



COMMUNITY DEVELOPMENT DEPARTMENT

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

Notice of Decision

Site Plan Review

SP-06-18 and SP-17-18

June 13, 2018

Application Information

Proposal:	Site Plan Review (Type I-L application) to construct a 27-unit apartment complex together with 42 parking spaces concurrent with a Site Plan Review Tree Felling request to remove all eight trees on the property
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	Plum Tree Village LLC; P.O. Box 3308; Salem, OR 97302
Applicant Representative:	Mark Grenz; Multi/Tech Engineering; 1155 13 th Street SE; Salem, OR 97302
Address/Location	34 th Avenue SE (next to 1212 34 th Avenue SE)
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-18CC; Tax Lot 2604
Zoning:	RMA – Residential Medium Density Attached

On June 13, 2018 the City of Albany Community Development Director **approved with conditions** the applications described 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. For more information, please contact Project Planner **Anne Catlin** at 541-917-7560 or Bob Richardson, Planning Manager, at 541-917-7555.

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 shall expire three years from the date of approval unless 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 Albany Development Code Section 12.600, or if the development did not require public infrastructure, a valid building permit exists for new construction or improvements and work has commenced.

Community Development Director

Appeal Deadline: July 4, 2018

Approval Expiration Date (if not appealed): June 13, 2021

Attachments: A. Property Location Map; B. Site Plan; C. Landscape Plan

cd.cityofalbany.net



Conditions of Approval

- Condition 1 Storm Water Quality.** Prior to issuance of a certificate of occupancy, the applicant must obtain a storm water quality permit through the Public Works Department and construct all required storm water quality facilities.
- Condition 2 Pedestrian Crossing.** Prior to issuance of a certificate of occupancy, the pedestrian crossing located 250 feet south of 34th Avenue along the site's west boundary shall be raised, at least five feet wide, and marked with a striped crosswalk.
- Condition 3 Required Parking.** Prior to issuing a building permit, the applicant must either: a) get approval for the joint use of parking facilities for at least six spaces per ADC 9.080 that are located within 100 feet of the building entrance for the units they are intended to serve per ADC 8.300(2), or b) submit modified development plans that satisfy the required on-site parking as specified in ADC 9.020; or c) remove the lot lines between Phases 1, 2 and 3 so that all three phases of the Plum Tree Village complex are on one property.
- Condition 4 Travel Aisle Dimensions.** Prior to issuance of building permits, the applicant shall submit a modified site plan that demonstrates the minimum two-way travel aisle dimension of 26 feet per ADC 9.130 Table 9-2 is provided where applicable.
- Condition 5 Bicycle Parking.** Prior to issuing a certificate of occupancy, a total of 12 bicycle parking spaces, including at least six sheltered spaces, shall be provided in conformance with the requirements of ADC 9.120(13)(e-h).
- Condition 6 Final Landscape and Irrigation Plan.** Prior to issuing a certificate of occupancy, a revised landscape and irrigation plan shall be submitted to the City Planning Division for review and approval, and all landscaping and irrigation shall be installed in accordance with an approved final landscape plan. The final landscape plan shall include planting and irrigation details, dimensions, and calculations, and notes as necessary to verify the required landscape standards of ADC 9.150(1), irrigation standards of ADC 9.160, and buffering and screening standards of ADC 9.210 – 9.270 and Table 9-4 are satisfied.
- Condition 7 Final Site Plan and Building Plans.** Prior to issuance of a building permit, the site plan and building plans shall be revised and submitted to the Community Development Department for final review and approval. The final plans must:
- Include a lighting plan that demonstrates how the light is directed down and contained onsite;
 - Provide on-site refuse containers in accordance with ADC 5.370; or prior to issuance of a certificate of occupancy, combine the lots containing phases 1-3 of Plum Tree Village;
 - Demonstrate the common open/recreation areas required in ADC 8.220 (1) will comply with the standards in 8.220 (1)(a)-(h);
 - Demonstrate the private open space standards of ADC 8.230 have been met for both ground-level and above-ground dwelling units: 1) above-grade units must have 80 square feet of private open space per dwelling unit with no dimension less than six feet,

and 2) ground-level, private open space must be physically and visually separated from common open space, be at least 96 square feet in area, and have no dimension less than eight feet;

- e. Identify the location and dimensions of the children's play area provided on the Phase 3 property and demonstrate that it meets the standards in ADC 8.220(2)(a)-(d); and
- f. Provide reflective striping on the crosswalks through the parking lot and across the shared access driveway.

Condition 8 Landscaping Completion Guarantee. Prior to issuance of a certificate of occupancy, all proposed and required site improvements, including the installation of required landscaping and irrigation, shall be completed in accordance with approved plans or guaranteed in accordance with ADC 9.190. Any changes to approved plans must be reviewed and approved by the Albany Planning Division and comply with all landscape standards of ADC 9.150(1) and screening and buffering standards of ADC 9.210 – 9.270 and Table 9-4.

Condition 9 Tree Felling. In the event proposed development does not take place, trees that are eight-inches or greater in diameter shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.208(3).

Condition 10 Tree Felling. It is the applicant's responsibility to ensure the proposed tree removal, including the timing of removal, complies with the Federal Migratory Bird Act.

Information for the Applicant

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 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

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

Public Works – 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 in our records.

Fire Access – Fire Department

Fire Access

1. 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, per OFC 503.1.1. The Fire Department may modify this requirement when the buildings are fully protected with fire sprinklers **OFC 503.1.1 Exception 1**.

Since the buildings will share an Emergency Vehicle Access with 1212 34th Ave SE, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

- a. An Emergency Vehicle Access Easement recorded on the affected parcels 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 be made part of any submittal. If there is an existing Emergency Vehicle Access Easement, please provide a copy.
 - b. 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.
2. 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.

3. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3).

Fire Department Connections

4. Location of any Fire Department Connections (FDCs) that will serve any fire sprinkler system(s) protecting all buildings must be installed at a location approved by the Albany Fire Department and shall be provided with approved STORZ fitting. The FDC shall be located near the site entrance as not to obstruct subsequent arriving fire apparatus and within 40 feet of a fire hydrant (public fire hydrants whenever possible) (OFC 903.3.7 and Albany Fire Department requirements).

Building Division

Permits

1. Obtain Building Permits prior to any construction. Separate permits are required for underground fire lines, fire sprinklers, fire alarms, electrical work, parking lots, and exterior signs.
2. Building Permits will not be issued on property within the wetlands unless approvals have been provided by the wetlands regulating authority.
3. Erosion Sediment Control Permits are required by Public Works before commencing land disturbing activities affecting an area of 2,000 square feet or greater, cumulatively. More information about the EPSC permit can be found on the City Of Albany web page. The direct link is <http://www.cityofalbany.net/publicworks/engineering/erosion-control/>.

Plan Review for Permits

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

Codes

5. Building Codes will change in 2019. The current building codes are:
 - a. The 2014 Oregon Structural Specialty Code (OSSC) based on the 2012 International Building Code (IBC) and ICC A117.1-2009 for accessibility
 - b. The 2014 Oregon Energy Efficiency Specialty Code (OEESC),
 - c. The 2014 Oregon Mechanical Specialty Code (OMSC) based on the 2012 International Mechanical Code (IMC) and 2012 International Fuel Gas Code
 - d. The 2017 Oregon Plumbing Specialty Code (OPSC) based on the 2011 OPSC.
 - e. The 2014 Oregon Fire Code (OFC) based on the 2012 International Fire Code (IFC). Use OSSC Appendix D and N for construction.
 - f. The 2017 National Electrical Code (NEC) with Oregon amendments.
 - g. 2013 NFPA 13 for fire sprinklers
 - h. 2013 NFPA 72 for fire alarms.
 - i. Oregon Revised Statutes (ORS)

Drainage

6. Provide a complete drainage plan for all hard surface drainage areas. Shape lot to facilitate surface, gutter, and under-floor drainage to the street or a preapproved system or area.

Engineering

7. All new commercial buildings are required to have all construction documents and engineering calculations to be prepared, signed and sealed by an Oregon registered engineer or architect.
8. Fire sprinklers are required to be designed by an Oregon registered engineer qualified for fire sprinkler design.
9. Provide a geotechnical report from a soils engineer that shows the soil conditions will support each proposed structure.
10. The buildings are to be designed for wind loads determined per **Chapters 26 to 30 of ASCE 7 (2010)** and **2014 OSSC 1609** using **Figures 1609A, B, or C** for the **Ultimate Design Wind Speeds** for the appropriate **Risk Category** determined from **OSSC Table 1604.5**. Snow loads shall be determined by **Chapter 7** of the **ASCE 7 (2010)** and the **December 2007 Snow Load Analysis for Oregon**. Design roof snow to be not less than required by ice, drifting, rain on roof and other calculations but never less than 20 psf.

Energy

11. The buildings shall meet the requirements of the appropriate **Oregon Energy Efficiency Specialty Code (OEESC)**, for exterior envelope, lighting and mechanical and ventilation systems.
12. COMcheck work sheets will be required at plan review. The COMcheck program can be downloaded at <http://energycode.pnl.gov/COMcheckWeb>.

Ventilation

13. Buildings shall be provided with either natural ventilation per **OSSC 1203.4** or mechanical ventilation per OMSC. Using OMSC and the 2010 Oregon Energy Efficiency Specialty Code (OEESC), provide ventilation calculations to determine outside air requirements as per **OMSC 403** and **Equations 4-1 through 4-8**. COMcheck forms will be required.

OCCUPANCY

14. Apartments larger than 2 dwelling units are considered R2 occupancies. **OSSC 310.1**
15. A small building or tenant space with an assembly area with less than 50 occupants is considered Group B occupancy. Small areas used for assembly with an occupant load of less than 50 and accessory to another occupancy shall be classified as a Group B or part of that occupancy and a room less than 750 square feet in area and accessory to another occupancy shall be classified as Group B or part of the larger occupancy (**OSSC 303.1** through **303.1.2 #'s 1 and 2**).
16. Group R2 occupancies providing 21 or more housing units for low-income elderly, which are financed in whole or in part by the federal or state fund, shall contain a multiservice room adequate in size to seat all the tenants (**ORS 455.425**). The multiservice room shall include adjacent toilet facilities for both sexes; a service area with a kitchen sink, countertop and upper and lower cabinets; and a storage room sized to store tables, chairs or benches and janitorial supplies and tools. The multiservice room and accessory rooms shall be accessible to disabled persons (**OSSC 310.4**).

Occupancy Separation

17. 1-hour fire partitions are required for walls and floors separating dwelling units constructed per **OSSC 420.2 & 3, 708, and 711.**
18. Stair exit enclosures per **OSSC 1009, 1021, 1022, Tables 1021.2 (1) and (2), 707, 711 and 712.**

Sound Transmission

19. Walls, partitions, and floor/ceiling assemblies separating dwelling units from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50 for air-borne noise and an impact insulation class (IIC) rating of not less than 50. Please show details of the rated assemblies you are using. **OSSC 1207.2 and 3**

Draft Stopping

20. **OSSC 718.3.2** requires floor/ceiling draft stops to be installed in line with the dwelling unit and sleeping unit separations that do not extend to the underneath side of the roof sheathing. There are a couple of exceptions to this requirement using fire sprinklers. See **OSSC 717.4.2 Exception # 1** for NFPA 13 systems, and **OSSC 718.3.2 Exception #2** for NFPA 13-R systems.
21. **OSSC 718.4.2** requires attic draft stops to be installed in line with the dwelling unit and sleeping unit separations that do not extend to the underneath side of the roof sheathing. There are several exceptions to this requirement: **Exception #3** states that attic draft stops are not required in apartments four stories or less where the attic space is subdivided into areas not exceeding 3,000 square feet or above every two dwelling units, whichever is smaller. Exceptions 3 and 4 are for the use of fire sprinklers. See **Exception # 2** for NFPA 13 systems, and **Exception #4** for NFPA 13-R systems.

Allowable Area/Type of Construction

22. The size and height of the building and the floor level allowed for the various occupancies is determined by **OSSC Table 503** and building modifications allowed by **OSSC 506.1** for building area increases due to fire sprinklers and yards. The table allowable areas used are per floor. If using fire sprinklers for allowable area increase, the fire system must be a full NFPA 13 system. While an NFPA 13R fire sprinkler system is not to be used for an allowable area increase in building area modification of Equation 5-1, it does allow a building height increase of 20 feet and increases the number of stories allowed by **Table 503** by 1 (**OSSC 504.2**). The increase in height does not change Land Use heights allowed.
 - Type VB would be limited to (2) stories fully sprinkled.
 - Type VA would allow 3 stories plus the 4th by way of NFPA 13R sprinklers.
 - Type VA = 12,000 + 9000 (full yards) = 21K per floor.

Fire Resistance

23. Fire resistance rating of exterior walls of commercial buildings shall be as per **OSSC Tables 601 and 602** with opening protection as per **OSSC 705.8.1 through 705.8.6 and OSSC Table 705.8**. If the buildings maintain 10-foot or more set-backs to the property lines or an assumed property line between two buildings, rated exterior walls and parapets would not be required unless required by the type of construction.
24. Parapet walls are required as per **OSSC 705.11**. See the six exceptions. Fire separations in the building will depend on the use of incidental use, accessory use, separated or non-separated use provisions of **OSSC 508**.

Exterior Stairs

25. Please refer to **OSSC 1026** for requirements pertaining to Exterior Stairs.

Accessibility (Comments reflect ICC A117.1-2009)

26. All commercial facilities will be required to be fully accessible to the disabled. Provide at least one accessible route to the public way. **OSSC 1104.1 & 2**
27. Provide accessible parking **ORS 447.233 Numbers (1) through (7)** and **OSSC Chapter 11** which also references **ICC A117.1-2009**.
 - a. **OSSC Figures 1-10** limit the slope of the parking space and aisle to two percent in any direction.
28. At least two percent of each type of parking space provided for Group R2 occupancies shall be accessible. Where parking spaces are provided within or beneath building, accessible parking spaces shall also be provided within or beneath the building. **OSSC 1106.2**
29. Dwelling units or sleeping units are required to have accessible units, Type A or Type B units, and are required to comply with **Chapter 10 of ICC A117.1 (OSSC 1107.2)**.
30. Type A, and Type B units are required as per **OSSC 1107.6.2.1** and **1107.6.2.2**. In all occupancies with more than 20 dwelling units or sleeping units on the site, at least 2% but not less than one of the units shall be a Type A unit. The rest are Type B units.
31. Where there are four or more dwelling units or sleeping units in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit. This number may be reduced per **OSSC 1107.7**.
32. In a building that does not have an elevator, at least one story shall be provided with an accessible entrance from the exterior of the structure and all units on that story shall be Type B units. **OSSC 1107.7.1**
33. Where an individual multistory dwelling or sleeping unit is not provided with an elevator, it is not required to be a Type B unit. **OSSC 1107.7.2**
34. **Design Flood Elevation OSSC 1107.7.5:** The required number of Type A and Type B units shall not apply to a site where the required elevation of the lowest floor or the lowest horizontal structural building members of non-elevator buildings are at or above the design flood elevation resulting in:
 - a. A difference in elevation between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50' exceeding 30" and
 - b. A slope exceeding 10% between the minimum required floor elevation at the primary entrances and vehicular and pedestrian arrival points within 50'. Where no arrival points are within 50' of the primary entrances, the closest arrival points shall be used.
35. All public and common use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collections areas, mailbox locations, lobbies, foyers and management offices will be required to be fully accessible to the disabled. **OSSC 1103.1** and **1111**
36. Where drinking fountains are provided, no fewer than two are required. One for a standup person and one for people who use wheelchairs. A Single unit meeting all of the requirements is also allowed. **(OSSC 1109.5)** Refer to **ICC/ANSI 602** for specific details.
37. Oregon has Cluster Mailbox Standards per **OSSC 1111**. The mailbox cluster is required to be located on an accessible route per **ICC/ANSI 402** and **403**
 - a. Where an improved walking surface such as a sidewalk is located within 50' of the pad on which a clustered mailbox unit is located, at least one accessible route shall connect the improved walking surface to the clustered mailbox pad.

- b. The accessible route may require curb ramps, landings, or ramps. **OSSC 1111.4**
- c. Changes in level of the route shall comply with **ICC/ANSI 303**.
- d. At least one turning space shall be provided at the front of each clustered mailbox unit. See **ICC/ANSI 304**.
- e. Clear access space conforming to **ICC/ANSI 305** shall be provided to each of the mailboxes at the clustered mailbox location.

Fire Sprinklers

- 38. Fire sprinklers will be required throughout all buildings containing Group R2 or R3 occupancies. Does not apply to single family residences or duplexes. **OSSC 903.2.8**
- 39. All fire sprinklers and fire hydrant calculations are required to use the latest City of Albany Water Model Data information for designs. Contact the Building Division for current numbers prior to design and submittal of application for permits.

Fire Alarms

- 40. A manual fire alarm system shall be installed in Group R-2 occupancies that are 3 or more stories in height or contain 16 or more units. **OSSC 907.2.9 See three exceptions**

Easements

- 41. Provide recorded easements where fire lines and other utilities cross property lines.

Smoke Alarms/Carbon Monoxide Alarms

- 42. Carbon Monoxide detection and alarms are required by **OSSC 908.7.2** to be installed in each bedroom or within 15' outside of each bedroom door. Bedrooms on separate floor levels in a structure consisting of two or more stories shall have separate alarms on each story. They shall also be installed in any common area within buildings containing three or more dwelling units.
- 43. Single or multiple station smoke alarms are required on the ceiling or wall outside of each separate sleeping area, in each sleeping room, and on each of multiple levels within a dwelling unit. **OSSC 907.2.11.2**
- 44. The single and multi-station smoke and Carbon monoxide alarms are required to be low frequency 520 Hz alarms. The low frequency alarms have been proven to be effective at waking people impaired by alcohol and school age children. **2013 NFPA 72 Section 18.4.5.3** requires low frequency alarms in sleeping areas. **Statewide Code Interpretation February 2016** clarifies that sleeping areas include bedrooms and living rooms of sleeping and dwelling units.

Hydrants

- 45. Provide fire hydrants according to City Water Plan and **OFC Appendix B Tables B105.1 and C105.1**.

Wetlands

- 46. Due to wetlands on the property, the City will require Notice of Land Use and Future Development to be made to any State and Federal Agency with jurisdiction, such as DSL. Additional delineation, mitigation and permits will be required, and proof submitted, before building permits can be issued.

Location Map

Linn County Assessor's Map No. 11S-03W-18CC; Tax Lot 2604

