



COMMUNITY DEVELOPMENT

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

Notice of Decision

Tentative Partition Plat Review

PA-09-24

December 6, 2024

Application Information

Proposal:	Tentative Partition Plat to divide one parcel into two parcels.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Property Owner/Applicant:	Farmworker Housing Development Corporation; C/O Carmen Fernandez 1274 Fifth Street Suite 1-A, Woodburn, OR 97071
Applicant's Representative:	Laura LaRoque; Udell Engineering and Land Surveying; 63 E Ash Street, Lebanon, OR 97355
Address/Location:	4400 Spicer Drive SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-09D Tax Lot 900
Zoning:	RM (Residential Medium Density)

On December 6, 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 July 12, 2024. 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: December 16, 2024

Approval Expiration Date (if not appealed): December 6, 2027

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

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 the recordation of the final plat, the applicant must dedicate right-of-way, as shown on the tentative plat, along Goldfish Farm Road and Creel Avenue with a 20-foot minimum curb radius.
- Condition 2** Prior to the recordation of the final plat, the applicant shall dedicate 14 feet of right-of-way along Creel Avenue.
- Condition 3** Prior to the recordation of the final plat, the applicant shall dedicate right-of-way, as shown on the tentative plat, along Goldfish Farm Road with 200-foot minimum horizontal curves radius.
- Condition 4** Prior to the recordation of the final plat, the applicant shall provide a Petition for Improvement-Waiver of Remonstrance for participation in an assessment district for the improvement of the future public street along Creel Avenue, Goldfish Farm Road, and Spicer Drive.
- Condition 5** Prior to the recordation of final plat, the applicant must sign a Petition for Improvements and Waiver of Remonstrance for construction of public sanitary sewer in Goldfish Farm Road.
- Condition 6** Prior to the recordation of final plat, the applicant shall connect the existing house to public water system.

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 affecting an area of 2,000 square feet or greater, cumulatively, 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

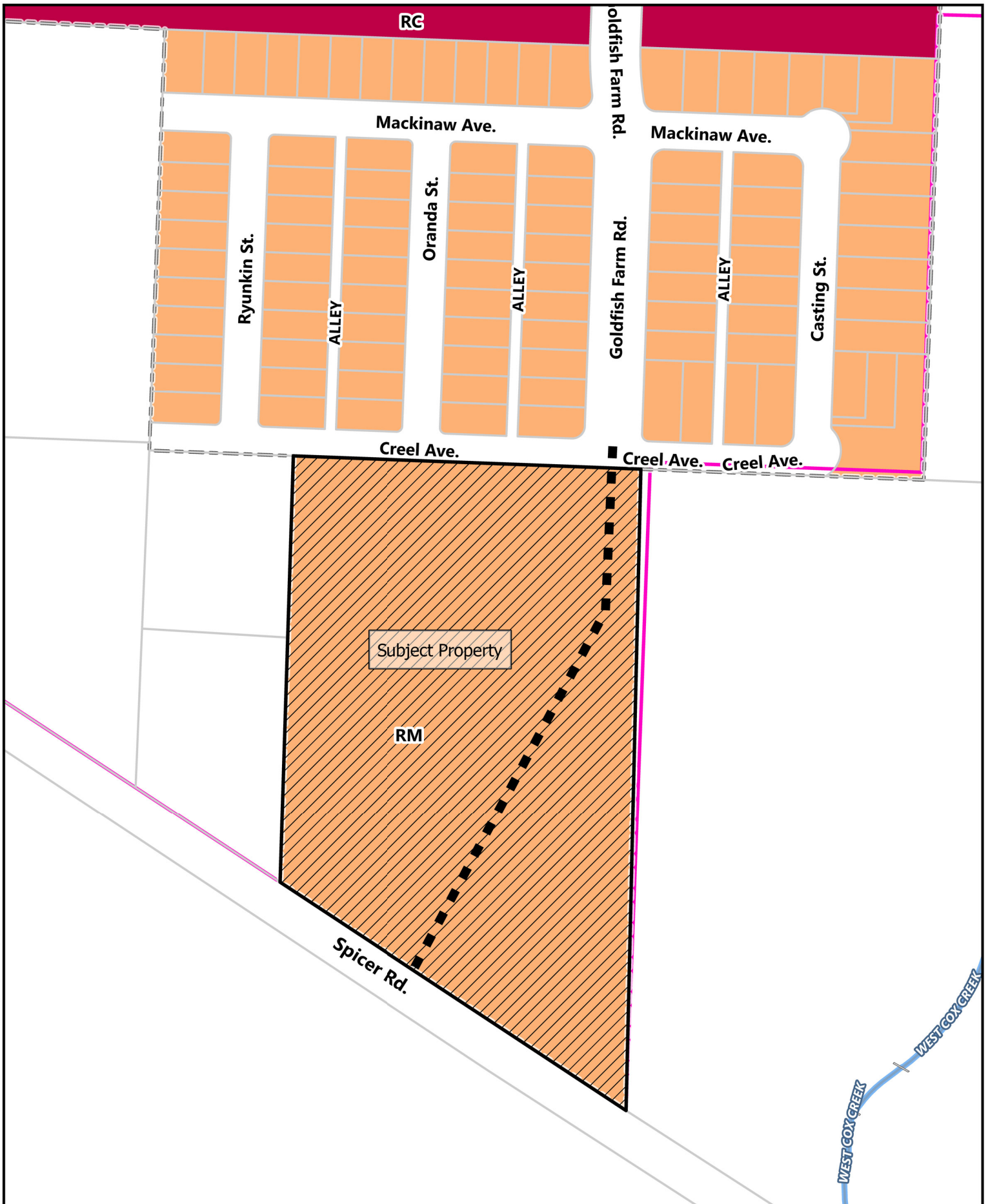
1. The proposed project may require permits that will need to be applied for at: www.albanyoregon.gov/permits. For questions about permitting requirements, please email cd.customerservice@albanyoregon.gov.

2. 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.
3. 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
4. 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)
5. 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

6. 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)

While this project is not a one- or two-family development, this project exacerbates the pre-existing condition of a single access for more than 30 homes north of this proposed development. An approved secondary access will be required for this project by January 1, 2027.
7. 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).
8. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface. (OFC 503.2.1).
9. 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)
10. 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.
11. 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)

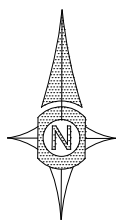
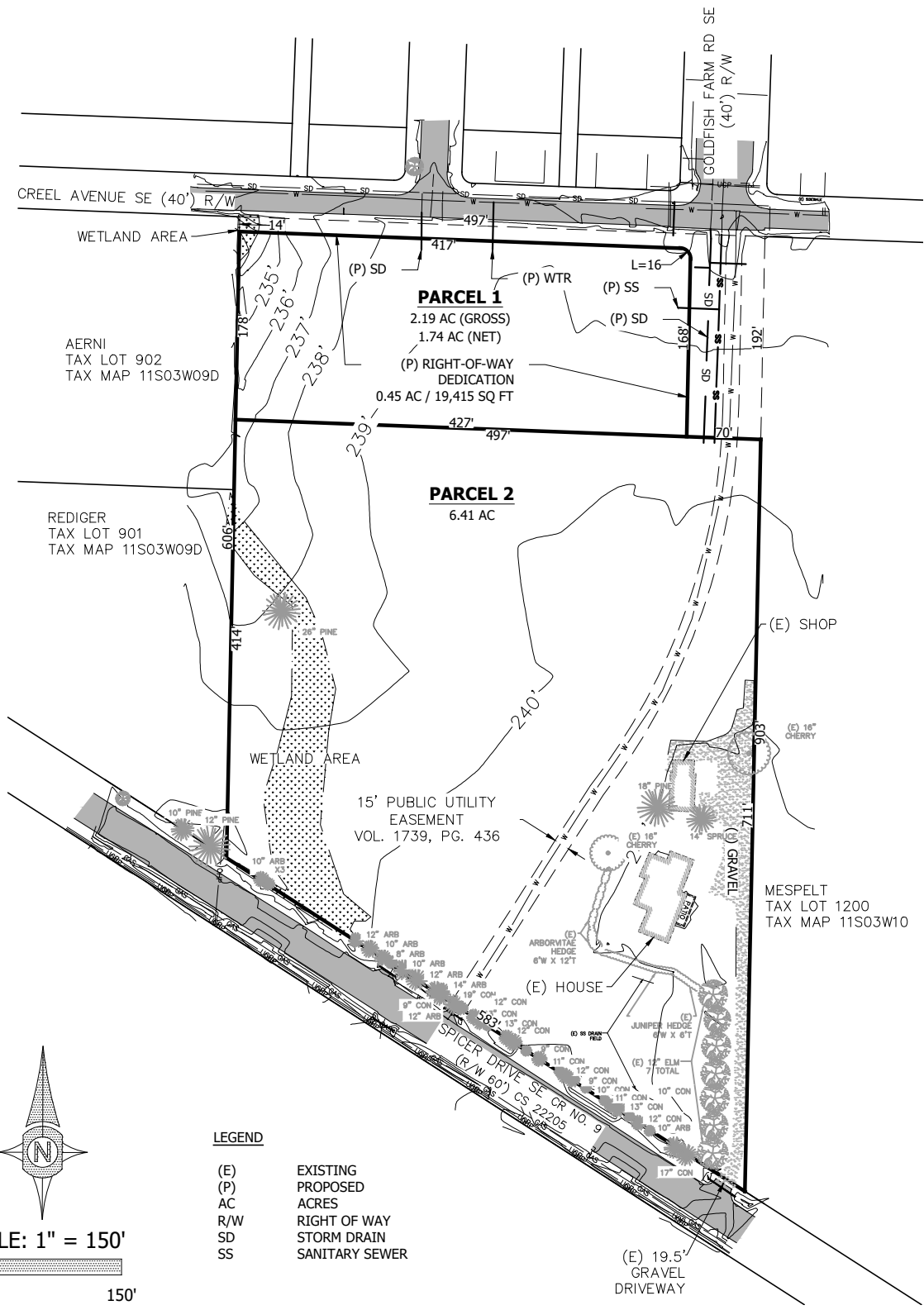


0 50 100 200 Feet

Date: 10/30/2024 Map Source:

4400 Spicer Road

Location Map



SCALE: 1" = 150'



LEGEND

- (E) EXISTING
- (P) PROPOSED
- AC ACRES
- R/W RIGHT OF WAY
- SD STORM DRAIN
- SS SANITARY SEWER

SHEET 1
of 1



10-02-2024
24-074
FARMWORKER PP
Drawn: KWD
Checked:

TENTATIVE PARTITION MAP
FARMWORKER HOUSING
DEVELOPMENT SERVICES
4400 SPICER RD
ALBANY, OR 97321

UDELL ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON,
97355 541-451-5125