



COMMUNITY DEVELOPMENT

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

Notice of Decision

Tentative Subdivision Plat – Meadowlark

SD-04-21

October 6, 2021

Application Information

Proposal:	Tentative Plat to develop a 113-lot Cluster Subdivision for detached residential single-family homes, in two phases.
Review Body:	Planning Commission (Type III review)
Applicant:	Hayden Homes, Craig Smith 2464 Glacier Place Ste 110 Redmond, OR 97756
Property Owner:	Loren Gerig and LuAnn Brenneman 208 Silver Falls Drive NE Silverton, OR 97381
Applicant's Representative:	A&O Engineering, LLC, Scott Morris 380 Q Street, Suite 200 Springfield, OR 97477
Address/Location:	2795 Lochner Road SE, Albany, OR 97322; located on the east side Lochner Road, south of vacant agricultural land and railroad tracks, west of residential properties addressed along Magnolia Way, and north of Oak Creek.
Map/Tax Lot:	Linn County Assessor's Map No. 10S-03W-20; Tax Lot 600
Zoning District:	RS-6.5 (Residential Single-Family)

On October 4, 2021, the City of Albany Planning Commission granted **APPROVAL WITH CONDITIONS** of the application referenced above.

The planning commission based its decision on the project's conformance with the review criteria and development standards listed in the Albany Development Code (ADC) and upon consideration of public testimony received on October 4, 2021. The supporting documentation relied upon in making this decision is available for review at City Hall, 333 Broadalbin Street SW, Albany, OR 97321. Conditions of approval are attached to this notice. For more information, please contact Planning Supervisor Scott Whyte at scott.whyte@cityofalbany.net or 541-917-7561.

Appeals may be made to the city council if a person with standing files a notice to appeal in accordance with ADC 1.410 with the associated filing fee no later than **10 days** from the date the City mails the notice of decision. The decision becomes final when the period for filing a local appeal has expired. The appeal fee is \$953.00.

signature on file

Planning Commission Vice Chair

Appeal Deadline: 5:00 p.m. on October 16, 2021

Approval Expiration Date (if not appealed): October 6, 2024

cd.cityofalbany.net



Conditions of Approval

Prior to the City issuing a Site Improvement Permit through the Public Works Department for each phase, the applicant shall:

- 1) Submit required plans and other items needed for a complete site improvement permit application through the Public Works Department. Plans are to demonstrate compliance with adopted public improvement standards in Article 12 of the ADC and to other City standards and specifications identified in the City of Albany Engineering Standards for the design of public facilities. [Planning/CDD]
- 2) Submit a drainage plan as part of the site improvement application, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards. In most circumstances, detention will be required unless it can be satisfactorily demonstrated by the applicant that there is no adverse impact. [Engineering, Public Works]
- 3) Obtain all applicable state and federal permits as needed for the development for construction activities (e.g., clearing, grading, excavation) and wetland removal/fill permits from the Department of State Lands (DSL) or the U.S. Army Corps of Engineers (ACOE). A copy of any approved wetland removal/fill permits for the development shall be provided to the City as part of the site improvement permit application. [Planning, CDD]
- 4) Ensure the Site Improvement Plan for Phase Two shows water, sanitary sewer, and storm water service lines extended to south of the subject property. For the abutting property (south) to develop in the future, a public sewer main extension must be provided to the property to the south, constructed at maximum depth to accommodate service to future development on the property. [Engineering, Public Works]
- 5) Ensure the Site Improvement Plan for Phase Two, includes a detail for a paved pathway and street access connection, shown between lots 68 and 69. The detail is to follow the Bikeway Design standard of Article 12, Section 12.350 of the ADC, accommodating a pathway 10 feet in width from the street sidewalk to the open area in Tract D, not further than the rear lot lines of lots 68 and 69. [Planning, CDD]
- 6) The curb-tight sidewalk as proposed for Lochner Road in the southwest corner next to Tract B, shall be increased to a width of 10 feet.
- 7) Existing aboveground pole/lines along the Lochner Road project site frontage are to be removed, with lines relocated underground.
- 8) Riparian enhancement as proposed to the rear portion of lot 15 (and off-site on abutting property to the south) is to be provided in permitted areas within Tract C.

Prior to the City issuing Final Plat approval for each phase, the applicant shall:

- 9) Construct to City standards, all public streets interior to the development. The right-of-way widths shall be 54 feet, and the curb-to-curb widths 30 feet as identified on the Tentative Plat Map. [Transportation, Public Works]
- 10) Ensure project phasing and interior street construction demonstrates compliance with applicable Fire Code requirements relating to the need for secondary access and access point spacing. [Transportation, Public Works]
- 11) Install stop signs and striped crosswalks at the two new local street connections to Lochner Road SE. [Transportation, Public Works]
- 12) Dedicate to the City, a multi-use path easement over Tract D for the path identified in the SAAP that extends from the southeast corner of the site north to the BPA easement, along the BPA easement to Lochner Road SE, and to the eastern portion of Tract D. The precise location of the easement over the alignment shall be non-specific in order to allow for flexibility in path design and alignment and allow for a path of up to 12 feet in width. The easement is also to be described in a separate document recorded with the final plat. [Transportation, Public Works / Planning, CDD]
- 13) Dedicate 10 feet of public right-of-way along the site's northern 705 feet of frontage along Lochner Road SE (as part of Phase One) as shown on the Tentative Plat Map. [Transportation, Public Works]

- 14) Construct a 10-foot public, curb-tight sidewalk along the site's frontage on Lochner Road SE (also as part of Phase One). [Transportation, Public Works]
- 15) Construct, or financially assure the construction of, public improvements. [Engineering, Public Works]
- 16) Pay utility connection changes associated with existing public infrastructure in Lochner Road SE, consistent with Albany Municipal Code (AMC), Section 15.30.010 [Engineering, Public Works]
- 17) Submit separate final plat and fee (land use). The final plat for each phase will be reviewed for general criteria, plans and specifications, documents, and condition of preliminary plat approval, in addition to improvements identified for completion in each phase. [Planning, CDD]
- 18) Ensure construction of all public sanitary sewer facilities, public water facilities, and public storm drainage facilities are complete, providing service to the lots identified for each phase. The 16-inch public water main in Lochner Road must be extended to the south boundary of the subject property in Lochner Road SE. Sanitary sewer, public water, and storm drainage is to be provided for future extension to the property to the south. [Engineering, Public Works]
- 19) Construct public storm drainage improvements to collect runoff from the proposed development. The storm drainage improvement must include stormwater detention and stormwater quality facilities generally as shown on the preliminary utility plans submitted by the applicant. [Engineering, Public Works]
- 20) Ensure all reciprocal use and maintenance easements (for private drainage systems crossing multiple lots) are shown on the final plat. [Engineering, Public Works]
- 21) Modify the lot configuration of lots 68 and 69 (in Phase Two) to accommodate a 10-foot-wide paved pedestrian trail connection (to/from the public street) shown to be included to the area of Tract D. [Planning, CDD]
- 22) Receive City approval for all street names, including the appropriate street name prefixes, prior to recording as part of the final plat. Street names are subject to City of Albany Fire Marshal approval. [Fire]
- 23) Ensure secondary fire apparatus is provided. 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 half the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D107.1) Two access points are indicated. Please ensure these are separated by half the diagonal of the area served. [Fire]
- 24) Ensure fire hydrants are provided to meet fire flow requirements. 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). The maximum spacing for fire hydrants for this project shall be 500 feet designed so that no portion along any of the circulating access roads is greater than 250 feet from a fire hydrant. 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. If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in-lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select the following standard to address the inadequacies pertaining to structures built on the affected parcels:
1) Installation of an NFPA Standard 13D fire suppression system. [Fire]
- 25) Ensure a final copy of the homeowner's association (HOA) formation document, including Covenants, Conditions, and Restrictions (CC&Rs) are submitted to the Community Development Department for review prior to recording. The CC&R document shall describe the non-developable tracts of land proposed on the preliminary plat for both phases (Tracts A through E). The same document is to explain how Tract D is to be owned and maintained by the HOA, and that Tract D is also encumbered by easement benefiting the BPA and easement benefiting the City of Albany intended for future construction and maintenance of trails/pathways identified in the South Albany Area Plan (SAAP). The same document is to explain how Tract D contains delineated wetlands and is to identify irrevocable provisions that prohibit the placement of structures or impervious surfaces, alteration of the ground contours, or any other activity or use in Tract D inconsistent with the purpose of the City Cluster Development provisions. These restrictive covenants shall be recorded and filed prior to City approval of the final subdivision plat for Phase One. [Planning, CDD]

- 26) For wetlands planting mitigation, provide assurance of completion in the form of a surety or performance bond, cash, negotiable security deposit, letter of credit, or other guarantees approved by the City Attorney that is equal to 120 percent of the value of the improvements installed pursuant to the plan for a two-year period. The assurance shall be in place before the issuance of development permits to ensure the success of mitigation improvements and the survival of the plants. The assurance will be released by the City upon receiving satisfactory proof that the mitigation measures have been successfully implemented per Section 6.410(3) and (4) of the ADC. [Planning, CDD]

Prior to City issuance of building permit permits for lots of each phase, the applicant, or subsequent owner of recorded lot(s) shall:

- 27) Pay required system development charges (SDCs) lot-per-lot for transportation, sanitary sewer, water, storm, and parks.
- 28) Show how home construction complies with all applicable Building and Fire Code requirements.
- 29) Submit a utility plan to the City (Public Works/Engineering) that reflects actual utility locations as constructed (as built).

This decision by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.