



COMMUNITY DEVELOPMENT

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

Notice of Decision

Land Division (Tentative Subdivision Plat)

SD-07-19

February 10, 2020

Application Information

Proposal:	Land division for a six-lot subdivision
Review Body:	Staff Decision (Type I-L review)
Property Owner / Applicant:	Oscar Mendoza; 3171 Grand Prairie Road SE, Albany, OR 97322
Engineer / Representative:	William E. Barlow, P.E.; PO Box 43, Philomath, OR 97332
Address/Location	3171 Grand Prairie Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-16; Tax Lot 1101

On February 5, 2020, the City of Albany Community Development Director granted **Approval with Conditions** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC or 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. For more information, please contact Project Planner **Tony Mills**, at **541-917-7555**, or David Martineau, planning manager, at 541-917-7561.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the Director's Notice of Decision is mailed [ADC 1.330(5)(a)]. The applicants may proceed, at their own risk, prior to the end of the appeal period, provided they sign a Release and Indemnity Agreement with the City. This approval expires in three years unless the final plat has been submitted to the City's Planning Division for review and approval.

Signature on file

Community Development Director

Appeal Deadline: March 2, 2020

Approval Expiration Date (if not appealed): March 2, 2023

Attachments: Location Map, Tentative Plat

Conditions of Approval

Condition of Approval

TRANSPORTATION

Condition 1 Right of way dedication for Isaac Avenue shall occur prior to or with recordation of the final plat map. Right of way width shall be 54 feet as shown on the approved tentative plat map.

Condition 2 Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, street improvements as shown on the tentative plat map. Improvements shall include a 30-foot curb-to-curb width street, 54-foot right-of-way width, and a five-foot-wide setback sidewalk along both sides.

PUBLIC UTILITIES

Condition 3 Before the final plat will be approved by the City, the applicant must construct public sanitary sewer, water, and storm drainage facilities to serve the proposed subdivision, generally as shown on the preliminary utility plans. A Permit for Private Construction of Public Improvements must be obtained through the City's Public Works Department before beginning work.

Condition 4 Before the final plat will be approved by the City, the applicant must construct stormwater quality facilities to serve the proposed subdivision. A post-construction storm water quality permit must be obtained through the City's Public Works Department before beginning work. If it is determined by the City Engineer that post-construction stormwater facilities are not feasible due to site constraints or other issues, the City Engineer may allow the applicant to pay a post-construction stormwater quality fee in lieu of actual construction of the facilities.

Condition 5 As an alternative, the applicant may provide financial assurances for the required public infrastructure work in order to receive subdivision plat approval prior to actual infrastructure construction.

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

Information for the Applicant

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

Planning

1. Land use approval does not constitute Building or Public Works permit approvals.
2. **To complete the land division process and create the new parcels:**
 - a. **Satisfy the conditions of approval and submit a final partition plat to the City Planning 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 county surveyor also needs to review the final plat. These reviews should be done concurrently. Contact the county surveyor 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 the county's tax assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.
3. **Expiration of Land Use Approvals (ADC 1.080)**
 - a. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
 - i. The applicant has installed all 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
 - ii. If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
 - iii. 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
 - iv. An extension has been filed before the expiration date and is subsequently granted approval pursuant to Section 1.083.

Engineering

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.

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.

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. 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). An approved turn-around will be required at the end of Isaac needs to be eventually extended to Lexington. The proposed turnaround will be required to be signed with no parking and the entire turnaround will need to meet the weight load requirements outlined below.
2. An Emergency Vehicle Access Easement recorded on the affected parcel(s) identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal. If there is an existing Emergency Vehicle Access Easement, then please provide a copy.
3. A "no-parking" restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire apparatus access.
4. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.

Building

PERMITS

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

PLAN REVIEW FOR PERMITS

All plans submitted for review for building permits will need to be submitted electronically. Contact the Building Division front counter at ePlans@cityofalbany.net for details and instructions prior to submittal.

INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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 one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

STATE HISTORIC PRESERVATION OFFICE (SHPO)

Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).

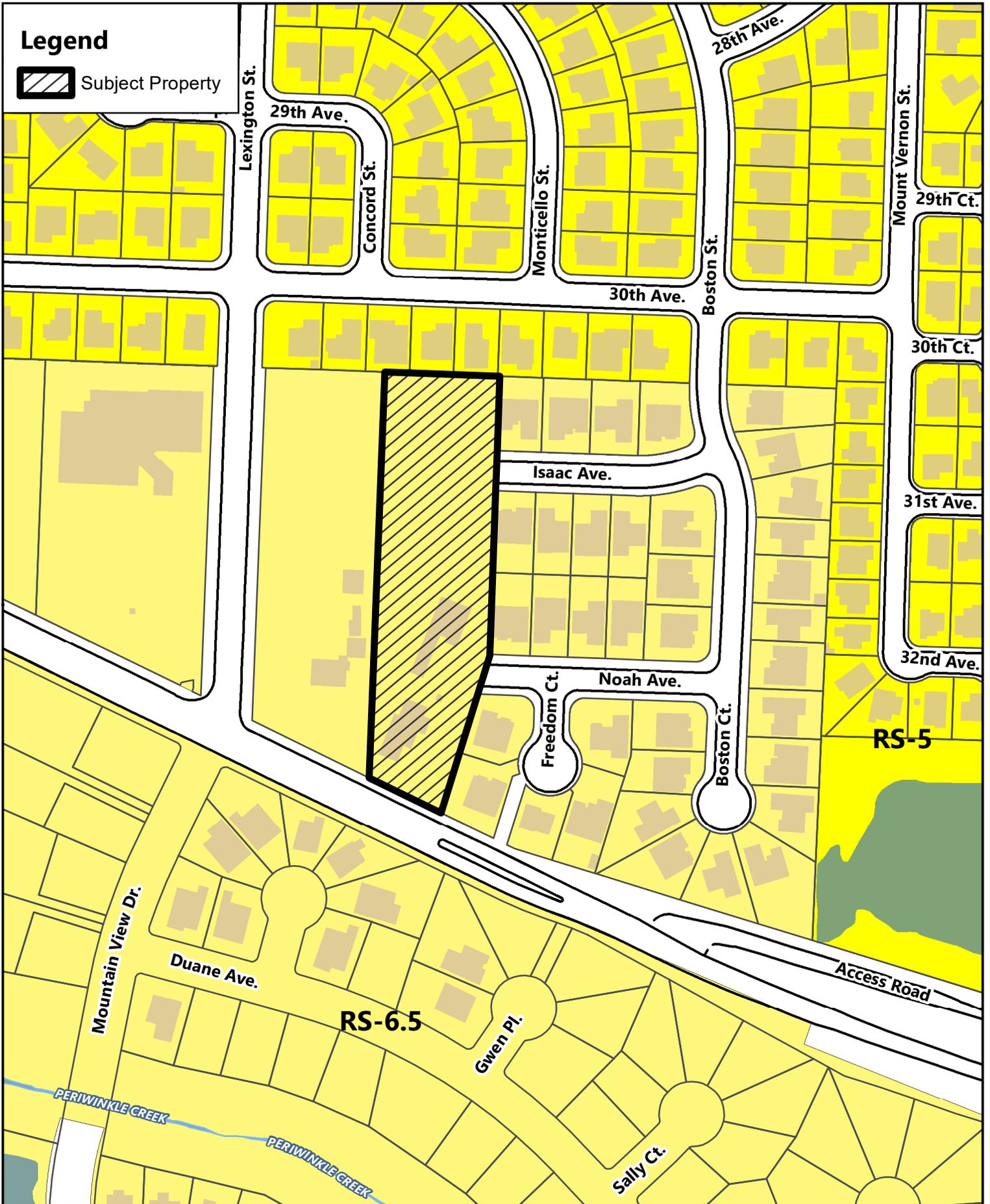
OREGON DEPARTMENT OF STATE LANDS (DSL) & United States Army Corps of Engineers

Permits may be required by state and federal agencies.

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Legend

 Subject Property



G:\Community Development\Planning\Land Use Cases\2010s\2019\Subdivision (SD)\SD-07-19 (Jimmy)\Project Review\SD_07_19_M.mxd



Date: 9/13/2019 Map Source: City of Albany

3171 Grand Prairie RD SE

Location / Zoning Map

APPLICANT/REPRESENTATIVES

OWNER: OSCAR MENDOZA- 3171 GRAND PRAIRIE RD. ALBANY, OR 97322
 ENGINEER: BILL BARLOW- PO BOX 43, PHILOMATH, OR 97332
 SURVEYOR: DAVID SCHLOSSER- 720 NW 4TH ST. CORVALLIS OR, 97330

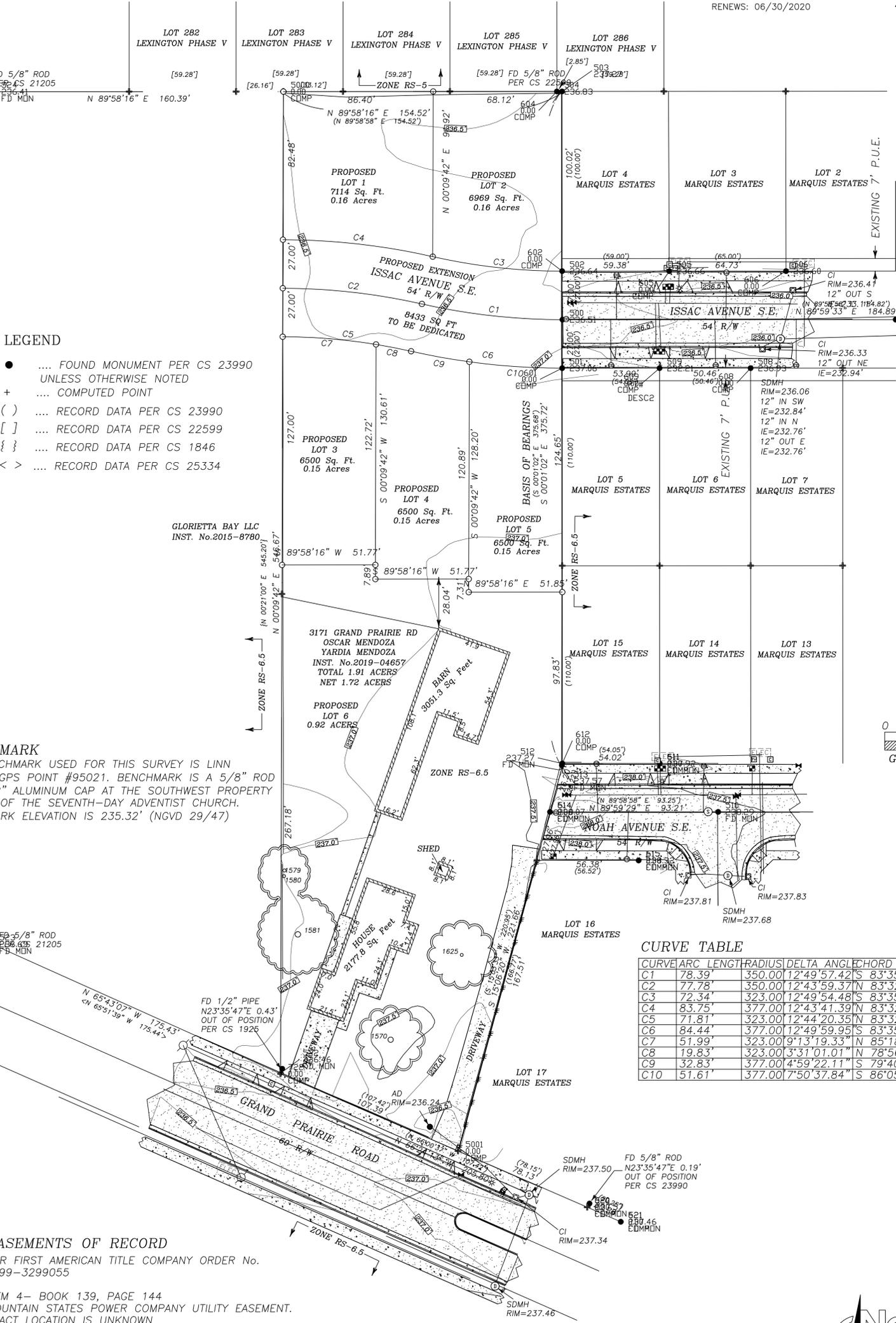
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JUNE 10, 2014
 DAVID LEE SCHLOSSER JR.
 72617

TENTATIVE PLAT
 for
 OSCAR MENDOZA
 in the
 SW 1/4 OF SECTION 29
 T 11 S, R 3 W, W.M.
 LINN COUNTY, OREGON

RENEWS: 06/30/2020

AUGUST 13, 2019

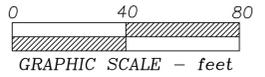


LEGEND

- FOUND MONUMENT PER CS 23990 UNLESS OTHERWISE NOTED
- + COMPUTED POINT
- () RECORD DATA PER CS 23990
- [] RECORD DATA PER CS 22599
- { } RECORD DATA PER CS 1846
- < > RECORD DATA PER CS 25334

BENCHMARK

THE BENCHMARK USED FOR THIS SURVEY IS LINN COUNTY GPS POINT #95021. BENCHMARK IS A 5/8" ROD WITH A 2" ALUMINUM CAP AT THE SOUTHWEST PROPERTY CORNER OF THE SEVENTH-DAY ADVENTIST CHURCH. BENCHMARK ELEVATION IS 235.32' (NGVD 29/47)



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	78.39'	350.00'	12°49'57.42"	S 83°35'28" E	78.23'
C2	77.78'	350.00'	12°43'59.37"	N 83°32'29" W	77.62'
C3	72.34'	323.00'	12°49'54.48"	S 83°35'27" E	72.19'
C4	83.75'	377.00'	12°43'41.39"	N 83°32'20" W	83.58'
C5	71.81'	323.00'	12°44'20.35"	N 83°32'40" W	71.67'
C6	84.44'	377.00'	12°49'59.95"	S 83°35'29" E	84.27'
C7	51.99'	323.00'	9°13'19.33"	N 85°18'10" W	51.93'
C8	19.83'	323.00'	3°31'01.01"	N 78°56'00" W	19.82'
C9	32.83'	377.00'	4°59'22.11"	S 79°40'10" E	32.82'
C10	51.61'	377.00'	7°50'37.84"	S 86°05'10" E	51.57'

EASEMENTS OF RECORD

PER FIRST AMERICAN TITLE COMPANY ORDER No. 7099-3299055

ITEM 4- BOOK 139, PAGE 144
 MOUNTAIN STATES POWER COMPANY UTILITY EASEMENT.
 EXACT LOCATION IS UNKNOWN

ITEM 5- BOOK 139, PAGE 654
 MOUNTAIN STATES POWER COMPANY UTILITY EASEMENT.
 EXACT LOCATION IS UNKNOWN

EXISTING CONDITIONS SURVEY

SCALE: 1" = 40'

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 www.northstarsurveying.com