



COMMUNITY DEVELOPMENT

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

Notice of Decision

Tentative Subdivision Plat & Minor Variance

SD-03-23/VR-03-24

April 30, 2024

Application Information

Proposal:	Tentative Plat to create a 113-lot, two phase subdivision and a minor variance to the block length standard.
Review Body:	Staff (Type I-L Review)
Property Owner:	Justin Gross; 3483 Buena Vista Road S, Jefferson, OR 97352
Applicant:	Woodhill Homes, C/O Ryan Johnston, 70 SW Century Drive, Suite 100, Bend, OR 97702
Applicant's Agent:	MultiTech Engineering, Attn: Brandie Dalton, 1155 SE 13th Street, Salem, OR 97302
Address/Location:	Unaddressed; west of 1252 Ellingson Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-29-00501
Zoning:	RM – Residential Medium Density/ RS-5 Residential Single Dwelling Unit
Overlay District:	None

On April 30, 2024, 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, Albany, OR 97321. For more information, please contact **Alyssa Schrems**, project planner, at 541-791-0176 or Current Planning Manager David Martineau at 541-917-7555.

This notice of decision is mailed to the property owner, applicant, and any person who submitted written comments in accordance with ADC 1.220. All persons entitled to notice of the decision may appeal the decision within 10 days in accordance with ADC 1.410. Issues which may provide the basis for an appeal, must be raised in writing with sufficient specificity to enable the applicant and local appeal body to respond to the issue. This decision becomes final when the local appeal period has expired.

This approval 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 2) the applicant has provided financial assurance for all required public infrastructure per ADC Section 12.600, or 3) the development did not require public infrastructure, a valid building permit exists for new construction or improvements, and work has commenced.

Signature on file

Community Development Director

Appeal Deadline: May 10, 2024

Approval Expiration Date (if not appealed): April 30, 2027

albanyoregon.gov/cd



Conditions of Approval

Overall Conditions

Transportation:

All Phases

- Condition 1** The applicant shall dedicate right-of-way and construct, or financially assure the construction of, all interior public streets. The right-of-way widths and curb to curb widths shall be as identified on the Tentative Plat Map.
- Condition 2** The applicant shall install public sidewalks with the construction of street improvements along the public street frontage of all lots and tracts of land that do not have future development potential. Sidewalk installation along the frontage on newly created parcels adjoining streets with a local street classification may be deferred to development of individual lots if approved by the City Engineer.

Phase 1

- Condition 3** Prior to or with recordation of the final plat map the applicant shall:
- Dedicate 40 feet of right-of-way along the site's west frontage for an extension of Lochner Road.
 - Dedicate 26 feet of right-of-way dedication along the site's frontage on the south side of Ellingson Road.
 - Dedicate right-of-way for construction of a roundabout at the Lochner Road/Ellingson Road intersection as shown on the approved tentative site plan.
- Condition 4** Prior to recordation of the final plat map, the applicant shall provide a Petition for Improvement/Waiver of Remonstrance for construction of non-roundabout related street improvements to Ellingson Road.
- Condition 5** Prior to recordation of the final plat map, the applicant shall provide a financial contribution of the site's contribution to the future construction of a roundabout at the Lochner Road/Ellingson Road intersection. The amount of the contribution shall be one eighth of the adjusted total project cost of project I41 in Albany's 2010 Transportation System Plan. The adjusted project cost shall be determined by using the Engineering News Record (ENR) Construction Cost Index (Seattle) between February 2010 and the date of map recordation.
- Condition 6** Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, the following improvements along Ellingson Road:
- An eastbound 6.3-foot-wide concrete cycle track and a 6-foot concrete sidewalk on the south side of Ellingson along the frontage of both Phase 1 and Phase 2. The back of the sidewalk shall be located six inches north of the new right-of-way line.
 - A median island shall be installed at the Combine Street intersection. The design of the island shall restrict vehicle movements to right in and right out.
- Condition 7** Prior to recordation of the final plat map, the applicant shall construct, or provide financial assurance for the construction of, partial width improvements to local street standards for Lochner Road along the site's west boundary:

- Curb, gutter, and setback sidewalk along the east side of the road. The face of curb shall be located 14 feet east of the new right-of-way line as shown on the approved tentative plat map.
- 24 feet of pavement as measured from the new face of curb.

Condition 8 In lieu of the improvements described in Phase 1, Conditions 4 and 5 (above), the City Engineer may agree to accept alternative improvements within the area planned for future roundabout construction. That area consists of Lochner Road north of the south property line of lot 20, and Ellingson Road west of the east property line of lot 14.

Condition 9 The 90-degree corner of Bentgrass Street and Perennial Avenue shall be designed to the approval of the City Engineer, accommodate emergency vehicle movements, and not require imposition of on-street parking restrictions.

Condition 10 A temporary hammerhead shall be installed on the north side of Windrow Avenue just west of Lot 58 as shown on the approved site plan. The hammerhead shall be striped and posted “No Parking”.

Condition 11 A crosswalk and stop sign shall be installed on the Combine Street approach to Lochner Road.

Condition 12 A stop sign and stop bar shall be installed on the northbound Lochner Road approach to Ellingson Road.

Phase 2

Condition 13 Prior to recordation of the final plat map, the applicant shall construct, or financially assure the construction of street improvements along the site’s frontage on Ellingson Road from the “interim improvements” at the Lochner Road Ellingson Road intersection to the site’s east boundary. Improvements shall conform to the South Albany Area Plan and include:

- Curb and gutter along the south side of the street. The face of curb shall be located 20-feet south of the centerline of the ultimate road right-of-way.
- New pavement from the new curb and gutter to the south edge of the eastbound vehicle travel lane.

Condition 14 Upon completion of Phase 2 interior street improvements, the temporary hammerhead installed on Windrow Avenue with Phase 1 improvements may be removed and replaced with standard curb, gutter, and sidewalk.

Utilities:

Condition 15 Before the City will approve the final subdivision plat for each phase, the applicant must construct public utilities (water, sanitary sewer, and storm drainage) within the proposed streets for the development and for future extensions. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Condition 16 Before the City will approve the final subdivision plat for any phase, the applicant shall extend the public sanitary sewer main from Ellingson Road. In addition, the applicant must construct a public sanitary sewer main in Lochner Road to the southern boundary of Phase 1 of the proposed subdivision. The sanitary sewer main in Perennial Avenue shall be extended across Tract A with Phase 1 and terminate to the east of the sensitive areas shown on the plans. The sanitary sewer main in Windrow Avenue shall terminate at the end of street improvements for Phase 1.

Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

- Condition 17** Before the City will approve the final subdivision plat for any phase, the applicant must extend the 16-inch public water main in Ellingson Road to Lochner Road along the full length of the subject property's Ellingson Road frontage. In addition, the applicant must construct a public water main in Lochner Road to the southern boundary of Phase 1 and terminate to the east of the sensitive areas shown on the plans. The water main in Windrow Avenue shall terminate at the end of street improvements for Phase 1. In the event that SD-09-22 completes the 16-inch public water main and provides access to the subject property, the applicant shall pay a water connection fee. Connection charges will be due for the existing public water system in Ellingson Road. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 18** Before the City will approve the final subdivision plat for any phase, the applicant must construct a public storm drainage main in Lochner Road to serve the proposed development. In addition, the applicant must construct a public storm drainage main in Ellingson Road to collect runoff from Ellingson Road and discharge to the drainage swale. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 19** Before the City will approve the final subdivision plat for any phase, the applicant shall replace the existing culvert crossings under Ellingson Road with the Ellingson Road street improvements. In the event that SD-09-22 completes the culvert replacement, the applicant shall extend the culvert with road improvements. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.
- Condition 20** Before the City will approve the final subdivision plat, the applicant must construct stormwater quality and detention facilities for the proposed development. The facilities must be designed and constructed according to City Standards. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City Attorney.

Fire:

- Condition 21** Prior to City approval of the final subdivision plat for the development, the applicant shall submit plans that demonstrate standards of the Oregon Fire Code are met.

Natural Resources:

- Condition 22** Prior to the signing of the Final Plat the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).

Lot and Block Standards:

- Condition 23** Prior to the signing of the Final Plat the applicant shall provide an urban conversion plan indicating how Lot 33 can further be divided.
- Condition 24** Prior to City approval of the final subdivision plat for the development, the applicant must demonstrate that the arc along the property lines at all street intersections are established so that the construction of the curb line has a radius that is not less than 20 feet.

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 ADC regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that must be met 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 ensure compliance with all applicable regulations.

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 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 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 (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.

Public Works - Engineering

3. 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.
4. The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590-12.610. The City will sign the final plat when the improvements are made, or when the improvement assurance is provided, and all other conditions of approval are met.
5. Public Improvements required for this development as shown in TSP or Master Plans are eligible for System Development Credit Improvement (SDCi) Credits. SDCi credits are determined based off the cost of construction for the public improvements. Construction costs shall be submitted to the Department of Public Works, Engineering for review and approval. A SDC Credit Agreement will need to be signed by

the developer prior to SDC credits being available for use on individual building or water meter permits. Any building or water meter permits submitted prior to the SDC Agreement will not receive credits and SDC fees paid are non-refundable.

Building

Building permits are required for the future development of the lots created through this subdivision and will be reviewed for compliance with the applicable Oregon Building Code under those required application(s).

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-FAMILY STRUCTURE FIRE DEPARTMENT APPROACH**
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.
8. **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 perm (ex: well log and septic permit). (OPSC 601.2 & 713.1)
9. **FIRE SEPARATION**
Each structure will need to be provided with fire separation from the property line in compliance with ORSC R302.1 or OSSC 602.1.

Fire

10. Street names approved for this development:

Combine Street
Bent Grass Street
Forage Street
Cayuse Street
Perennial Avenue
Windrow Avenue

2. 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)
No more than 30 dwellings can be built before the second access will be required, unless all the structures are fire sprinklered.
3. 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).
4. 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)

5. 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)

6. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

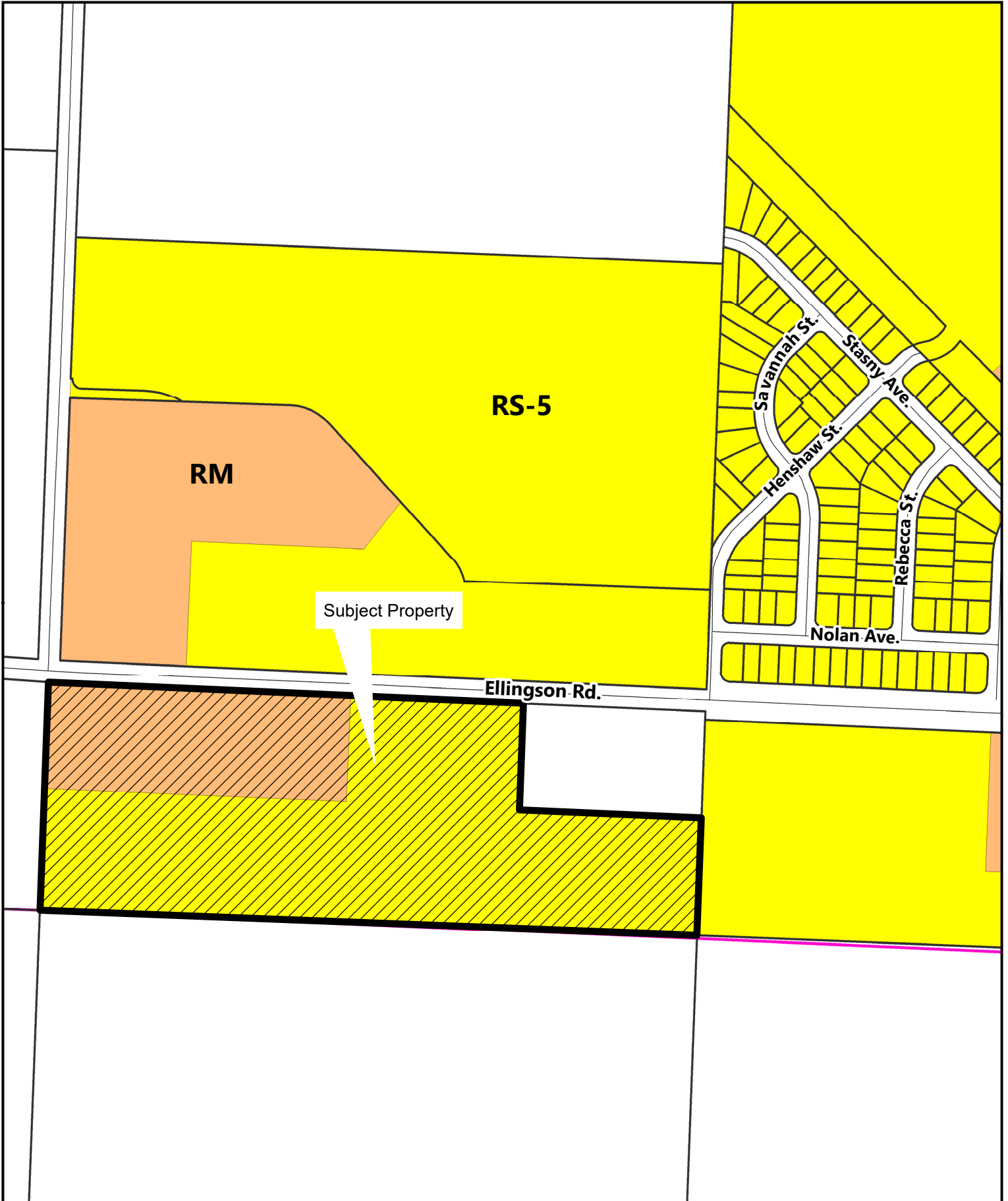
If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in OAR 918-480-0125, 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

Department of State Lands (DSL)

7. There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
8. The National Wetlands Inventory shows wetland, waterway or other water features on the property.
9. Local Wetlands Inventory shows wetland, waterway or other water features on the property.
10. The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
11. It appears that the proposed project **will** impact wetlands and **requires** a State Permit.
12. A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
13. The site has an approved delineation (WD2022-0375). This delineation shows road impacts to mapped wetlands and waters. It appears that the impact may be over our 50 cubic yard threshold for removal and fill impacts and therefore, will require a permit. Please contact Aquatic Resource Coordinator Charles Redon to discuss permitting for this project. He can be reached at (503) 302-6045.
14. A Federal permit may be required by The Army Corps of Engineers: (503) 808-4373.

Attachments: Location Map, Tentative Plat



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0 50 100 200
Feet

Unaddressed; next to 1252 Ellingson SE

Date: 12/19/2023 Map Source: City of Albany

Location Map

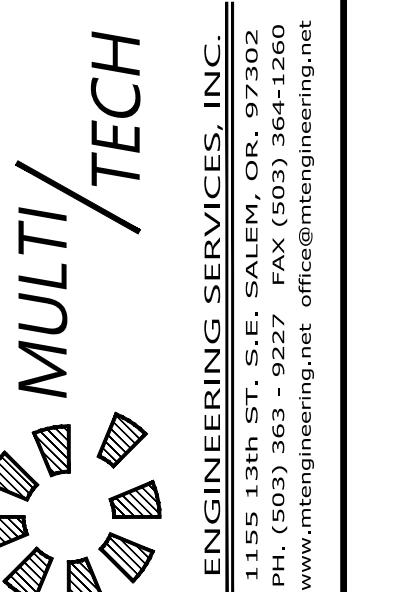
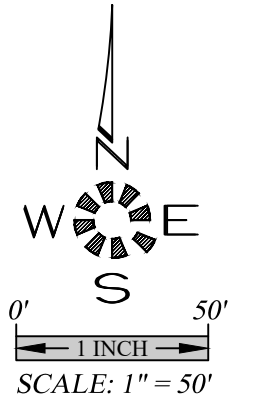
TOTAL LOT CALCULATIONS:
 113 LOTS
 PHASE 1
 38 WITHIN ZONE RM
 60 WITHIN ZONE RS-5
 PHASE 2
 15 WITHIN ZONE RS-5

**PHASE 1
 RM LOT CALCULATIONS:**
 38 LOTS
 AVERAGE LOT SIZE 3815 S.F.
 MAX. LOT SIZE 4612 S.F.
 MIN. LOT SIZE 3500 S.F.

**PHASE 1
 RS-5 LOT CALCULATIONS:**
 60 LOTS
 AVERAGE LOT SIZE 5051 S.F.
 MAX. LOT SIZE 10674 S.F.
 MIN. LOT SIZE 3800 S.F.

**PHASE 2
 RS-5 LOT CALCULATIONS:**
 15 LOTS
 AVERAGE LOT SIZE 5458 S.F.
 MAX. LOT SIZE 8611 S.F.
 MIN. LOT SIZE 4000 S.F.

LOT CALCULATIONS:
 113 LOTS
 38 WITHIN ZONE RM - 5.42 AC.
 75 WITHIN ZONE RS-5 - 16.52 AC.
 39 LOTS - 5000 S.F. +
 36 LOTS - 70% SMALLER

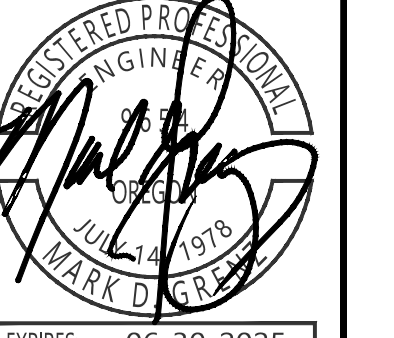


**TENTATIVE PLAT
 PLAN**

**ELLINGSON FARM
 SUBDIVISION**

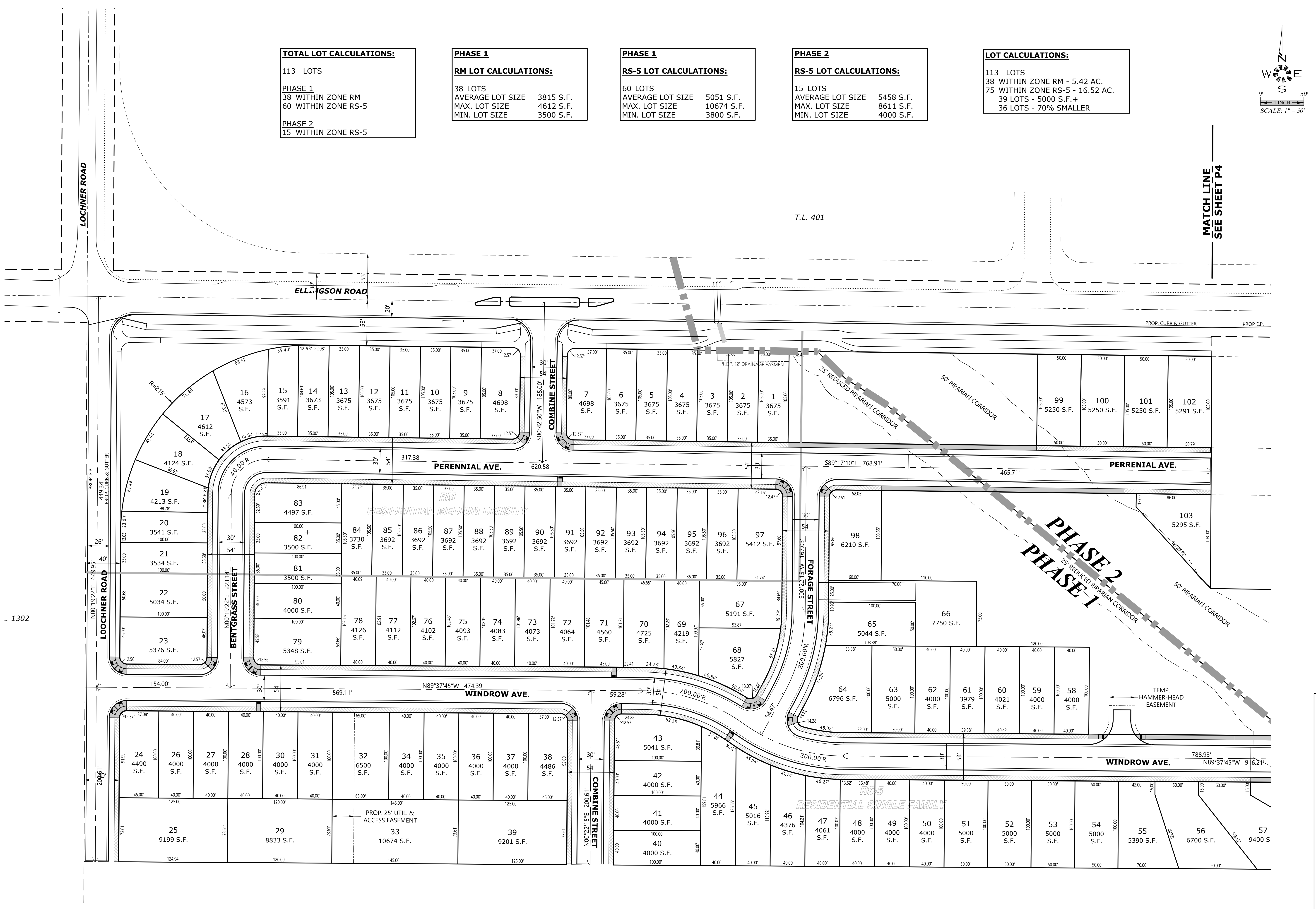
NO CHANGES, MODIFICATIONS
 OR REPRODUCTIONS TO BE
 MADE TO THESE DRAWINGS
 WITHOUT WRITTEN
 AUTHORIZATION FROM THE
 DESIGN ENGINEER.
 DIMENSIONS & NOTES TAKE
 PRECEDENCE OVER
 GRAPHICAL REPRESENTATION.

Design: M.D.G.
 Drawn: D.G.G.
 Checked: B.M.G.
 Issue Date: 2/18/24
 Scale: AS SHOWN
 As-Built: _____



EXPIRES: 06-30-2025
 JOB # 7601

P3



TOTAL LOT CALCULATIONS:

113 LOTS
PHASE 1
38 WITHIN ZONE RM
60 WITHIN ZONE RS-5
PHASE 2
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PHASE 1

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PHASE 1

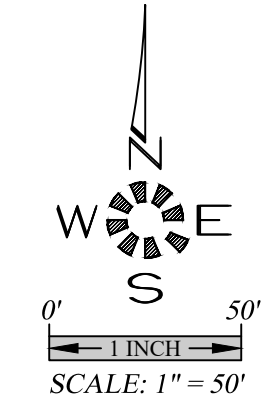
RS-5 LOT CALCULATIONS:
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AVERAGE LOT SIZE 5051 S.F.
MAX. LOT SIZE 10674 S.F.
MIN. LOT SIZE 3800 S.F.

PHASE 2

RS-5 LOT CALCULATIONS:
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AVERAGE LOT SIZE 5458 S.F.
MAX. LOT SIZE 8611 S.F.
MIN. LOT SIZE 4000 S.F.

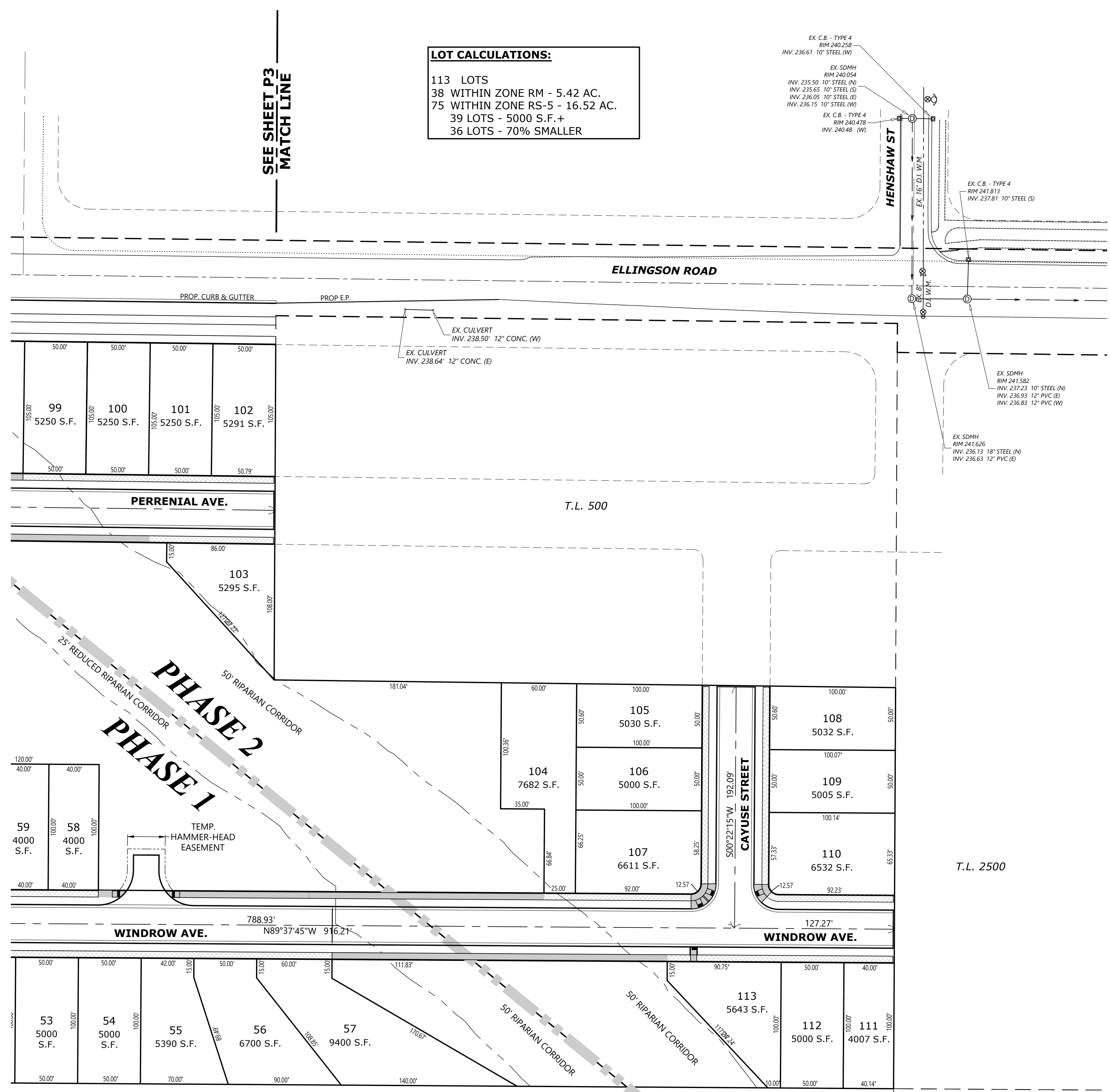
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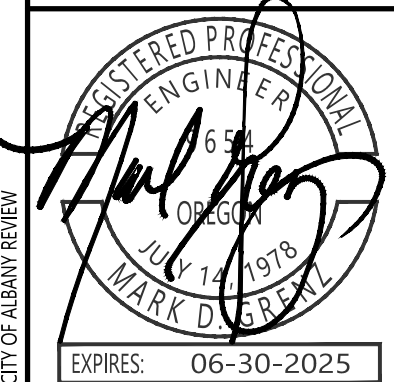
TENTATIVE PLAT PLAN

ELLINGSON FARM SUBDIVISION



NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: D.G.G.
Checked: B.M.G.
Issue Date: 2/18/24
Scale: AS SHOWN
As-Built:



EXPIRES: 06-30-2025
JOB # 7601
P4

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