



COMMUNITY DEVELOPMENT

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

Notice of Decision

Land Division (Tentative Partition Plat) and Site Plan Review for Tree Felling

PA-03-24 / SP-06-24

May 6, 2024

Application Information

Proposal:	Tentative Partition Plat to divide one parcel into two lots and a Site Plan Review for Tree Felling.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Liz Olmstead, project planner
Property Owner/Applicant:	Moises Moreno, 1033 Gibson Hill Road NW, Albany, OR 97321
Applicant's Representative:	Laura LaRoque, Udell Engineering and Land Surveying, 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2336 Jackson Street SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-18AB Tax Lot 1600
Zoning:	RS-6.5 (Residential Single-Dwelling Unit)

On May 2, 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 Liz Olmstead, project planner, at 541-917-7640 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: May 16, 2024

Approval Expiration Date (if not appealed): May 16, 2027

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

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 partition plat, the applicant shall pave the shared portion of the driveway serving Parcels 1 and 2 or provide financial assurance for the improvement.
- Condition 2** Prior to or with recording of the plat map, the application shall construct a sidewalk to city standards along the site's frontage on Jackson Street SE or provide financial assurance for the improvement.
- Condition 3** Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system for each parcel an Encroachment Permit must be obtained from the Public Works Department.
- Condition 4** Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 5** Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- Condition 6** In the event the proposed development does not take place, the identified for removal on the Existing Conditions Plan (Attachment B.1) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

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 Linn 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 Linn 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.”

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.”

BUILDING

6. The proposed project may require permits that will need to be applied for at: www.albanyoregon.gov/permits. For questions about permitting requirements, please email cd.customerservice@albanyoregon.gov.

7. 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.
8. 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
9. 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)
10. A 36-inch-wide emergency access easement may need to be provided to address the emergency egress for sleeping rooms to comply with the Oregon Residential Specialty Code.

FIRE

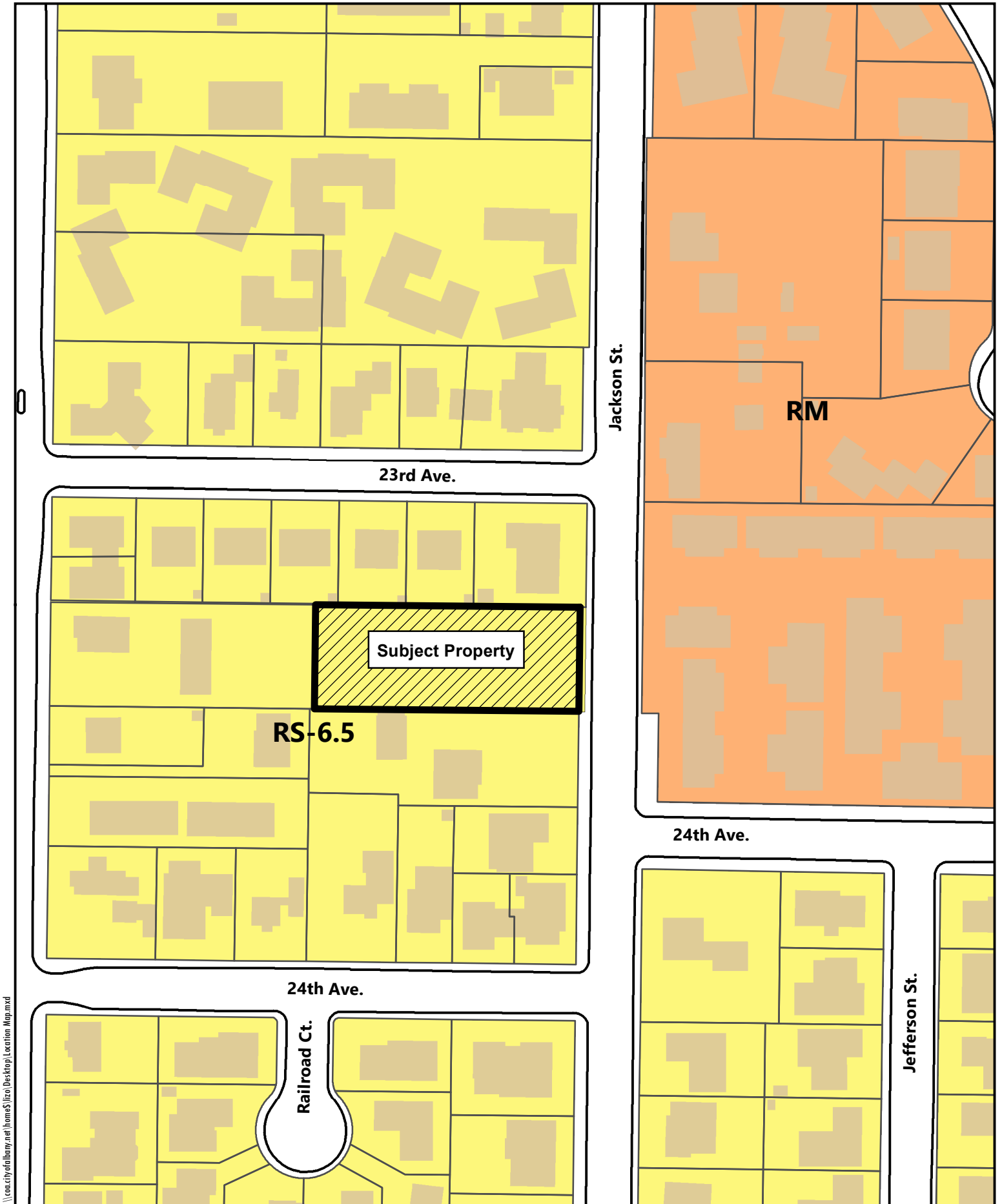
11. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)

If this project utilizes an access easement which doubles as an Emergency Vehicle Access, 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):

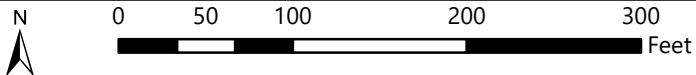
An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances, and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants, and invitees thereof and said easement shall made part of any submittal.

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 access. Signage will be required.

12. 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 shall be as specified in Appendix B of the fire code. (OFC 507.3).



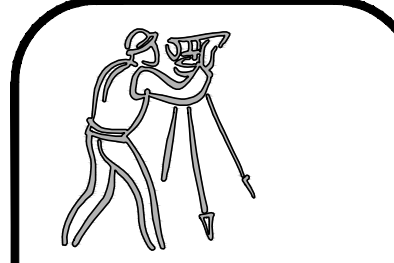
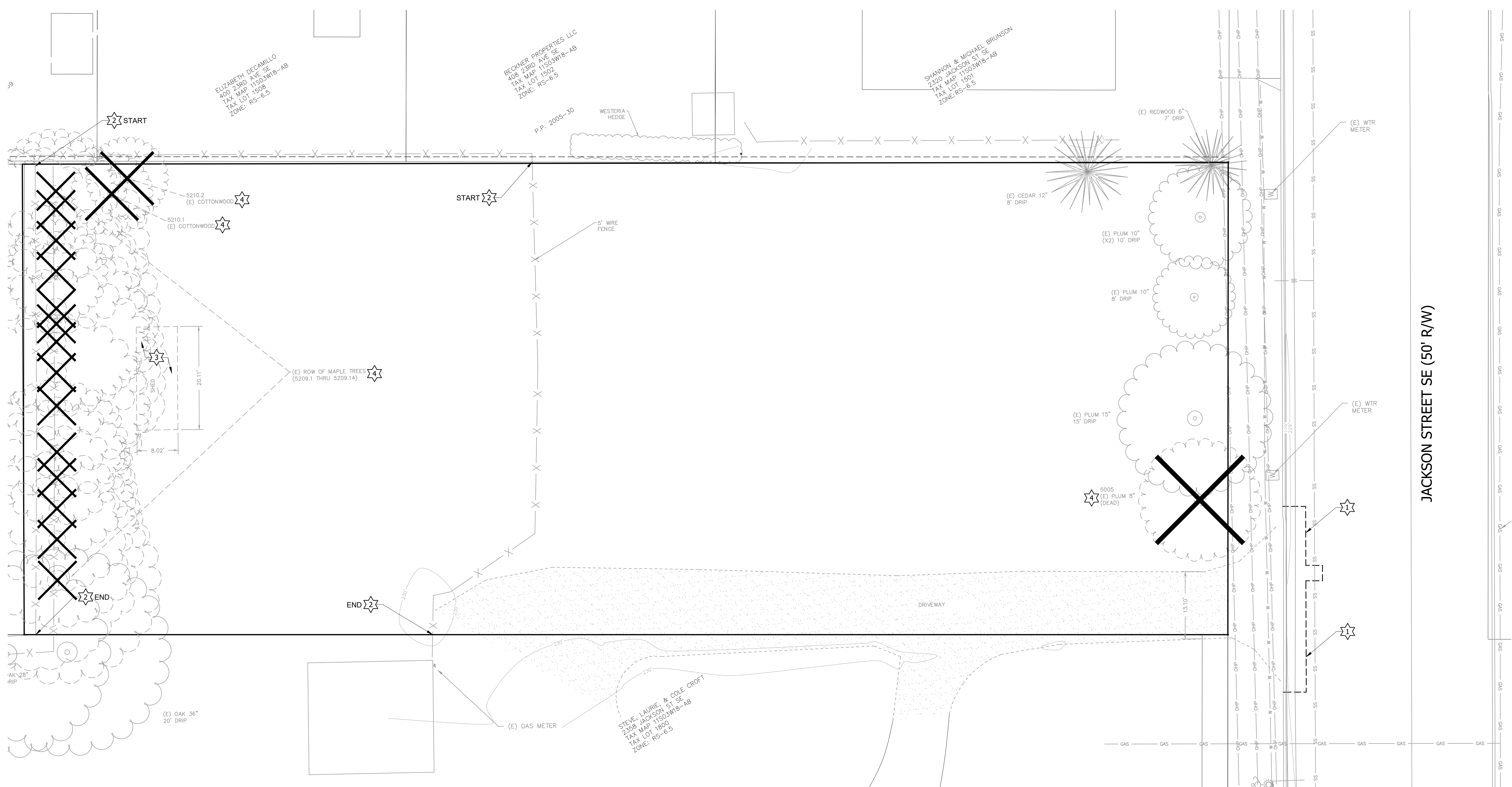
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Date: 2/27/2024 Map Source: City of Albany

2336 Jackson Street SE

Location / Zoning Map



CLIENT:
 JOEL MORENO &
 MOISES C. MORENO
 34118 OAKVILLE RD SW
 ALBANY, OR 97321
 (541) 223-3869

EXISTING CONDITIONS/DEMO PLAN
 UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

MORENO JACKSON ST PARTITION
 2336 JACKSON ST.
 ALBANY, OREGON

DATE: 02/21/24
 PROJECT: 23-128 MORENO JACKSON ST
 DRAWN BY: ATR
 CHECKED BY: BSJ

JACKSON STREET SE (50' R/W)

PROJECT VERTICAL DATUM -- NGVD 29
 ALL ELEVATIONS ARE SHOWN ON THE VERTICAL DATUM OF NGVD 29. THE VERTICAL BENCHMARK USED FOR ESTABLISHING ELEVATIONS IS CITY OF ALBANY GPS CONTROL POINT 93269 LOCATED AT THE INTERSECTION OF 28TH AVE AND JACKSON ST. CONTRACTOR IS TO NOTIFY ENGINEER/SURVEYOR TWO WORKING DAYS PRIOR TO DISTURBING EXISTING SURVEY MONUMENT(S). SURVEYOR IS TO RESTORE PER COUNTY SURVEYOR REQUIREMENTS AND ORS 209.150.

THE LOCATION AND DESCRIPTIONS OF EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE ENGINEER OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF SUCH RECORDS. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT (503) 232-1987.

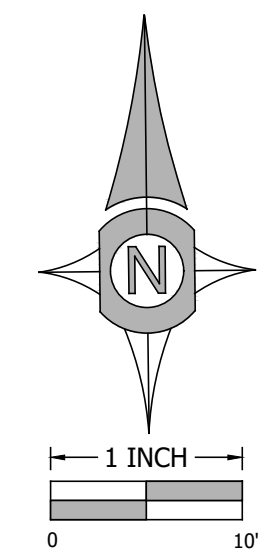
TREE REMOVAL SUMMARY					
TREE ID NUMBER	TREE SPECIES	TRUNK DIAMETER	TRUNK CIRCUMFERENCE	CANOPY	SIGNIFICANT
5210	COTTONWOOD	36"	113"	201 SF	YES
5210	COTTONWOOD	36"	113"	201 SF	YES
5209.1	MAPLE	6"+4"+5"	47"	452 SF	NO
5209.2	MAPLE	7"+4"+4"	47"	616 SF	NO
5209.3	MAPLE	3" (x4)	38"	1018 SF	NO
5209.4	MAPLE	4"+3"+3"	31"	314 SF	NO
5209.5	MAPLE	6"+8"+5"	60"	1257 SF	NO
5209.6	MAPLE	7"+6"+3"	50"	1018 SF	NO
5209.7	MAPLE	4" (x4)	50"	1134 SF	NO
5209.8	MAPLE	6"+3"+3"	38"	1257 SF	NO
5209.9	MAPLE	11"+11"+9"+8"	123"	1018 SF	YES
5209.10	MAPLE	7"+6"+6"	60"	616 SF	NO
5209.11	MAPLE	6"+3"+3"	53"	707 SF	NO
5209.12	MAPLE	6"+4"+3"+5"	57"	804 SF	NO
5209.13	MAPLE (DEAD)	3" (x3)	28"	908 SF	NO
5209.14	MAPLE	4" (x3)	38"	1257 SF	NO
5005	PLUMB (DEAD)	8"	25"	452 SF	NO

DEMOLITION NOTES

- SAWCUT AND REMOVE A 2.0 FOOT STRIP OF EXISTING PAVEMENT TO ACCOMMODATE REMOVING AND REPLACING EXISTING CURB & GUTTER.
- EXISTING FENCE TO BE REMOVED.
- EXISTING SHED TO BE REMOVED.
- EXISTING TREE TO BE REMOVED.

TREE LEGEND

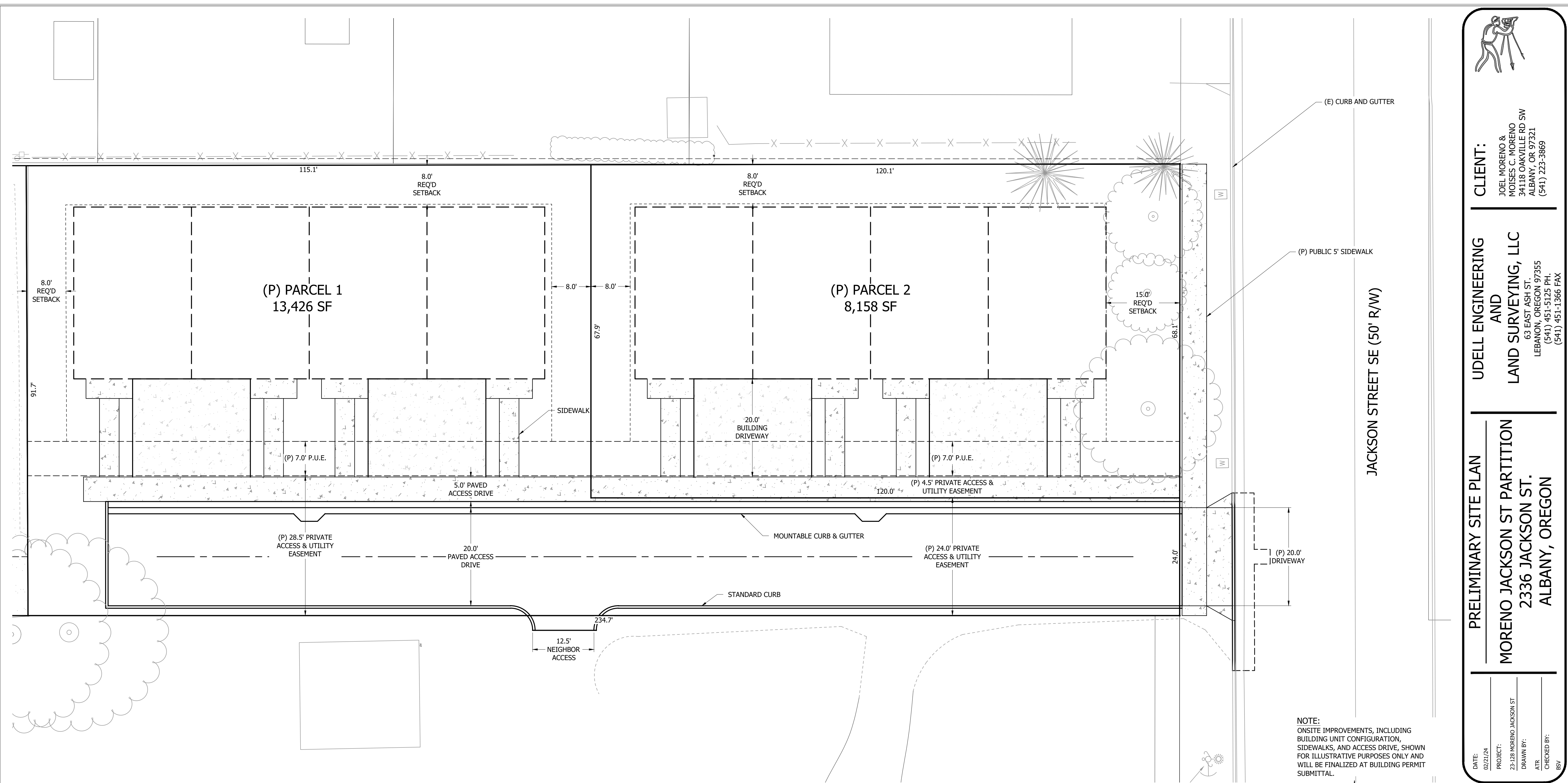
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- EXISTING TREE TO BE REMOVED



THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

PLAN REVISIONS	DATE

Sheet **C101**
 SCALE: SEE BARSCALE



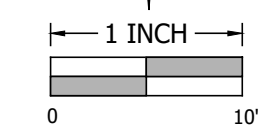
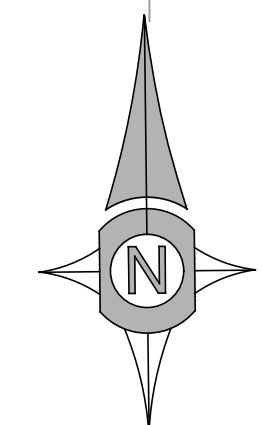
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 AND
 LAND SURVEYING, LLC**
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 (541) 451-5125 PH.
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PRELIMINARY SITE PLAN
 MORENO JACKSON ST PARTITION
 2336 JACKSON ST.
 ALBANY, OREGON

DATE: 02/21/24
 PROJECT: 23-128 MORENO JACKSON ST
 DRAWN BY: ATR
 CHECKED BY: BSJ

NOTE:
 ONSITE IMPROVEMENTS, INCLUDING
 BUILDING UNIT CONFIGURATION,
 SIDEWALKS, AND ACCESS DRIVE, SHOWN
 FOR ILLUSTRATIVE PURPOSES ONLY AND
 WILL BE FINALIZED AT BUILDING PERMIT
 SUBMITTAL.



THIS MAP WAS PREPARED FOR
 PLANNING PURPOSES ONLY.
 NOT TO BE USED FOR
 CONSTRUCTION.

PROPERTY INFORMATION
 ZONE: RESIDENTIAL (RS-6.5)
 LAND USE: UNIMPROVED
 OWNER: MOISES & ELAINE MORENO
 ADDRESS: 2336 JACKSON STREET SE
 ASSESSORS MAPS: 11S-03W-18AB
 TAX LOT: 1600
 AREA: 0.50 AC

PLAN REVISIONS	DATE

Sheet **C103**
 SCALE: SEE BARSCALE