



## PUBLIC WORKS - COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Tentative Subdivision Plat and Adjustment Review

SD-05-18 / AD-03-18

October 17, 2018

### Application Information

Proposal:	Land Division (Tentative Plat) for a phased 20-lot subdivision with a request for an Adjustment to the minimum lot depth in the RS-10 zone by reducing the lot depth from 100 feet to 90 feet on 8 of the 20 lots.
Review Body:	Staff (Type III review)
Report Prepared By:	Melissa Anderson, Senior Planner
Property Owner/Applicant:	Gary and Julie Rodgers; 950 NE Angelee Place, Corvallis, OR 97330
Engineer::	Troy Plum, PE, TKP Engineering, LLC; P.O. Box 374, Corvallis, OR 97339
Address/Location	1465, 1475 and 1505 Scenic Drive NW
Map/Tax Lot:	Benton County Assessor's Map No. 10S-04W-35DB; Tax Lots 900, 1000, 1200 and 1201
Zoning:	RS-10 (Residential Single Family)

On October 15, 2018, the Albany Planning Commission granted **Approval with Conditions** for the application referenced above.

The Planning Commission based its decision on consideration of applicable standards and review criteria listed in the Albany Development Code and consideration of public testimony. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact **Melissa Anderson, Project Planner**, at 541-704-2319, or Bob Richardson, Planning Manager, at 541-917-7555.

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.

*Signature on file*

Albany Planning Commission Chair

**Appeal Deadline: October 27, 2018**

**Approval Expiration Date (if not appealed): October 17, 2021**

Attachments: SHPO Letter, Location Map, Subdivision Plan Set (6 Sheets)

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



## Conditions of Approval

### Homeowners Association

Condition 1 Prior to final plat approval of Phase One, the applicant shall establish a Homeowners Association (HOA) and submit a Declaration of Covenants, Conditions, and Restrictions (CC&R) to the Community Development Department. The CC&Rs shall specify that the HOA shall own and maintain the Tract of land for use as a stormwater detention pond.

### Transportation

#### *Phase One:*

Condition 2 No work shall occur within Scenic Drive right of way prior to securing the necessary permits and approvals from Benton County.

Condition 3 Prior to recordation of the subdivision plat map, the applicant shall construct or financially assure the construction of partial street improvements along the development's frontage on Scenic Drive. The improvements shall include:

- a. Installation of curb, gutter, and sidewalk on the east side of the road. The face of curb shall be located for an ultimate curb to curb width of 36 feet.
- b. Installation of sidewalk to city standards along the frontage of lot two.
- c. Installation of approximately 10 feet of pavement as measured from the new face of curb to the existing east edge of pavement.

Condition 4 The applicant shall install a stop sign on the Harvester Avenue approach to Scenic Drive.

#### *Phases One and Two:*

Condition 5 Prior to recordation of the subdivision plat map, the applicant shall construct or financially assure the construction of all streets interior to the development. The development's interior street system shall be constructed to city standards. The right-of-way, curb to curb width, and sidewalk location shall be as shown on the tentative subdivision map.

Condition 6 The applicant shall install street lights and street name signs to city standards.

### Utilities

#### *Phase One*

Condition 7 Before the City will sign the final subdivision plat, the applicant must construct or financially assure the construction of public storm water facilities (including storm water quality facilities) in conjunction with the required public street improvements in Scenic Drive.

Condition 8 Before the City will sign the final subdivision plat, the applicant must obtain a storm water quality permit and construct the required storm water quality facilities. Storm water quality facilities are required for the improvements within the subject properties, as well as for impervious surfaces created with Scenic Drive improvements.

Condition 9 Before the City will sign the final subdivision plat, the applicant must construct storm water detention facilities to City standards and generally as shown in the submitted storm drainage report.

*Phase Two*

Condition 10 Before the City will sign the final subdivision plat, the applicant must construct or financially assure the construction of public utility improvements (sanitary sewer, water, storm drainage, storm water quality) within the proposed new streets serving the proposed development.

*NOTE: For all public improvements, final design details will be approved in conjunction with the Site Improvement (SI) Permit through the Public Works Department.*

*The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590-12.610. The City will issue building permits when the improvements are made, or when the improvement assurance is provided, and all other conditions of approval are met.*

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

## Information for the Applicant

Please read the following requirements. This list is not meant to be all-inclusive; we have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Municipal Code (AMC) or Development Code (ADC) regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

### Planning Division

1. Land use approval does not constitute Building or Public Works permit approvals.
2. Construction of the development must substantially conform to the approved tentative plat.
3. **To complete the land division process and create the new parcels:**
  - a. **Satisfy the conditions of approval and submit a final partition plat to the City Planning Division for review and approval. The final plat must be accompanied by a completed Final Plat application and final plat review fee.** A paper draft copy of the plat may be submitted with the application. The final plat application is available on the City's website.

Note: The Benton County Surveyor also needs to review the final plat. These reviews should be done concurrently. Contact the County Surveyor's to learn about their current processes, fees, and possible other expenses (property taxes must be current, for example).
  - b. The survey and final plat must be prepared by a registered professional land surveyor (Oregon Revised Statutes).
  - c. If applicable, pay or segregate any existing City liens on the property and pay or finance any other fees due as a result of the land division. Contact the Finance Department (541-917-7533) to make these arrangements.
  - d. After the City signs the final plats, they will be returned to the applicant for recording.
  - e. **After recording, and before the City will accept a permit application** to develop either parcel, the property owner must:
    - (i) Return one copy of the recorded final plat to the Albany Planning Division; **and**
    - (ii) Provide the Building Division with a copy of Linn County's Tax Assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.
4. **Albany Development Code (ADC) 1.080, "Expiration of Land Use Approvals" states:**
  - (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 filed before the expiration date, and subsequently granted approval pursuant to Section 1.083.*

## Engineering

For all public improvements, final design details will be approved in conjunction with the Site Improvement (SI) Permit through the Public Works Department.

The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590-12.610. The City will issue building permits when the improvements are made, or when the improvement assurance is provided, and all other conditions of approval are met.

General Engineering Processes: 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.

## Fire Department

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

1. The street names as proposed are not supported by Albany Fire. Due to concerns from both Dispatch and Benton County Assessor regarding emergency services response, the proposed street shall retain Ellis Ave in its entirety and be addressed in an East-West fashion.
2. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)
3. 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)
4. 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 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.

## Building Division

Prior to beginning construction, permit application(s) and plan reviews will need to be completed by the Building Division and other departments. All project requiring plan review will need to have the plans submitted electronically through ePlans. Information on the ePlans process is available at [cd.cityofalbany.net](http://cd.cityofalbany.net) or by contacting the Building Division at [ePlans@cityofalbany.net](mailto:ePlans@cityofalbany.net) for details.

## Plan Requirements

- All residential structure and covers not meeting the prescriptive requirement of the ORSC are required to have all construction documents and engineering calculations to be prepared and signed by an Oregon registered design professional. (R301.1.2)
- All new residential homes will require a geotechnical report from a soil engineer that shows the soil conditions will support the proposed structures. (R401.3)
- Parcels containing residential structures must be served by its own sewer, water, and other utilities. Easements or covenants that run with the land must be provided between the parcels where utility lines cross property lines, for vehicle parking and access, and to allow Fire Department access.
- As you proceed, please ensure that the project is designed under the code that will be in effect at application.

## Site Specific Comments

The following comments are based on the information provided and are intended to capture issues that could impact your project and to provide relevant code sections, specific to your project. While we attempt to raise issues that may impact your project, please review your project with your design team for code compliance prior to submitting your project. If additional information is needed, please contact the referenced commenter for clarification or questions.

### *Inadequate Fire Approach and Access to Water Supply*

Should the Fire Official determine that an inadequate fire apparatus approach and/or inadequate access to water supply condition exists for one or more parcels of your proposed partition, the Building Official shall require the installation of an NFPA Standard 13D fire suppression system to address the inadequacies pertaining to structures built on affected parcel(s), In Lieu of your having to provide adequate fire apparatus approach (turn-around) and water supply (hydrant). This is in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two Family Dwellings.



# Oregon

Kate Brown, Governor

## Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

[www.oregonheritage.org](http://www.oregonheritage.org)



September 12, 2018

Ms. Melissa Anderson  
City of Albany Comm Dev Dept  
PO Box 490  
Albany, OR 97321

RE: SHPO Case No. 18-1331  
City of Albany Project SD-05-18, Farm View Subdivision  
20 lot subdivision  
1465, 1475 and 1505 Scenic Drive NW, Albany, Benton County

Dear Ms. Anderson:

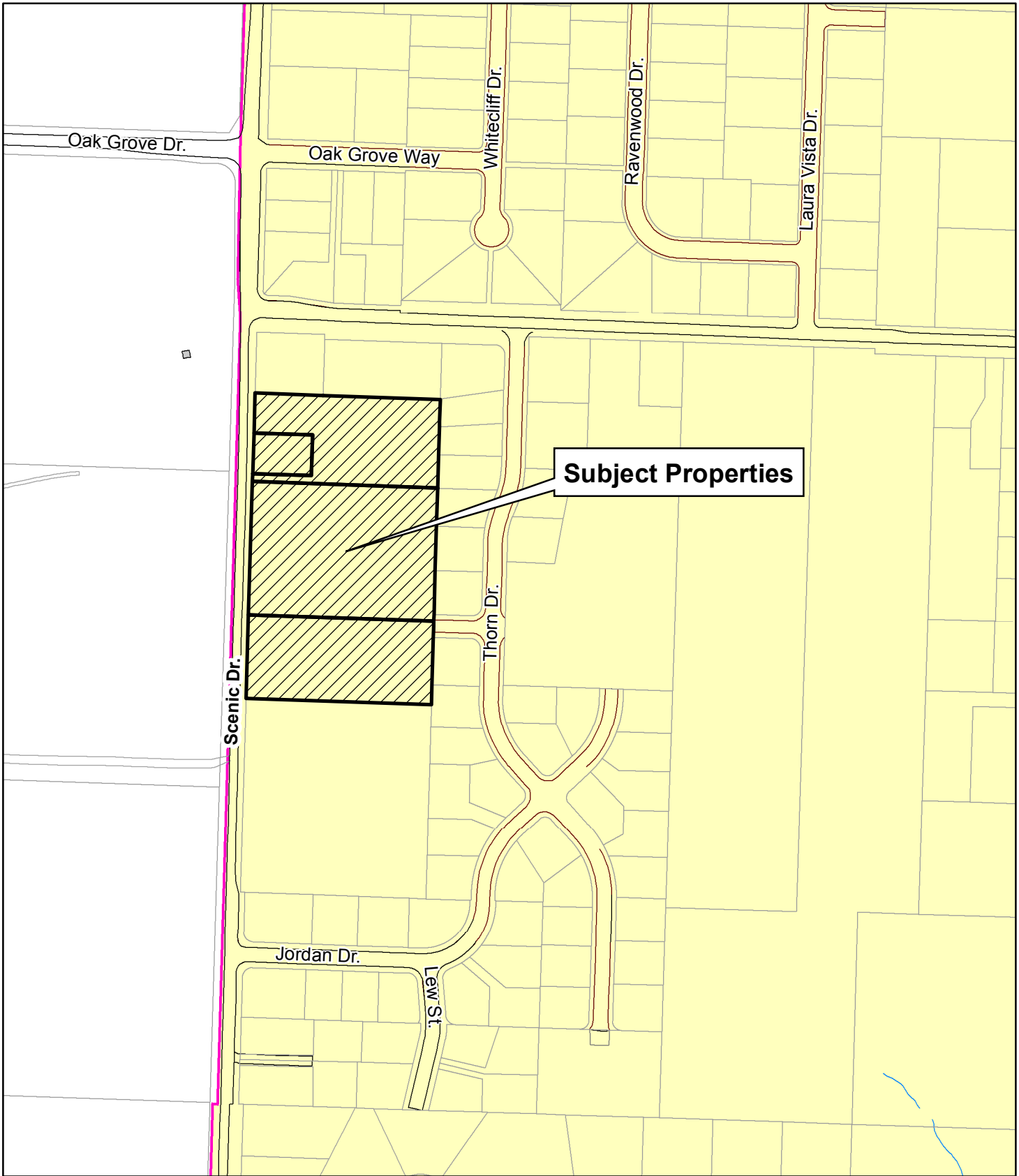
Our office recently received a request to review your application for the project referenced above. In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Dennis Griffin, Ph.D., RPA  
State Archaeologist  
(503) 986-0674  
[dennis.griffin@oregon.gov](mailto:dennis.griffin@oregon.gov)

cc: Troy Plum, TKP Engineering





# Location Map: 1465, 1475 and 1505 Scenic Drive NW

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 of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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Date: August 16, 2018
Planning Division
City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550