87 and no development is proposed within the floodway. Of the proposed 226 lots in the subdivision, only a portion of the rear area of Lots 86 and 87 are located below the base flood elevation. Fill is proposed to be placed on these lots to raise the ground elevation above the base flood elevation.

No changes to the underlying site layout, floodplain or floodway impacts, or existing Conditions of Approval are proposed with this application. This application will not authorize development of the site beyond the recording of the Large Lot Tentative Plat, with all future development continuing to be subject to the requirements of City of Albany File SD-01-14, and in particular FP-01-14, which remain in full force and effect.

**ARTICLE 11 LAND DIVISIONS AND PLANNED DEVELOPMENTS**

**RESPONSE:** The subject development, identified as “Henshaw Farms”, was approved via City of Albany File No’s SD-01-14 and FP-01-14, as a “Proposed Land Division (Tentative Plat Subdivision) to create 226 lots with Floodplain Development Review”. The Notice of Decision approving the request was issued on May 23, 2014, with Conditions, with a five-year expiration date of May 23, 2019.

Pursuant to Albany Development Code 1.080(c), prior to the five-year expiration date of May 23, 2019, a request to extend the tentative subdivision plat with floodplain review approval was submitted to City Staff. A two-year extension was granted and the approval will now expire on May 23, 2021.

The applicant has continued to actively work with the Albany Public Works Engineering Department on the site improvement plans to construct the infrastructure for the subdivision, including the approval of Phase 1 engineering plans for Albany File SI-19-18, which were approved on November 11, 2019. The Cover Sheet for the approved engineering plans for SI-19-18 is included with the submittal for reference.

**11.180 Tentative Plat Review Criteria.**

Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:

(1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section. [Ord. 5886, 1/6/17]

**RESPONSE:** As previously described, the applicant proposes the creation of a 5-Lot Large Lot Subdivision in order to facilitate the order and efficient development of the site. No changes to the underlying site layout, tentative lotting patterns, or existing Conditions of Approval are proposed with this application. This application will not authorize development of the site beyond the recording of the Large Lot Tentative Plat, with all future development continuing to be subject to the requirements of City of Albany File SD-01-14 & FP-01-14, which remain in
full force and effect. Based on the above, the Findings and Conclusions of the City of Albany Staff Analysis for the development remain valid as they relate to Tentative Plat Review Criteria 1. Specifically, the Staff Report concluded that the Tentative Plat of Henshaw Farms complies with this review criteria, subject to compliance with the [existing] Conditions of Approval.

(2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

RESPONSE: As determined in the Staff Analysis for City of Albany File No’s SD-01-14 and FP-01-14, adjoining lands do not rely on the proposed development for access, and can be developed in accordance with this Code with direct access to public streets. Further, it is noted that as part of this development, public utility and access easements will be granted over future public rights-of-way not already dedicated, in order to enhance public access for development purposes, should the need arise. This criterion is met.

(3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

RESPONSE: The applicant submitted a traffic impact analysis with the original application. The analysis was performed by Lancaster Engineering and dated January 9, 2014. The study evaluated the impact that traffic generated by the development would have on the transportation system. The study concluded that with the development all intersections will meet or exceed the City’s performance standards at project build out in 2019 through year 2024. As described previously, this application will not authorize development of the site beyond the recording of the Large Lot Tentative Plat, with all future development continuing to be subject to the requirements of City of Albany File SD-01-14 & FP-01-14, which remain in full force and effect. The applicant is not aware of any changes to the applicable review criteria which would otherwise alter the findings of the Lancaster Engineering Report, or the Staff Analysis which found the application met the requirements of Review Criteria 3, subject to the [existing] Conditions of Approval.

(4) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

RESPONSE: As described above, the applicant submitted a traffic impact analysis performed by Lancaster Engineering dated January 9, 2014. The study evaluated the impact that traffic generated by the development would have on the transportation system. The study concluded that with the development all intersections will meet or exceed the City’s performance standards at project build out in 2019 through year 2024. Further, as found in the Staff Analysis for City of Albany File SD-01-14 & FP-01-14 (page 31):

Except for one, all blocks within the proposed subdivision meet the block length maximum. The longest block within the subdivision is the block that contains Lots 54-70 and Lots 172-184. This block is approximately 2,732 feet in size, with an average block length of 683 feet in length, exceeding the 600 foot standard. (See map image dimensions below.) However, due to the location of the BPA easement located along the east and
west property line of those lots, an additional street connection could not be provided in order to break up the block length. There are street connections within the close vicinity to this block that will provide efficient access and circulation for these lots. As shown on the site plan, proposed subdivision provides a safe an efficient circulation pattern throughout the development for vehicles and pedestrians. This criterion is met without conditions.

As described previously, this application for revision of the decision in City of Albany File SD-01-14 & FP-01-14 (Tentative Plat Subdivision for a Phased Subdivision to Create 226-Lots with Floodplain Development Review) to add a Large Lot Tentative Plat Creating 5-Large Lots, will not result in any changes to the underlying site layout, tentative lotting patterns, or existing Conditions of Approval. Further, it will not facilitate a revised phasing pattern which couldn’t otherwise be achieved, beyond allowing the applicant to more appropriately and efficiently fund and develop construction of the site. This criterion continues to be met by the development.

(5) The location and design allow development to be conveniently served by various public utilities.

RESPONSE: As found in the Staff Analysis for City of Albany File No’s SD-01-14 & FP-01-14, public utilities (sanitary sewer, water, storm drainage) can be made adequate for the proposed development by the extension of public utilities from the existing utilities near the property’s northeast corner in Columbus Street. The sizes of the required public utilities are determined by the City’s Engineering Standards and the City’s various Facilities Plans. The utilities must be extended along the property’s frontages and through the site as necessary to provide service to each phase of the development, and to provide for future extensions for surrounding properties. To further facilitate this requirement, as part of this development public utility and access easements will be granted over future public rights-of-way not already dedicated, in order to enhance public access for development purposes, should the need arise. This criterion is met.

(6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable. [Ord. 5764, 12/1/11]

RESPONSE: As found in the approval of City of Albany File No’s SD-01-14 & FP-01-14, the subject property is not located in the airport, steep slope or historic special purpose districts. No development is proposed within the Open Space zone; Oak Creek and the significant wetland and riparian corridor overlays will not be impacted. Overall, the subdivision remains designed to minimize development in the floodplain, and no development is proposed in the floodway. The floodplain review criteria of ADC 6.110 and 6.111. have been reviewed in the approval of the original application and the development found to comply with all necessary requirements. As described previously, the revision to add a 5-Lot Large Lot Subdivision to the existing approval will not alter the underlying site layout, tentative lotting patterns, or existing Conditions of Approval, and the applicant is not aware of any circumstances which would alter findings of compliance with this criterion.
ARTICLE 12 PUBLIC IMPROVEMENTS

12.000 Overview.

This article contains the City’s standards for public improvements that relate to the development process. The following is a list of the main headings in this article.

- General Provisions
- Streets
- Sidewalks
- Street Trees
- Bikeways
- Utilities—General
- Water
- Sanitary Sewer
- Storm Drainage
- Improvement Assurances
- Addresses and Street Names [Ord. 5673, 6/27/2007]

GENERAL PROVISIONS

12.010 Purpose.

The provisions for new public improvements in this article are intended to address the City’s concerns relative to public health, safety, and welfare.

RESPONSE: As described above, this application proposes a revision of the decision in City of Albany File SD-01-14 & FP-01-14 (Tentative Plat Subdivision for a Phased Subdivision to Create 226-Lots with Floodplain Development Review) to add a Large Lot Tentative Plat creating 5-Large Lots, consistent with the approved phasing plan. The revision to add the 5-Lot Large Lot Subdivision to the existing approval will not alter the underlying site layout, tentative lotting patterns, or existing Conditions of Approval, or facilitate a revised phasing pattern which couldn’t otherwise be achieved, beyond allowing the applicant to more appropriately and efficiently fund and develop construction of the site. No changes to the ability of the development to comply with this requirement are anticipated. As evidenced by the approval of engineering plans for Large Lot 1 (Phase A, B, and E) by the Albany Public Works Engineering Department (File SI-19-18), the applicant has demonstrated an ability to continue to comply with City of Albany requirements and Conditions of Approval for public improvements on the site.

With the original application, the Staff Analysis for City of Albany File No’s SD-01-14 & FP-01-14, public utilities (sanitary sewer, water, storm drainage) found that public improvements can be made adequate for the proposed development by the extension of public utilities from the existing utilities near the property’s northeast corner in Columbus Street. The sizes of the required public utilities are determined by the City’s Engineering Standards and the City’s various Facilities Plans. The utilities must be extended along the property’s frontages and
through the site as necessary to provide service to each phase of the development, and to provide for future extensions for surrounding properties. To further facilitate this requirement, as part of this development public utility and access easements will be granted over future public rights-of-way not already dedicated, in order to enhance public access for development purposes, should the need arise. This criterion is met.

**CONCLUSION:** The application demonstrates compliance with the applicable standards of the City of Albany Development Code, the Conditions of Approval of City of Albany File SD-01-14 & FP-01-14, and Albany Public Works Engineering Department File SI-19-18, as noted within this narrative. The applicant respectfully requests the City’s approval of the Revision of the Decision in City of Albany File SD-01-14 & FP-01-14 (Tentative Plat Subdivision for a Phased Subdivision to Create 226-Lots with Floodplain Development Review) to add a Large Lot Tentative Plat Creating 5-Large Lots, Consistent with the Approved Phasing Plan.
Jamie,

Based on the revised layout you submitted on Oct. 21st (attached) along with the spreadsheet provided by Matt Sprague, I have been able to confirm the lot area, dimensions and density meet the minimum standards for Single-Family Detached Dwelling Units for the lots located in the RM zone (lots 4-46).

I am also able to confirm that the lot area and dimensions meet the minimum standards for Single-Family Detached Dwelling Units for the lots located in the RS-5 zone (lots 47-228), by applying Albany Development Code (ADC) 3.200, which allows for lot size variation within a subdivision.

Therefore, based on feedback from Public Works regarding storm drainage and transportation, and my analysis described above, the revised layout for the Henshaw Farm Subdivision is found to be in substantial conformance with the approved tentative subdivision plat (planning file SD-01-14).

Please feel free to contact me if you have any further questions. Thank you,

Melissa

Melissa Anderson, AICP, PMP, CFM  
City of Albany, Oregon | Planning Division  
PO Box 490 | 333 Broadalbin Street SW  
Albany, Oregon 97321  
phone 541-704-2319 | fax 541-917-7598  
email Melissa.Anderson@cityofalbany.net | web www.cityofalbany.net
NOTICE OF DECISION

DATE OF NOTICE: May 23, 2014
FILE: SD-01-14 & FP-01-14
TYPE OF APPLICATION: Tentative Plat Subdivision for a phased subdivision to create 226 lots with Floodplain Development Review
REVIEW BODY: Planning Commission (Type III application)
PROPERTY OWNERS/APPLICANTS: Tri-County Investments LLC; 17933 NW Evergreen Parkway, Ste. 300; Beaverton, OR 97006-7438
AUTHORIZED AGENT: Sean Keys; Tri-County Investments LLC; 17933 NW Evergreen Parkway, Ste. 300; Beaverton, OR 97006-7438
ENGINEER: Mark Grenz; Multi/Tech Engineering; 1155 13th Street SE; Salem, OR 97302; (503) 363-9227
PROPERTY LOCATION: 6150 Columbus Street SE
MAP/TAX LOT: Linn County Assessor’s Map No. 11S-03W-29; Tax Lot 300
ZONING: Residential Single Family (RS-5); Residential Medium Density (RM); Mixed Use Commercial (MUC); Open Space (OS); Significant Wetland Overlay (/SW); Floodplain Overlay (/FP); and Riparian Corridor Overlay (/RC)

On May 19, 2014, 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 supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. Conditions of approval are attached to this notice. For more information, please contact Project Planner Melissa Anderson, at melissa.anderson@cityofalbany.net, 541-917-7550, or Mark Shepard, Director of Public Works and Community Development, at 541-917-7634.

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. 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.

This approval expires in three years, unless the applicant has installed and/or bonded for all public improvements related to the development or a valid building permit exists for the building approved as part of the development.

Signature on File
Planning Commission Chair

Attachments: Conditions of Approval, Information for the Applicant, Location Map Tentative Subdivision Plans (4 Sheets)
CONDITIONS OF APPROVAL
FILE: SD-01-14 & FP-01-14
Tentative Plat Subdivision for a phased subdivision to create 226 lots with Floodplain Development Review

Tentative Subdivision Plat Review Criteria, ADC 11.180(1-5):

1.1 Prior to dedicating Tract 1 to the City of Albany, the land must be free of encumbrances and released from any conditions pertaining to permits from the Department of State Lands (DSL) and the U.S. Army Corps of Engineers (ACOF).

1.2 Prior to City approval of the Final Subdivision Plat of the initial phase of the subdivision, a copy of the agreement between the property owner and BPA shall be provided to the Albany Community Development Department to ensure the developer has a right to use the land within the easement as proposed.

1.3 Prior to City approval of the Final Subdivision Plat of the initial phase of the subdivision, Tract 5 (south of Ellingson Road) and Lots 2 and 3 (northwest corner of Ellingson and Columbus) shall be combined into one Tract of land as a single unit of property.

Transportation - General:

3.1 The applicant shall construct to city standards all public streets interior to the development. The right-of-way widths and curb to curb widths shall be as identified on the Tentative Plat Map.

3.2 Project phasing and interior street construction must demonstrate compliance with applicable Fire Code requirements relating to the need for secondary access and access point spacing.

3.3 The applicant shall install public sidewalk with the construction of street improvements along the public street frontage of all lots and tracts of land that do not have future development potential. Sidewalk installation along the frontage on newly created parcels adjoining streets with a local street classification can be deferred to development of individual lots.

3.4 The applicant shall, with the first phase of the development, dedicate public street right of way along the site’s frontages on Columbus Street and Ellingson Road. The right of way dedication shall conform to the cross sections identified in the adopted South Albany Area Plan. Dedication widths shall be:

a. 10’ of right of way along the west side of Columbus Street from Ellingson Road to the site’s south boundary.

b. 23’ of right of way dedication along both the north and south side of Ellingson Road from Columbus Street to the site’s west boundary.

c. Dedication of right of way for construction of a roundabout at the Ellingson/Columbus intersection. Dedication will involve lot’s 2 & 3, and tracts 2 & 5. Dedication shall be based on the roundabout concept plan developed by David Evans & Associates, Inc.

3.5 The applicant shall, with the first phase of the development, dedicate a 10 foot wide public access easement along Tracts 2, 3, and 4 for a future pathway. The easement shall follow the alignment of the access road proposed for maintenance of the detention facilities and overhead power transmission facilities.

3.6 The applicant shall provide a “Petition for Improvement/Waiver of Remonstrance” for participation in a future assessment district to improve Columbus Street and Ellingson Road along the site’s frontage and construction of a roundabout at the Ellingson/Columbus intersection.
3.7 The applicant shall, with Phase F, install a 20 foot wide concrete walkway between lots 80 and 81. The design of the walkway shall provide for a Fire Department turn around at its connection to G Court.

3.8 On street parking shall be restricted along “A” Drive between Ellingson Road and the north boundary of lot 201.

3.9 On street parking shall be restricted along “E” Avenue between Ellingson Road and “B” Street.

3.10 On street parking shall be restricted along the first 100 feet of Seven Mile Lane from Columbus Street west.

3.11 The applicant shall install street lighting and street name signs to city standards on all public streets within the development.

Columbus Street:

3.12 Columbus Street shall be improved from the development’s north boundary south to Seven Mile Lane with the first of the following to occur:

a. With construction of the 4th phase of the development to record.

b. At the time of creation of the 112th single family lot.

c. With a local street connection to Columbus Street.

   i. If the first local street connection is Oak Creek Parkway, Columbus must be improved from the development’s north boundary to and thru this intersection.

   ii. Columbus must be improved from the development’s north boundary thru the Seven Mile Lane intersection with the connection of Seven Mile Lane to Columbus Street.

3.13 Improvements to Columbus Street shall conform to the South Albany Area Plan. Improvements are illustrated in the cross-section diagram below and include the following:

a. Curb and gutter along both sides of the street.

b. Sidewalk along the west side of the street, from Oak Creek Parkway south to Seven Mile Lane.

c. A vehicle travel lane in each direction and median/two way center turn lane.

d. A northbound bike lane along the east side of the road.

e. A southbound bike lane on the west side of the road between Oak Creek Parkway and Seven Mile Lane.

f. A 10 foot wide concrete multi-use path along the west side of the road from the Oak Creek Bridge south to Oak Creek Parkway.
3.14 The design of the pavement structural section shall conform to Albany’s Engineering Standards and shall be approved by the City Engineer.

3.15 If Columbus Street is not fully improved with the first phase of the development; the utility work done with the first phase shall include an asphalt overlay over the full width of Columbus Street between the Oak Creek Bridge and 7 Mile Lane as part of the pavement repair work necessary over utility trenches. The thickness of the overlay shall be approved by the City Engineer but shall in no case be less than 2 inches. The use of an overlay does not preclude the possibility of the need for pavement reconstruction when the full street improvements identified above are constructed.

Ellingson Road:

3.16 Ellingson Road shall be improved from the site’s west boundary to “E” Avenue with Phase A.

3.17 Improvements to Ellingson Road shall conform to the South Albany Area Plan. Improvements are illustrated in the cross-section diagram below and include the following:

a. Curb, gutter, and setback sidewalk along the north side of the street.

b. A vehicle travel lane in each direction and median/two way center turn lane. The median island shall be designed to restrict vehicle movements to right in and right out, and allow for
crossing bicycle and pedestrian movements. In the event Phase A is the first phase of the development to be constructed, installation of the median island improvements and associated turn restrictions can be deferred and constructed with the first project street connection to Columbus Street.

c. A westbound cycle track along the north side of the road.

d. Landscaping along the north side of the road between the sidewalk and cycle track, and the cycle track and the north curb and gutter.

3.18 The design of the pavement structural section shall conform to Albany’s Engineering Standards and shall be approved by the City Engineer.

Utilities:

4.1 Before the City will give final approval to any phase of the proposed subdivision, the applicant must construct public utility extensions (sanitary sewer, water, storm drainage) as needed to provide service to the lots to be created within that phase, and to provide for future extensions to surrounding properties. These utility extensions must conform to the requirements established in the City’s Engineering Standards, Construction Specifications, and Facilities Plans. Final design details for all public utilities must be reviewed and approved by the City’s Engineering Division as part of the Permit for Private Construction of Public Improvements.
4.2 Before the City will give final approval for the first phase of the proposed subdivision, the applicant must either: install a 16-inch public water main from the end of the existing main in Columbus Street to the point where the subject property's west boundary intersects with Ellingston Road; or, provide a public utility easement over the subject property as needed from the end of the extension of the 16-inch main for the first phase of the project to Ellingson Road. The intent of this public easement is to provide a route for the City to complete the extension of the 16-inch public water main through the site in the event that the City deems it necessary before development of the subdivision brings the main to that point.

4.3 Before the City will give final approval for the first phase of the subdivision, the applicant must establish a legal entity (e.g., homeowners' association) assuring private maintenance of the storm water detention facilities and any water quality facilities that are constructed outside of the public right-of-way.

4.4 Before the City will give final approval for any phase of the proposed subdivision, the applicant must submit a storm drainage plan that shows that the proposed storm water facilities for that phase will be adequate for that phase, and can be incorporated into future phases of development.

4.5 Before the City will give final approval for the first phase of the proposed subdivision, the applicant must pay all in-lieu-of assessments and/or connection charges for existing public utility improvements benefitting the subject property.

4.6 Unless alternative methods for fire safety are approved by the Fire Marshall, the following standards must be met at each phase of the subdivision:
   a. Residential developments/projects of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least ½ the length of the maximum overall diagonal dimension of the property or area served (OFC Appendix D107.1).
   b. 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).
   c. 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).

Special Purpose Districts:

5.1 Prior to impacting land areas regulated under a required state or federal permit, the applicant shall provide the Community Development Department with a copy of the approved permits (e.g. NPDES permit, DSL permit, ACOE permit).

5.2 Upon completion of the fill project on Lots 86 and 87, the following documentation shall be submitted to the Community Development Department:
   a) As-built drawings;
   b) Elevation certificate; and
   c) Letter from the Engineer of Record who is licensed in the state of Oregon, stating that the fill was placed in accordance with the signed plans.

5.3 Prior to City approval of the final subdivision plat for the initial phase, the grove of Oak trees and the boundary of clearing limits on Lot 2 (of Phase G) shall be identified and protected as required by the annexation agreement and the SAAP.
Lot and Block Arrangement, ADC 11.090:

3.1 Prior to issuance of a certificate of occupancy for new residences on Lots 212-226 abutting Ellingson Road (Phase A), a 6-foot fence made of uniform material shall be constructed by the developer along the rear yards of these lots.

3.2 Prior to City approval of the first phase of the subdivision, the applicant must establish a legal entity (e.g., homeowners’ association) assuring private maintenance of the fencing along Ellingson Road.
INFORMATION FOR THE APPLICANT
FILE: SD-01-14 & FP-01-14

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 or Albany Development Code regulations or administrative policies of the Planning, Engineering, Fire, and/or Building Departments that you must meet as part of the development process.

PLANNING

1. Land use approval does not constitute Building or Public Works permit approvals.

2. Subdivisions are reviewed at two stages: Tentative subdivision plat and final subdivision plat. The final plat is reviewed for conformance to the tentative plat as approved (with or without conditions) and applicable state or county laws or rules. The final plat must be prepared by a licensed land surveyor and is the instrument by which the land division is recorded. The subdivision is not complete until a final plat is approved and signed by the City, then signed by and recorded at Linn County.

3. Fill is proposed on Lots 86 and 87 to raise the ground elevation above the base flood elevation. Unless a letter of map revision based on fill (LOMR-F) is approved by FEMA prior to submission of an application for building permits on Lots 86 and 87, pre- and post-construction elevation certificates will be required.

4. Sections of the Albany Development Code relating to expirations of and use approvals for phased subdivisions and requests to extend land use approvals are listed below.

ADC 1.080:
Expiration of Land Use Approvals.

(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 granted pursuant to Section 1.083. [Ord. 5832, 4/9/14]

ADC 1.083:
Extension of a Land Use Approval. These provisions apply to all land use approvals that have not expired or for which a written request for an extension was received prior to the effective date of this Section 1.083. [Ord. 5832, 4/9/14]
Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended one time for two years for all land use approvals, except for phased or planned developments, a second two-year extension may be granted. Applicants shall apply for an extension by filing an application for extension at least 45 days before the expiration date. For the purposes of this sub-section the expiration date shall be the applicable anniversary date of the Notice of Decision previously given to the applicant.

Requests for extensions shall be processed as Type I application and shall be granted if there has been no change to all applicable local, state or federal standards since the original approval, or the development complies with any changes or can meet the current standards with limited modifications to the approved development.

While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending. [Ord. 5832, 4/9/14]

**BUILDING DIVISION**

1. Obtain Building Permits prior to start of any building construction or remodel.

2. Obtain Demolition Permits from the Building Division prior to demolition of any structure. An Asbestos survey will most likely be required by DEQ. Please call 1-800-349-7677 for details.

3. Obtain Erosion Prevention and Sediment Control (EPSC) permit prior to any earth work.

4. Each structure must meet the property line setbacks required by the City of Albany Development Code and State Building Codes and Zoning requirements per Oregon Residential Specialty Code (ORSC) Section R302.1

5. Each lot must be served by its own utilities.

6. Foundation and soil investigation reports shall be provided at building permit plan submittal. This evaluation shall be conducted by an especially qualified engineer or engineering geologist registered by the State of Oregon to practice as such. OSSC 1802.1.

7. New property lines shall not pass through existing buildings.

8. Easements are required for access and utilities across neighboring properties.

**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.

**Connection charges.** A Connection Charge shall be due and payable when accessing the City’s water distribution facilities from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the water facilities has not been paid by the property owner or predecessor thereof (AMC 15.30.010).

**15.30.010 Application of connection charges.** Except as provided in Chapter 10.16 AMC, relating to properties within the North Albany sanitary basin, a connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City’s sanitary sewers, water distribution facilities, storm drains, and/or improved streets, from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof. The City Council shall by separate resolution establish, and may from time to time amend, a methodology which shall be used to determine the criteria by which a determination will be made concerning the application of any particular connection charge to any particular property within the City. (Ord. 5565 § 4, 2003).

**15.30.020 Timing and procedures for determination of connection charge.** If the sanitary sewer, water distribution facility, storm drain, and/or improved street is to be utilized pursuant to any activity involving a land division, the amount of the applicable connection charge shall be paid, in full, prior to the signing of the final plat. In all other cases, the connection charge shall be assessed and paid, in full, prior to the issuance of any building permit or encroachment permit authorizing construction on real property which will utilize or connect to any of the City facilities in AMC 15.30.010. (Ord. 5565 § 4, 2003).

**TRANSPORTATION**
Some of the right of way dedication and street improvements identified as conditions of this development are included in Albany’s Transportation System Plan as being eligible for TSDC fee funding and credit. The maximum available credit for any individual project is set by Albany’s TSDC funding methodology and funded project list. The projects in this development that are eligible for TSDC credit include:

- 24 feet of the right of way dedication width required along the site’s frontage on Ellingson Road.
- 25% of the street construction cost for Oak Creek Parkway.
- 25% of the street construction cost for Columbus Street.
- 25% of the street construction cost for Ellingson Road.
- 50% of the right of way dedication necessary for the Ellingson/Columbus roundabout.

The applicant also has the ability to enter into a reimbursement agreement with the City for street and storm drainage costs for improvements to the east side of Columbus Street.

**FIRE**
The fire department has reviewed the above project for conformance to the 2010 Oregon Fire Code (OFC) per your request and has the following comments:
1. Residential developments/projects of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least \( \frac{1}{2} \) the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D107.1)

This submittal contains multiple options for phasing and the sequence of the phasing has not been declared. This fire access road separation requirement shall be triggered when any single phase or group of phases creates a condition where the number qualifying dwellings served by a single access road exceeds 30. Special attention should be paid, but not limited to, the phases served by your proposed roads named Oak creek Parkway and ‘G’ Court.

The number of units served by a single access road may exceed 30 provided all of the units in the area or phase are provided with an approved residential fire sprinkler system. Phasing of lots in increments of 30 or less cannot be used to circumvent this requirement.

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. This proposed project is located within a “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)

5. 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)

b. **Required fire hydrant spacing** will be based upon your required fire flows as determined by OFC Appendix C105.1 and Table C105.1. Please note that dead end roads require a reduced spacing.
c. **Existing** fire hydrant spacing. In addition, OFC Section C105.10; requires the placement of **additional** hydrants along **all** of your required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through your private property with spacing requirements per Appendix C 105.1. (See 2009 ICC Commentary, Appendix C-I, Section C103.1).

The maximum spacing for fire hydrants for this project shall be 500 feet (400 feet for dead-end roads, including cul-de-sacs) designed so that no portion along any of the circulating access roads is greater than 250 feet from a fire hydrant. This distance shall reduced to 200 feet for dead-end and cul-de-sac terminating roads.

Each public fire hydrant shall be capable of supplying a minimum of 1,500 gpm at a minimum of 20 psi as a single point flow.

6. All fire hydrants shall be provided with approved STORZ fittings (C 102.1). Public fire hydrants shall be painted in accordance with Public Works Department Standards.
**ATTACHMENT G**

**REPAIR EMERGENCIES**
- **VERTICAL DATUM**: NGVD 29 / 47
- **BENCH MARK**: LINN COUNTY SURVEYOR GPS STATION
- **DESCRIPTION**: A 3-14" pipe at the centerline of Lochner Road (0.25 miles north of the Robert Pentland D.L.C. No. 69, in the 93050 Phase 1 = 1,215,618 SF
- **PRIVATE ROADS**: 19,741 SF
- **PUBLIC ROADS**: 185,435 SF
- **TOTAL AREA**: 705,328 SF
- **TOTAL NEW IMPERVIOUS**: 500,152 SF
- **LOCATION**: ELLINGSON ROAD (STA 7+50.00 - 13+50.00) / SDLN-11 (PLAN AND PROFILE)
- **LOCATION**: HENSHAW FARMS - PHASE 1 - 111 LOT SUBDIVISION
- **6150 SE COLUMBUS STREET, ALBANY OR 97322
- **T11S, R3W, SEC. 20 & 29, TAX LOT 300 LIVING COUNTY, OREGON**
HENSHAW FARMS

REVISED TO THE EXISTING PROVISIONAL PLAT APPROVAL
TAX MAP T11S, R3W, SEC. 20 & 29, 6150 SE COLUMBUS STREET, ALBANY OR 97322

PLANNING/ENGINEERING/SURVEYING
PIONEER DESIGN GROUP, INC.
9020 SW WASHINGTON SQ RD., SUITE 170
PORTLAND, OR 97223
PHONE (503) 643-8286
CONTACT: WAYNE HAYSON

SITE INFORMATION
TAX MAP: T11S, R3W, SEC. 20 & 29
TAX LOT: 300
SITE ADDRESS: 6150 SE COLUMBUS STREET, ALBANY OR 97322

VERTICAL DATUM
REFERENCE: LINN COUNTY SURVEYOR GPS STATION 93050
DATUM: NGVD 29 / 47
DESCRIPTION: A 3 1/2" ALUMINUM DISK INSIDE A MONUMENT BOX MARKING THE MOST WESTERLY SOUTHWEST CORNER OF THE ROBERT PENTLAND D.L.C. NO. 69, IN THE CENTERLINE OF LOCHNER ROAD (0.25 MILES NORTH OF ELLINGSON ROAD).
ELEVATION: 235.847 FT.

SHEET INDEX

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APPLICANT / OWNER
TRI COUNTY INVESTMENTS, LLC
17855 NW EVERGREEN PARKWAY, SUITE 300
BEAVERTON, OR 97006
PHONE 503-587-1132
CONTACT: DARREL SMITH

PLANNING/ENGINEERING/SURVEYING
PIONEER DESIGN GROUP, INC.
9020 SW WASHINGTON SQ RD., SUITE 170
PORTLAND, OR 97223
PHONE 503-643-8286
CONTACT: WAYNE HAYSON
LEGEND

PROPOSED CENTERLINE
PROPOSED PAVEMENT
PROPOSED STANDARD CURB
PROPOSED MECHANICAL DITCH

PROPOSED STORM LINE & MANHOLE
PROPOSED SANITARY LINE & MANHOLE
PROPOSED WATER LINE AND VALVE

PROPOSED EASEMENT LINE
PROPOSED ELECTRIC LINE
PROPOSED GAS LINE

BOUNDARY LINE
PROPOSED LOT LINE
PROPOSED ROAD OF WAY

PROPOSED PADDOCK
PROPOSED CONCRETE SIDEWALK
PROPOSED STANDARD CURB

PROPOSED PAVEMENT

PROPOSED SANITARY LINE & MANHOLE
PROPOSED STORM LINE & MANHOLE

PROPOSED WATER LINE AND VALVE

PROPOSED EASEMENT LINE
PROPOSED CENTERLINE
PROPOSED PAVEMENT

SCALE

DRAWN BY

REF.

DATED: 9/9/2004

HORIZ. SCALE:

VERIT. SCALE:

DESIGNED BY:

NORTH
EXPIRES: 6-30-21

MICHAEL H. HARRIS
OREGON LAND SURVEYOR
PROFESSIONAL REGISTERED

ATTACHMENT P

PLAT NOTES

1. THAT EDCATION 15 SUBJECT TO THE CONDITIONS OF APPROVAL, FOR CITY OF TIDAL MORTgage lenders AND SUBORDINATE NOTES.

2. THAT IT IS A PRIVATE STREET THAT IS SUBJECT TO SATISFACTION OF LEASES AND SUBJECT TO SUBORDINATE NOTES.

3. THAT IT IS FOR A MAINTENANCE AND SATELLITE FACILITIES AND SUBJECT TO SUBORDINATE NOTES AND SATISFACTION OF LEASES AND TO AN ACCESS AGREEMENT BETWEEN THE PROPERTY OWNER AND THE CITY OF TIDAL MORTgage lenders AND SUBORDINATE NOTES.

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