



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

# Notice of Decision

## Tentative Subdivision Plat and Floodplain Development Review

PA-02-24 & FP-02-24

October 23, 2024

### Application Information

|                           |  |
|---------------------------|--|
| Proposal:                 | Land Division (Tentative Subdivision Plat) for a four-lot subdivision within the Special Flood Hazard Area (SFHA) and the placement of fill within the SFHA to elevate proposed Lots 1-3 above the Base Flood Elevation. |
| Review Body:              | Planning Staff (Type I-L review)   |
| Staff Report Prepared By: | Jennifer Cepello, project planner  |
| Property Owner/Applicant: | Daniel Watson; 710 East Thornton Lake Drive NW, Albany, OR 97321   |
| Address/Location:         | 710 East Thornton Lake Drive NW  |
| Map/Tax Lot:              | Benton County Assessor's Map No. 10S-03W-31CC; Tax Lot 01500   |
| Zoning:                   | RS-6.5 (Residential Single Dwelling Unit District)/Open Space (OS)   |

On October 23, 2024, the City of Albany Community Development Director granted **APPROVAL WITH CONDITIONS** of the application described above.

The City based its decision upon consideration of applicable standards and review criteria listed in the Albany Development Code (ADC) with an effective date of December 29, 2023. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW, Albany, OR 97321. For more information, please contact Jennifer Cepello, project planner, at 541-917-7561 or Current Planning Manager, David Martineau at 541-917-7555.

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)]. 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: November 4, 2024**

**Approval Expiration Date (if not appealed): October 23, 2027**

Attachments: Information for the Applicant, Location Map, Tentative Partition Plat, Floodplain Fill Map

[albanyoregon.gov/cd](http://albanyoregon.gov/cd)



*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 ensure compliance with all applicable regulations.*

## Conditions of Approval

- Condition 1** Prior to recording the final plat map, the applicant shall construct or financially assure the construction of partial width street improvements along the site's frontage on East Thornton Lake Drive. Improvements shall be consistent with the approved site plan and consist of:
- A curb, gutter, and sidewalk along the south side of the street. The curb alignment shall reflect an ultimate curb to curb width of 30 feet centered within a 54-foot right of way.
  - The construction of the driveway approaches as shown on the approved site plan.
  - The construction of pavement to meet city standards with a width of 24 feet as measured from the south face of curb.
- Condition 2** Prior to recording the final plan map, the applicant shall provide a Petition for Improvement-Waiver of Remonstrance for participation in an assessment district for the improvement of future public street along the western boundary of the subject property.
- Condition 3** Prior to or with recording the final plat map, the applicant shall dedicate:
- 10 feet of public street right-of-way along the site's frontage on East Thornton Lake Drive.
  - A 7-foot public utility easement along the site's frontage on East Thornton Lake Drive
  - 7 feet of public street right-of-way along the site's frontage along the western frontage.
  - A seven-foot public utility easement along the site's frontage on the western boundary.
- Condition 4** Prior to final plat approval, the applicant must construct public sanitary sewer, and water facilities to serve the proposed subdivision, generally as shown on the preliminary utility plans.
- Condition 5** Prior to final plat approval, the applicant shall dedicate a storm drainage easement over the infiltration area. Applicant shall provide infiltration test and determine the area needed to infiltrate a 10-year storm event.
- Condition 6** Before the City will approve the final subdivision plat, the applicant must place all utility lines, cables, or wires underground upon, adjacent to, or within the land in the subject subdivision.
- Condition 7** Prior to the approval of the Final Plat, the applicant must show compliance with the requirements from the Albany Fire Department (Attachment F).
- Condition 8** Prior to the issuance of a building permit in the Hillside Development Overlay, the applicant must provide a geotechnical report and soils report prepared and stamped by a certified engineering geologist, or a licensed civil engineer, licensed in the specialty of geotechnical engineering with the State of Oregon.
- Condition 9** Prior to issuance of building permits, the plans must be reviewed and approved for consistency with the floodplain building standards under ADC 6.120, to ensure that no buildings or structures are being constructed in the SFHA. In the event any buildings or structures are proposed to be constructed in the SFHA, further floodplain review, including a pre-construction, during-construction, and post-construction elevation certificates, will be required.

**Condition 10** The final plat must include a statement that reads as follows: **“Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”**

**Condition 11** Prior to issuance of a building permit on proposed Parcel 1, Parcel 2, or Parcel 3, the following documentation shall be submitted to the Community Development Department:

- As-built drawings with elevations provided for the fill; and
- Letter from the Engineer of Record who is licensed in the state of Oregon, stating the total amount of fill and that the fill was placed in accordance with the signed plans.

## 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 Albany Municipal Code (AMC) or ADC regulations, or administrative policies of the Planning, Public Works, Fire, or Building Departments that you must meet as part of the development process. You must also comply with state, federal, and local law.

### 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 (if applicable) 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 office 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 at 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 Benton County’s Tax Assessor paperwork that assigns the new map and tax lot identification numbers to each new parcel.

### Expiration of Land Use Approvals (ADC 1.310)

3. 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 1.320.

## PUBLIC WORKS – ENGINEERING

4. 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.
5. All land disturbing development must meet the requirements of the Albany Municipal Code (AMC) 12.40 Erosion Preventions and Sediment Control (EPSC). The Erosion Prevention and Sediment Control Manual 2.2.1 states:  
*“Regardless of whether or not a permit is required, all land disturbing activities must be performed in a manner to prevent or minimize, to the greatest extent practical, soil erosion and the deposition or introduction of sediments upon or into right-of-way; wetlands, drainage ways, the municipal stormwater system, receiving waters, and/or areas that include or contribute directly to the Waters of the State.”*
6. Prior to any land disturbing activity, the property owner shall apply for and be issued an EPSC permit to ensure best management practices for erosion control. Residential EPSC Permits shall be closed out prior to Certificate of Occupancy per EPSC Manual 2.3.3:  
*“After the completion of all land disturbing activities, the owner will make a request to the City to perform a final inspection. Upon verification by the inspector that permanent site stabilization measures have been installed and are functioning effectively, the EPSC permit will be closed.”*
7. Prior to the signing of the plat or the issuance of building permits, all required improvements must be constructed, or the improvement assurance must be provided, and all other conditions of approval are met (ADC 12.590-12.610).
8. Prior to any occupancy, new public utilities and infrastructure must be accepted by the City of Albany (AMC 15.06.180).

## BUILDING

9. The proposed project may require permits that will need to be applied for at: [www.albanyoregon.gov/permits](http://www.albanyoregon.gov/permits). For questions about permitting requirements, please email [cd.customerservice@albanyoregon.gov](mailto:cd.customerservice@albanyoregon.gov).
10. The proposed design has not been reviewed for code compliance with the Oregon Building Code and the design will need to meet the applicable Oregon Building Code requirement in effect at time of application.
11. ONE- & TWO-DWELLING STRUCTURE FIRE DEPARTMENT APPROACH & 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 you 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

12. SANITARY SYSTEM- Each lot will need to be provided with a connection to an approved sewer (OPSC 721.0) and water system (OPSC 601.2). Where a well or septic system is needed, approvals from such governing entities shall be provided prior to issuance of the building permit (ex: well log and septic permit). (OPSC 601.2 & 713.1)

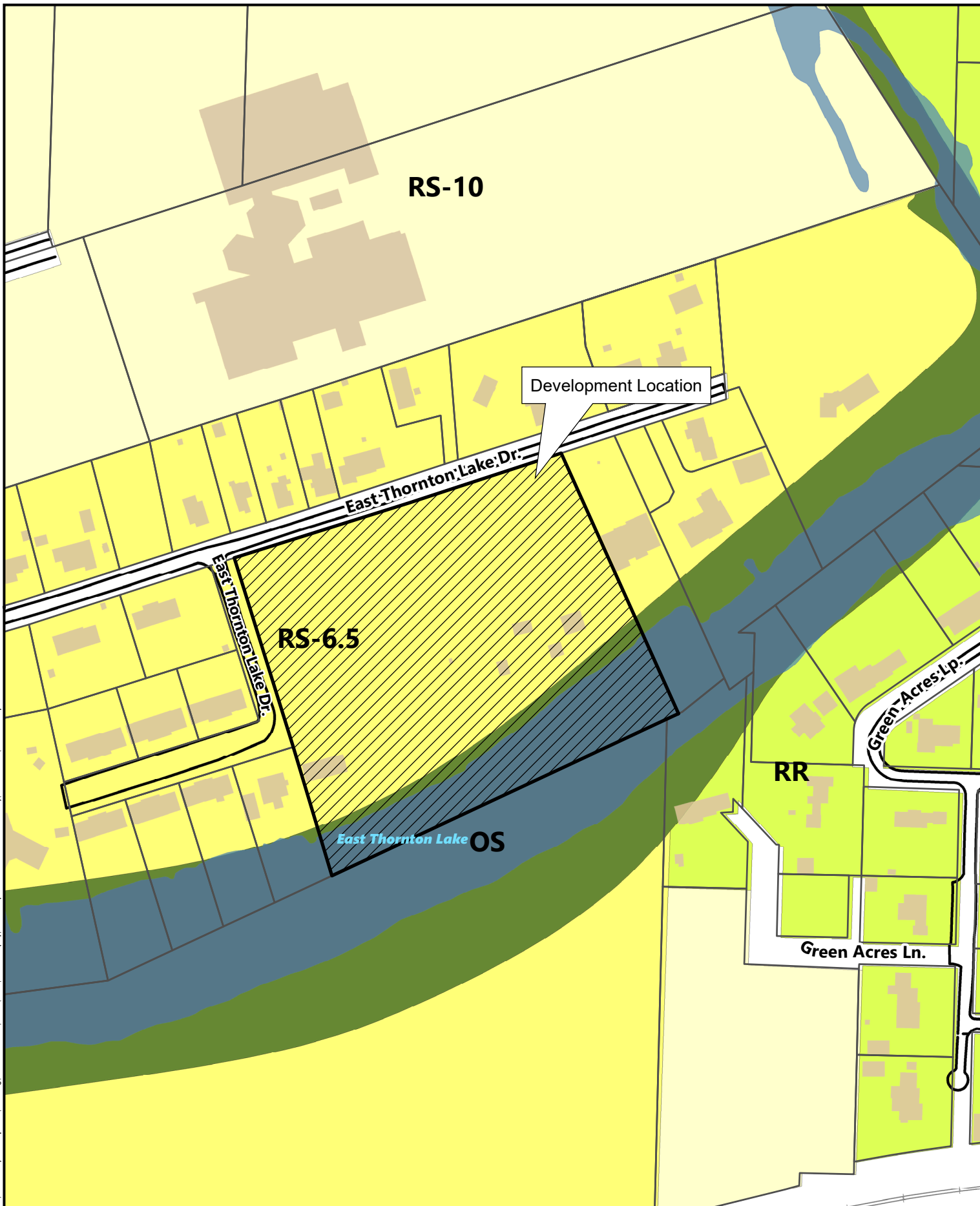
## FIRE

13. 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)
14. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
15. 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 shall be as specified in Appendix B of the fire code. (OFC 507.3)
16. 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 the following standard to address the inadequacies pertaining to structures built on the affected parcels:

- A. Installation of an NFPA Standard 13D fire suppression system

G:\Community Development\Planning\Land Use Cases\2024\Permit\PA-02-24 (710 East Thornton Lake Drive)\Public Notice\Location Map.mxd



0 50 100 200  
Feet

# 710 East Thornton Lake Drive NW

Date: 2/28/2024 Map Source: City of Albany

Location Map

TENTATIVE SUBDIVISION PLAT  
FOR  
**DAN WATSON**  
LOCATED IN  
**JOHN QUINN THORNTON D.L.C. No. 37**  
**SW 1/4 SEC. 31, T. 10 S., R. 3 W., W.M.**  
IN THE  
**CITY OF ALBANY, BENTON COUNTY, OREGON**  
FEBRUARY 21, 2024

**OWNER/APPLICANT:** DAN + ANDREA WATSON  
710 E. THORNTON LAKE DR. NW  
ALBANY, OR 97321

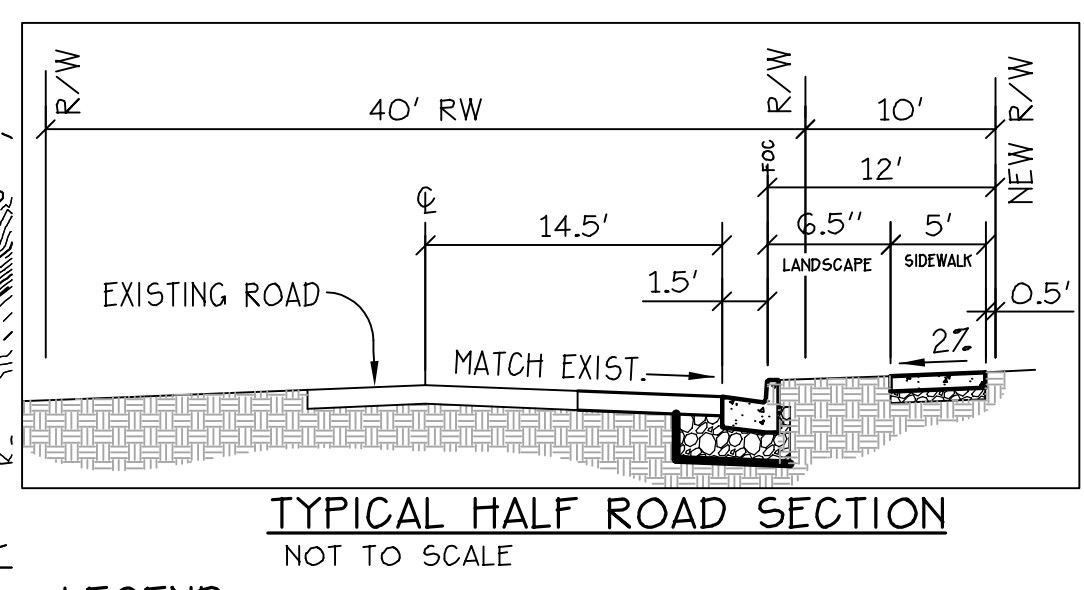
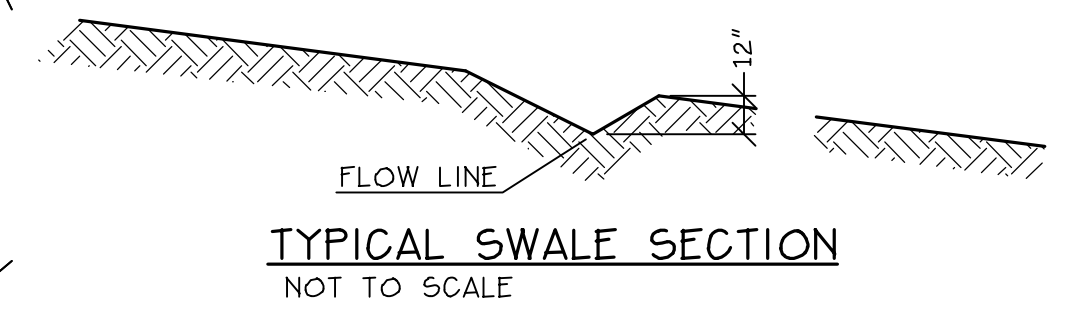
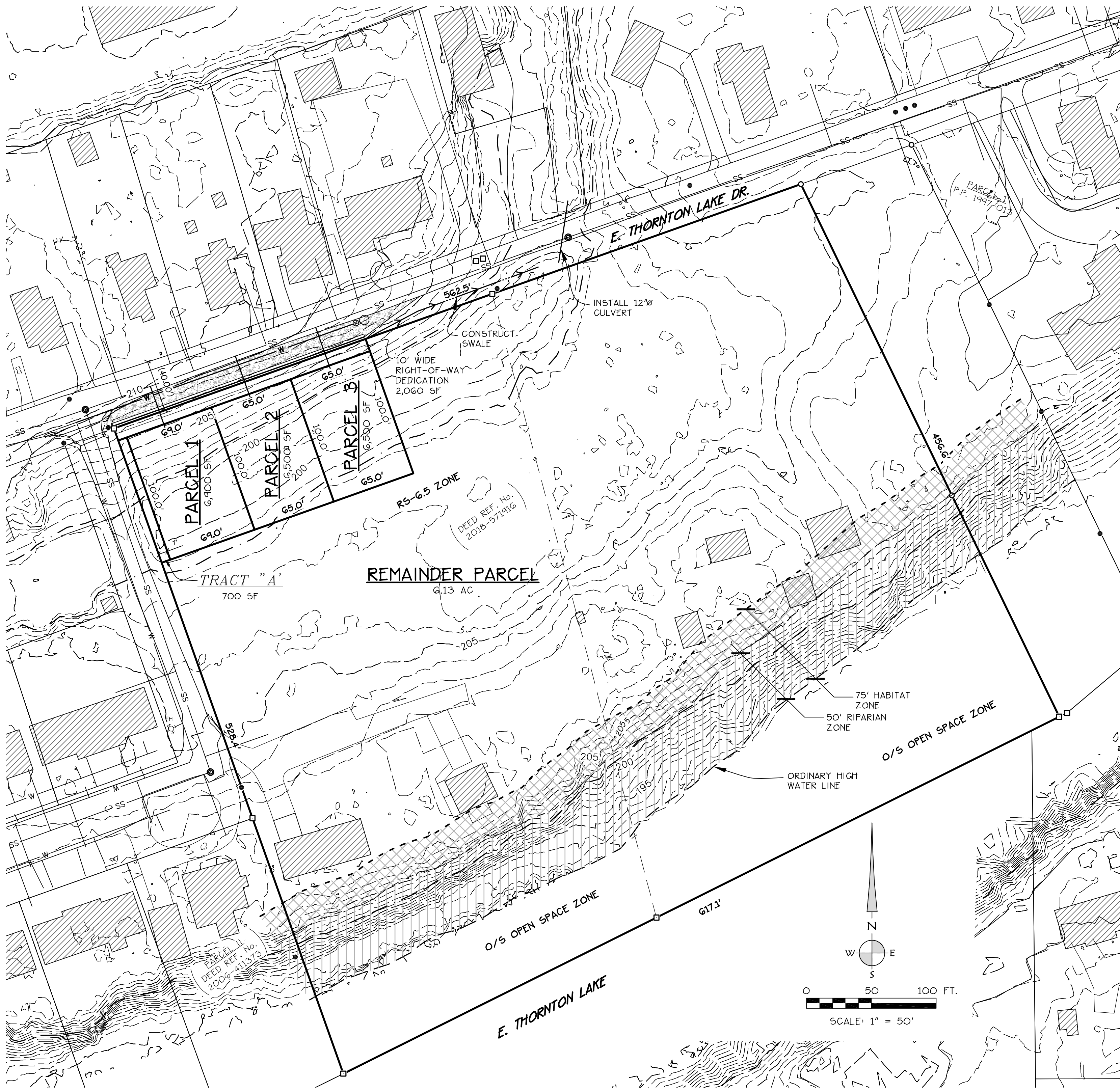
**ENGINEER/SURVEYOR:** DANIEL K. WATSON, ENGINEER  
K+D ENGINEERING, INC.  
276 N.W. HICKORY STREET  
ALBANY, OR 97321  
(541) 928-2583

**SUBJECT PROPERTY:**  
TAX LOT 1500 (MAP 105-03W-31CC)  
710 E. THORNTON LAKE DR. NW  
ALBANY, OR 97321  
TOTAL LOT AREA = 6.65 ACRES

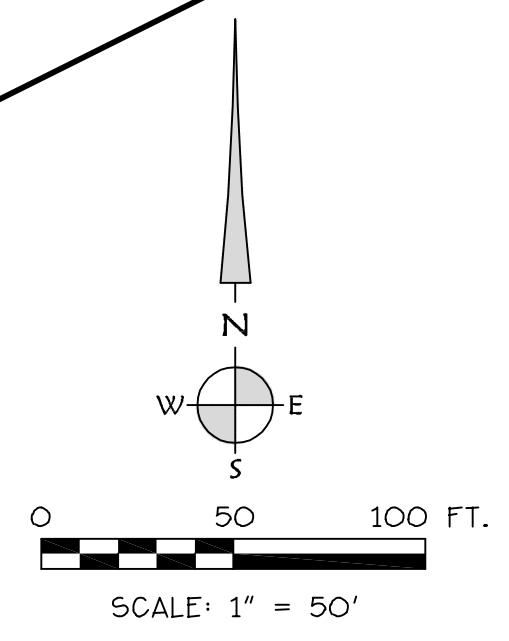
PARCEL 1 = 6,900 SF, PARCEL 2 = 6,500 SF  
PARCEL 3 = 6,500 SF, AVERAGE AREA = 6,633 SF  
REMAINDER AREA = 6.13 ACRES

**ZONING:**  
R5-G.5 ZONE  
O/S OPEN SPACE ZONE

**NOTE:**  
DATA SHOWN ON THIS MAP IS BASED ON BENTON COUNTY AND CITY OF ALBANY GIS DATABASES, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.  
FEMA FIRM PANEL 41043C0213H DATE: 12/8/2016. BASE FLOOD ELEVATION = 201.5 (NAVD 88)  
CONTOURS BASED ON CITY OF ALBANY LIDAR DATA (NAVD 88)



- LEGEND:**
- EXISTING RESIDENCE, GARAGE, SHOP, STRUCTURE
  - EXIST. LAMP POST
  - EXIST. FIRE HYDRANT
  - EXIST. UTILITY POLE
  - FIR TREE / DECIDUOUS TREE
  - EXIST. WATER LINE
  - EXIST. SEPTIC SYSTEM
  - FLOODPLAIN LINE, BFE = 201.5
  - PROPOSED STORM DRAIN

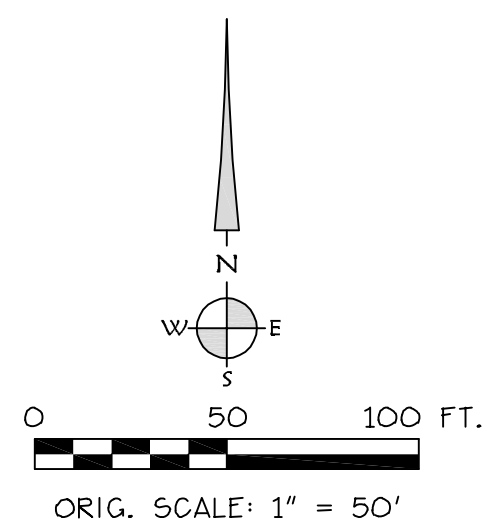


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- GRADING NOTES:**
1. FILL VOLUME: 2,960 CUBIC YARDS
  2. AREA OF DISTURBANCE = 32,088 SF
  3. AREA OF DISTURBANCE WITHIN FLOODPLAIN = 26,949 SF

**SITE PLAN**  
SCALE: 1" = 100'



--- ORIGINAL / EXISTING  
100 YEAR FLOODPLAIN

PROPERTY TO BE REMOVED FROM LOCAL FLOODPLAIN BY FILL

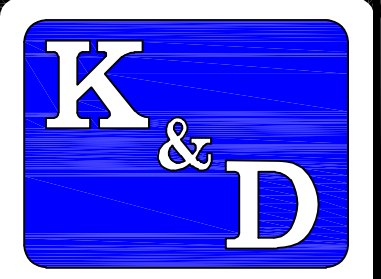
AREA IN 100 YEAR FLOODPLAIN NOT REMOVED

**SITE PLAN**

**FLOODPLAIN DEVELOPMENT**

CITY OF ALBANY, BENTON COUNTY, OREGON

| DATE | REVISIONS | BY |
|------|-----------|----|
|      |           |    |
|      |           |    |
|      |           |    |
|      |           |    |



K&D ENGINEERING, INC.  
276 N.W. HICKORY ST.  
P.O. BOX 725  
ALBANY, OREGON 97321  
(541) 928-2583

HORZ. SCALE: 1" = 50'  
VERT. SCALE:  
SIGN DATE: 2-21-2024  
DSGN BY: DKW  
DRWN BY: GSG  
CHK BY: DKW  
PROJECT No.: 20-WATSON

SHEET No.:  
**C-2.0**