



## 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 Partition Plat and Floodplain Development Review

PA-01-22 and FP-01-22

June 14, 2022

### Application Information

Proposal:	The application is for a Tentative Partition Plat dividing the lot into three parcels, creating two additional lots, concurrent with Floodplain Development Review for a land division in the floodplain. New lots will share existing access to Seventh Avenue SW.
Review Body:	Staff (Type I-L Review)
Property Owner / Applicant:	James and Brenda Ruble, PO Box 192, Albany, OR 97321
Applicant's Engineer:	Dan Watson, PO Box 725, Albany, OR 97321
Address/Location:	1525 Seventh Avenue SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor: 11S-04W-12; Tax Lot 1000
Zoning:	Open Space / Resident Single-Family (RS-6.5) with Floodplain Overlay (/FP)

On June 14, 2022, 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). 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 **Allison Crow, project planner**, at 541-917-7640 or email at [allison.crow@cityofalbany.net](mailto:allison.crow@cityofalbany.net).

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: 5:00 p.m. on June 24, 2022**

**Approval Expiration Date (if not appealed): June 14, 2025**

## Conditions of Approval

### Public Works:

- Condition 1 Prior to recordation of the partition plat, the applicant shall pave the shared portion of the driveway serving Parcels One, Two, or Three, or provide financial assurance for the improvement.
- Condition 2 Before the City will sign the final partition plat, the applicant must provide public utility easements over water services on the property. The easements must provide at least 7.5 feet of clearance around any service lines and water meters.

### Floodplain Development:

- Condition 3 Prior to grading, fill, excavation, and/or paving 50 cubic yards or more of material in the floodplain, Floodplain Development Review is required to address ADC 6.111, “*Grading, Fill, Excavation, and Paving*” (per ADC 6.093(B)(2)). If no development in the floodplain has occurred prior to a land use application, Floodplain Development Review is required concurrent with the land use application to address criteria ADC 6.110, “*Site Improvements in the Floodplain*” and ADC 6.111, “*Grading, Fill, Excavation, and Paving*”.
- Condition 4 At the time of final plat, a statement shall be included on the partition plat 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.*”

**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 Albany Municipal Code (AMC) or Albany 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

1. Land use approval does not constitute Building or Public Works permit approvals.
2. Construction of the development must substantially conform to the approved plans.
3. **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.
4. Expiration of Land Use Approvals. All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
- (1) 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
  - (2) If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
  - (3) In the case of 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
  - (4) An extension has been filed before the expiration date, and subsequently granted approval pursuant to Section 1.320.

### 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 within our records.

### Fire Department

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments, which are based on limited information provide for the pre-application meeting and are subject to change.

**\*\* NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee\***

1. 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).

**If this project utilizes an access easement which will double 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.**

2. 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)

**The existing turnaround is adequate.**

3. The fire apparatus roadways for this project accessing the site from the public way and serving two or more residential structures are required to be provided and maintained with a minimum 20 feet wide improved surface. (OFC 503.2.1) The width of the improved surface may be reduced to 16 feet for those portions serving only two residential structures, and 12 feet if serving one residential structure.

**The existing access is adequate.**

4. 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)

**Existing hydrants are adequate.**

5. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

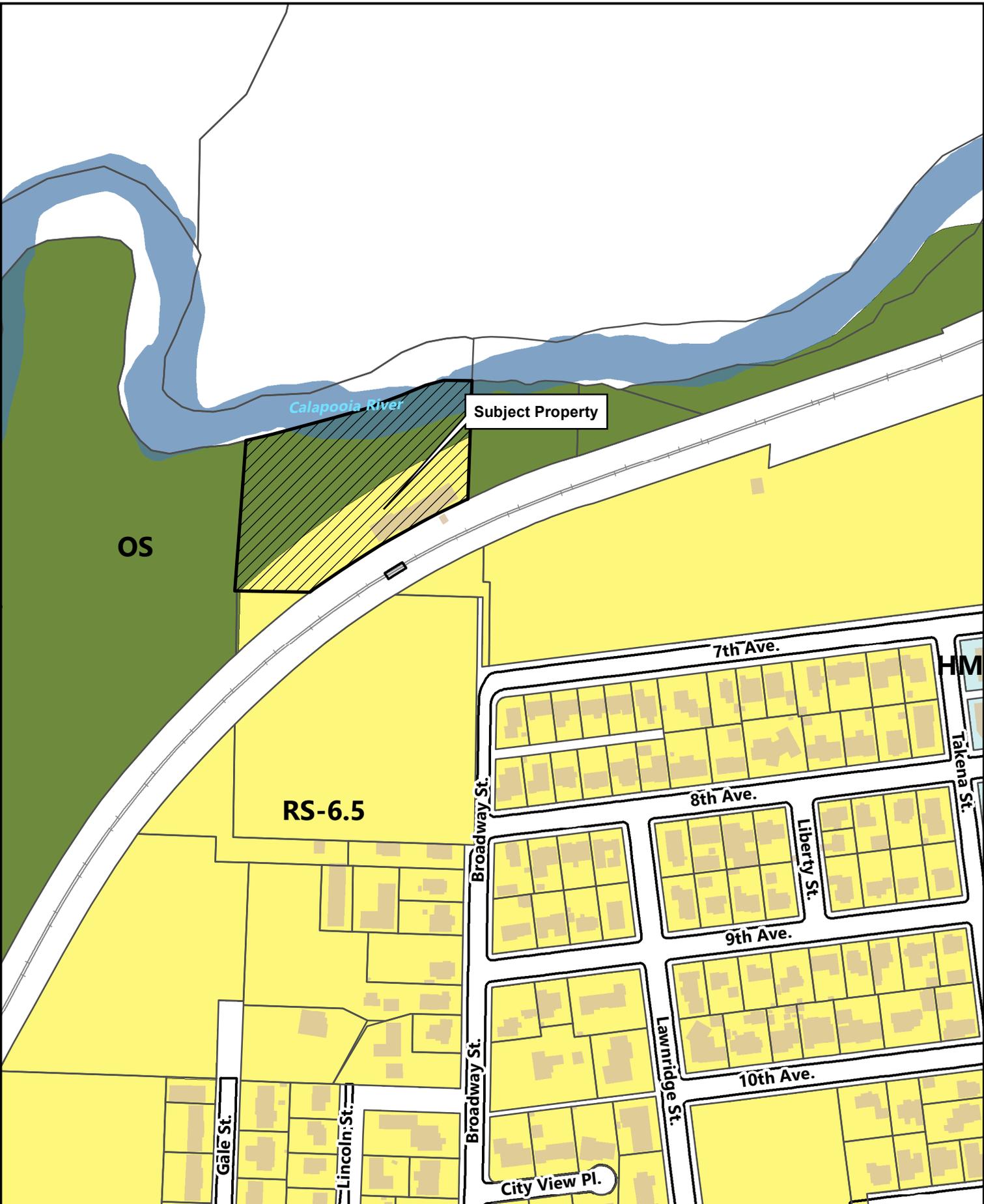
If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, and 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;

### **Attachments:**

1. Location Map
2. Tentative Plat

G:\Community Development\Planning\Land Use Cases\2020s\2021\Peritions (PA)\PA-01-22 & P-01-22 (1525 7th Ave SW)\Location Map.mxd



N  
0 50 100 200  
Feet

Date: 4/5/2022 Map Source: City of Albany

**1525 7th Avenue SW**

Location / Zoning Map

TENTATIVE PARTITION PLAT  
 FOR  
**JAMES + BRENDA RUBLE**  
 LOCATED IN  
 TAX LOT 1000, MAP 115-4W-12  
 NW 1/4 SEC. 12, T. 11 S., R. 4 W., W.M.  
 IN THE  
 CITY OF ALBANY, LINN COUNTY, OREGON

DECEMBER 23, 2021

**APPLICANT:**

JAMES RUBLE  
 P.O. BOX 192  
 ALBANY, OR 97321

**SURVEYOR:**

K+D ENGINEERING, INC.  
 276 NW HICKORY ST.  
 ALBANY, OR 97321

**NOTE:**

DATA SHOWN ON THIS MAP IS BASED ON LINN COUNTY AND CITY OF ALBANY GIS DATABASES, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.

**SUBJECT PROPERTY:**

TAX LOT 1000 (MAP 115-4W-12)  
 1525 7TH AVENUE SW  
 ALBANY, OR 97322

**OWNER:**  
 JAMES + BRENDA RUBLE  
 P.O. BOX 192  
 ALBANY, OR 97321

**PARENT PARCEL**

AREA: 3.67 ACRES

**PARCEL 1**

AREA: 13,198 SF

**PARCEL 2**

AREA: 54,512 SF

**PARCEL 3**

AREA: 81,856 SF

**FLOODPLAIN:**

SUBJECT PROPERTY IS LOCATED IN A ZONE AE FLOOD HAZARD PER FEMA FIRM MAP 41043CO195H DATED 12-8-2016 BASE FLOOD ELEVATION = 207.0'

**ZONING:**

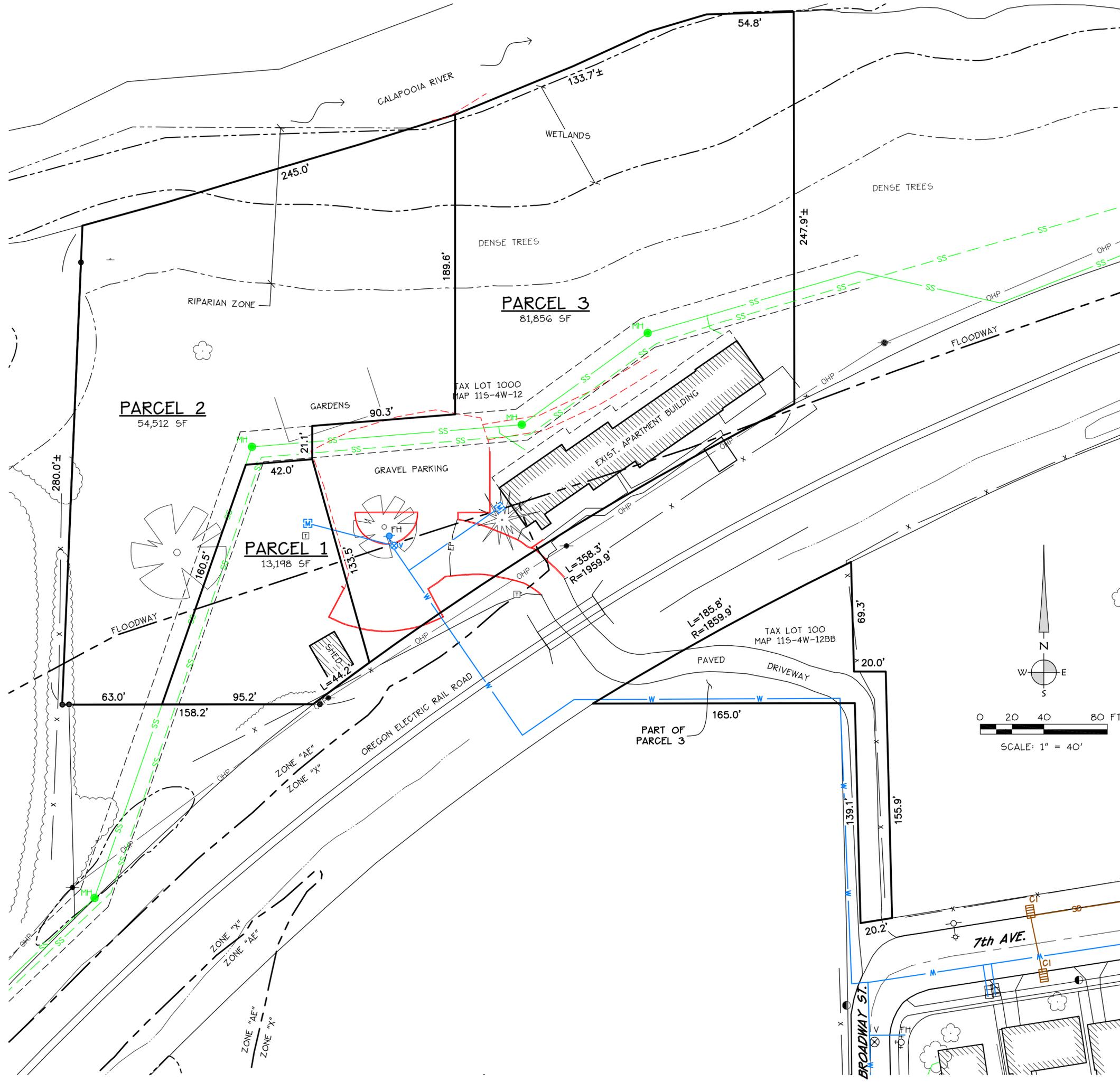
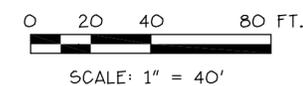
THE PROPERTY IS LOCATED IN THE RS 6.5 ZONE.  
 NORTH = OS OPEN SPACE  
 EAST = RS 6.5  
 SOUTH = RS 6.5  
 WEST = OS OPEN SPACE

**NOTES:**

① SEWER AND WATER SERVICE TO BE INSTALLED DURING CONSTRUCTION ACTIVITIES ON PARCELS 1 + 2, AND IS NOT REQUIRED FOR FINAL PLAT APPROVAL.

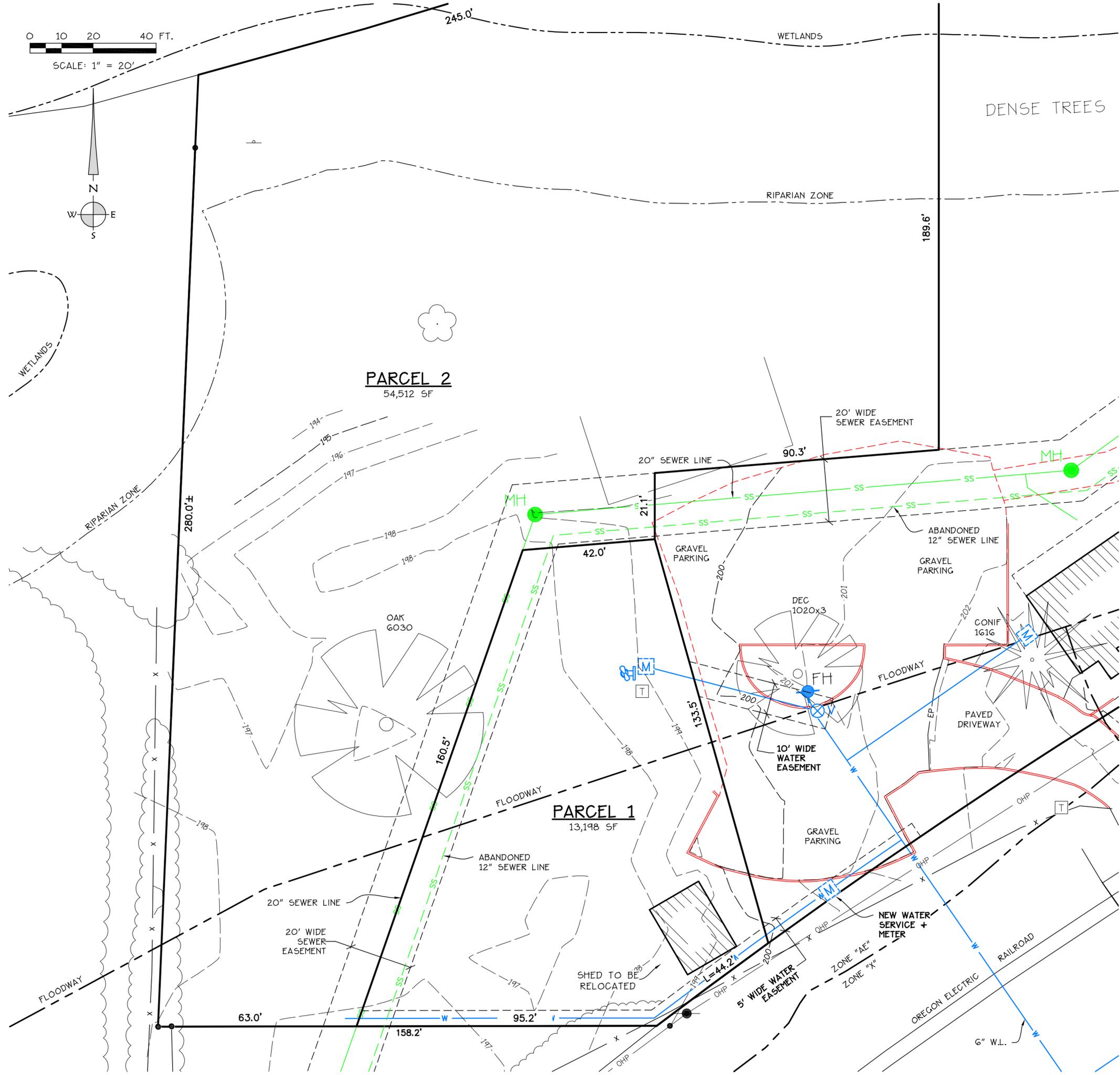
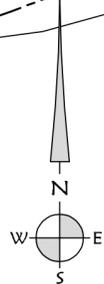
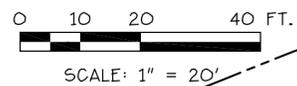
**LEGEND:**

- EXIST. FIRE HYDRANT
- EXIST. WATER VALVES
- EXIST. WATER METER
- EXIST. UTILITY POLE
- DECIDUOUS / CONIFER TREE
- EXIST. SEWER MANHOLE
- TELEPHONE PEDESTAL
- EXIST. WATER LINE
- EXIST. FENCE
- EXIST. SEWER LINES
- EXIST. OVERHEAD POWER



**K & D ENGINEERING, Inc.**  
 276 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

Date: 12/23/2021 Time: 11:23  
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TENTATIVE PARTITION PLAT  
FOR  
**JAMES + BRENDA RUBLE**  
LOCATED IN  
TAX LOT 1000, MAP 115-4W-12  
NW 1/4 SEC. 12, T. 11 S., R. 4 W., W.M.  
IN THE  
CITY OF ALBANY, LINN COUNTY, OREGON

DECEMBER 23, 2021

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<b>OWNER:</b>	<b>PARCEL 2</b>
JAMES + BRENDA RUBLE	AREA: 54,512 SF
P.O. BOX 192	<b>PARCEL 3</b>
ALBANY, OR 97321	AREA: 81,856 SF

**FLOODPLAIN:**  
SUBJECT PROPERTY IS LOCATED IN A ZONE AE FLOOD HAZARD PER FEMA FIRM MAP 41043CO195H DATED 12-8-2016  
BASE FLOOD ELEVATION = 207.0'

<b>ZONING:</b>	<b>NOTES:</b>
THE PROPERTY IS LOCATED IN THE RS 6.5 ZONE. NORTH = OS OPEN SPACE EAST = RS 6.5 SOUTH = RS 6.5 WEST = OS OPEN SPACE	① SEWER AND WATER SERVICE TO BE INSTALLED DURING CONSTRUCTION ACTIVITIES ON PARCELS 1 + 2, AND IS NOT REQUIRED FOR FINAL PLAT APPROVAL.

**LEGEND:**

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