



## COMMUNITY DEVELOPMENT

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

# Notice of Tentative Decision

## Floodplain Development Review

FP-08-23

July 18, 2024

### Application Information

Proposal:	Development in Floodway; Alteration of Watercourse; and Grading, Fill, Excavation, and Paving for Floodplain Development Permit for construction of a bridge along the Union Pacific Railroad over Periwinkle Creek
Review Body:	Staff (Type II review)
Property Owner:	Union Pacific Railroad, Attn. Kevin Rice; 1400 Douglas Street, Stop 0910; Omaha, NE 68179; 402-544-2213; <a href="mailto:kprice@up.com">kprice@up.com</a>
Representative:	Coldwater Engineering, LLC; C/O Tom Askin; 1 N Last Chance Gulch Suite 2; Helena, MT 59601; <a href="mailto:taskin@coldwaterengineering.com">taskin@coldwaterengineering.com</a>
Address/Location	Unaddressed. Track crosses Periwinkle Creek at coordinates 44° 637060 North, 123° 086354 West (south bridge only)
Map/Tax Lot:	North of Linn County Assessor's Map No. 11S-03W-05CC; Tax Lot 4200
Zoning:	Not zoned.
Zoning:	Single-family Residential (RM) with Floodplain Overlay (/FP), Riparian Corridor Overlay (/RC), Significant Wetland Overlay (/SW), and Hillside Overlay (/HS)

On July 18, 2024, the City of Albany Community Development Director granted **TENTATIVE APPROVAL WITH CONDITIONS** of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in Article 6 of the Albany Development Code (ADC) with an effective date of December 28, 2022. The supporting documentation relied upon by the City in making this decision is available for review by appointment at City Hall, 333 Broadalbin Street SW. For more information, please contact **Jennifer Cepello, project planner**, at 541-917-7561 or email at [jennifer.cepello@albanyoregon.gov](mailto:jennifer.cepello@albanyoregon.gov). Staff report is available for review at [albanyoregon.gov/cd/projectreview](http://albanyoregon.gov/cd/projectreview) paper copies can be made available by request.

This notice of the tentative decision is mailed to the applicant and any party who provided written comments on the proposal. A public hearing may be requested in writing ten days from notification if a person with standing believes that the conditions of approval do not adequately address the established approval criteria or alleviate adverse impacts on the neighborhood. If no one requests a public hearing within the ten-day response period (by 5:00 p.m. on July 29, 2024), the tentative decision automatically becomes final without further notice [ADC 1.230(5)]. 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 within 180 days unless the permitted activity has been substantially begun and thereafter pursued to completion (ADC 6.093).

*Signature on file*

Community Development Director

Appeal Deadline: 5:00 p.m. on July 29, 2024

Approval Expiration Date (per ADC 6.093, if not appealed): January 14, 2025

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



## Conditions of Approval

- Condition 1 At the conclusion of the proposed project, the following documentation shall be submitted to the Community Development Department:
- a) As-built drawings with elevations provided; and
  - b) Letter from the Engineer of Record who is licensed in the state of Oregon, stating the fill was placed in accordance with the signed plans.
- Condition 2 The applicant will need to install Best Management Practices as needed to protect the existing stream channel from erosion.
- Condition 3 The applicant shall submit a plan to the Community Development Department to replant unimproved but disturbed areas of the bridge project area with native vegetation. The replanting shall be implemented prior to the conclusion of the proposed project.
- Condition 4 Development shall occur consistent with the plans and studies submitted by the applicant and shall comply with all applicable state, federal, and local laws.

**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

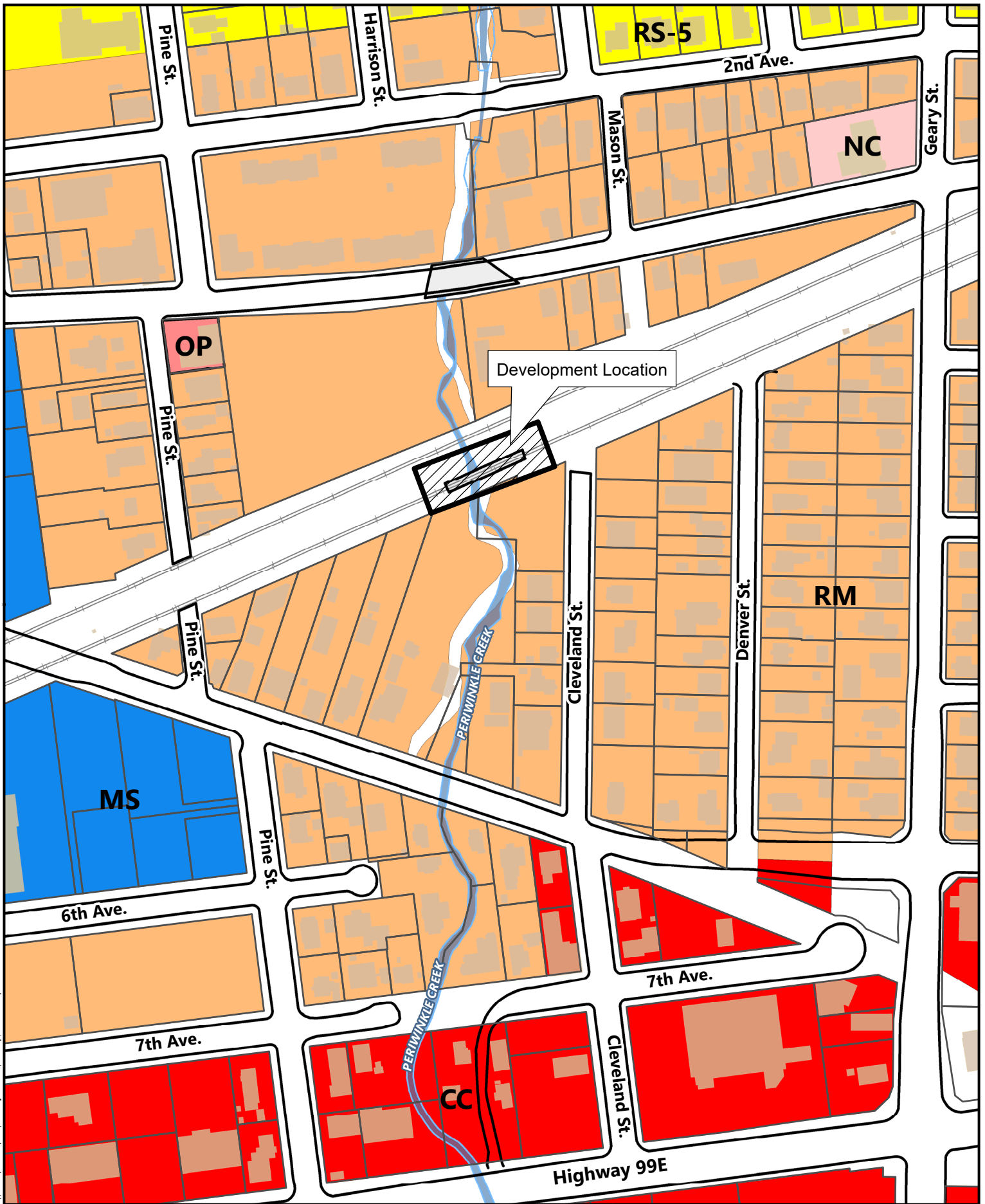
1. Land use approval does not constitute Building or Public Works permit approvals.
2. An erosion prevention and sediment control permit is required by Public Works prior to site development.
3. Construction of the development must substantially conform to the approved plans.

### 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.

### Attachment:

1. Location Map

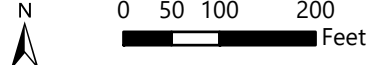


Development Location

PERIWINKLE CREEK

PERIWINKLE CREEK

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**Unassigned; Bridge 691.77**

Date: 11/7/2023 Map Source: City of Albany

Location Map