



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Tentative Replat

RL-04-23

February 6, 2024

### Application Information

Proposal:	Replat to reconfigure four lots into three parcels.
Review Body:	Planning Staff (Type I-L Review)
Applicant/Property Owner:	Jill Zeller; 2010 17th Avenue SW, Albany, OR 97321
Property Owners:	George & Nicole Schukow, 2110 17th Avenue SW, Albany, OR 97321 Anthony & Samantha Pulver, 2100 17th Avenue SW, Albany, OR 97321
Address/Location:	2010, 2100 & 2110 17th Avenue SW and 1999 Queen Avenue SW
Map/Tax Lot:	Linn County Assessor's Map No. 11S-04W-12CB Tax Lot 10001, 10200, and 10300, and Linn County Assessor's Map No. 11S-04W-13BA Tax Lot 600.
Zoning:	Residential Single-Dwelling Unit District (RS-6.5)

On February 6, 2024, the City of Albany Community Development Director granted **APPROVAL** 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). 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: February 16, 2024**

**Approval Expiration Date (if not appealed): February 8, 2027**

Attachments: Information for the Applicant, Location Map, Tentative Replat

[albanyoregon.gov/cd](http://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 assure compliance with all applicable regulations.*

## 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 replat process:**
  - a. **Submit a final partition plat to the City Planning Division for review and approval.**

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 plat, it 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 return one copy of the recorded final plat to the Albany Planning Division.

### 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.

### BUILDING

4. The proposed project may require permits that will need to be applied for at [www.albanyoregon.gov/permits](http://www.albanyoregon.gov/permits). For questions about permitting requirements, please email [cd.customerservice@albanyoregon.gov](mailto:cd.customerservice@albanyoregon.gov).
5. 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 requirements in effect at the time of application.
6. ONE- & TWO-FAMILY 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 existing for one or more parcels of the proposed replat, 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.
7. 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)

## FIRE

8. The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments.

**These comments apply to any new residential structures, not the existing ones.**

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 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.**

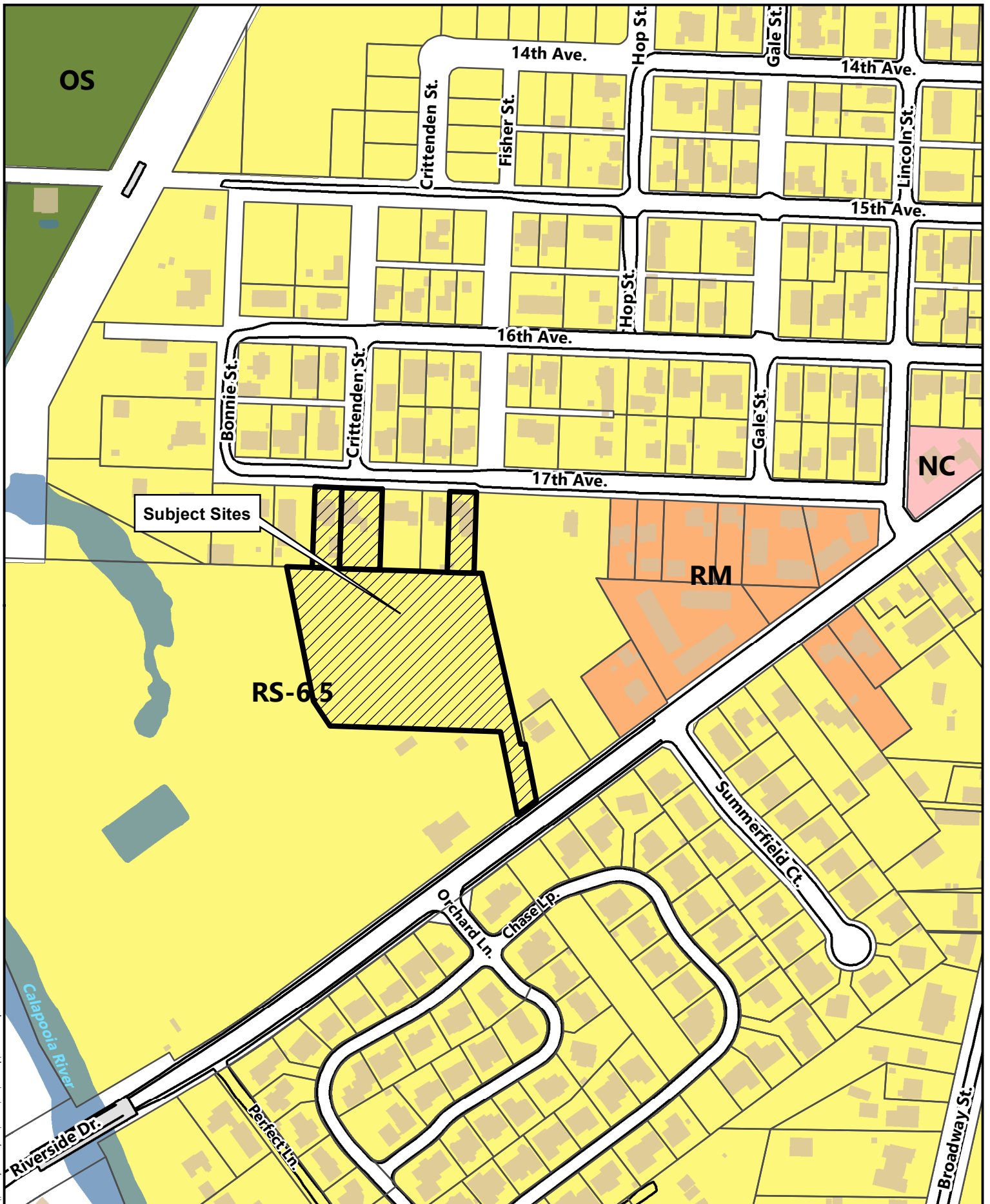
2. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3)
3. INADEQUATE FIRE APPROACH & 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.

**PUBLIC WORKS – ENGINEERING**

9. 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.



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0 50 100 200 300 Feet

2010, 2100, & 2110 17th Ave SW & 1999 Queen Ave SW

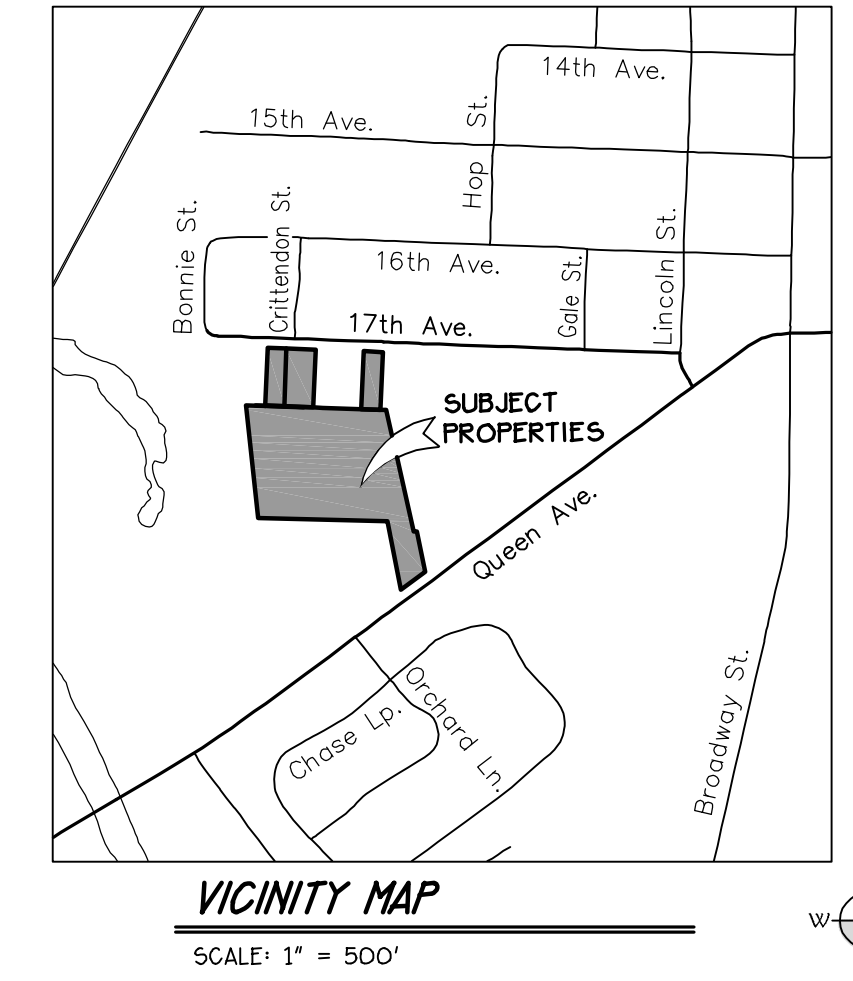
Date: 11/16/2023 Map Source: City of Albany

Location / Zoning Map

**TENTATIVE PROPERTY LINE ADJUSTMENT**

FOR  
**JILL ZELLER + STEPHEN BRAY,  
 SAMANTHA + ANTHONY PULVER,  
 NICOLE + GEORGE SCHUKOW**

LOCATED IN  
**THE SW 1/4 SEC. 12, T. 11 S., R. 4 W., W.M.**  
 CITY OF ALBANY, LINN COUNTY, OREGON  
 OCTOBER 16, 2023



**ADJUSTMENT STATS:**

**PROPERTY "A"**  
 ORIGINAL AREA: 7,523 SF±  
 ADJUSTMENT: +41,187 SF  
 NEW AREA: 48,710 SF

**PROPERTY "B"**  
 ORIGINAL AREA: 11,292 SF±  
 ADJUSTMENT: +35,641 SF  
 NEW AREA: 46,933 SF

**PROPERTY "C"**  
 ORIGINAL AREA: 7,516 SF±  
 ADJUSTMENT: +35,641 SF  
 NEW AREA: 43,157 SF

**PROPERTY "D"**  
 ORIGINAL AREA: 112,469 SF±  
 ADJUSTMENT: -112,469 SF  
 NEW AREA: 0,000 SF

**APPLICANT:**

JILL ZELLER  
 2010 17TH AVE. SW  
 ALBANY, OR 97321-1847

**SURVEYOR:**

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

**NOTE:**

DATA SHOWN ON THIS MAP FROM THE CITY OF ALBANY + LINN COUNTY GIS DATABASE, AERIAL PHOTOGRAPHS, ASSESSOR RECORDS, AND RECORD SURVEY INFORMATION.

**SUBJECT PROPERTIES"**

**PROPERTY "A"**  
 TAX LOT 10001 (MAP 115-4W-12CB)

**OWNERS:**  
 JILL ZELLER + STEPHEN BRAY

**SITE + MAILING ADDRESS:**  
 2010 17TH AVE. SW  
 ALBANY, OR 97321-1847

**ZONE:**  
 RS 6.5  
 RESIDENTIAL SINGLE FAMILY

**PROPERTY "B"**  
 TAX LOT 10200 (MAP 115-4W-12CB)

**OWNERS:**  
 SAMANTHA + ANTHONY PULVER

**SITE + MAILING ADDRESS:**  
 2100 17TH AVE. SW  
 ALBANY, OR 97321

**ZONE:**  
 RS 6.5  
 RESIDENTIAL SINGLE FAMILY

**PROPERTY "C"**  
 TAX LOT 10300 (MAP 115-4W-12CB)

**OWNERS:**  
 NICOLE + GEORGE SCHUKOW

**SITE + MAILING ADDRESS:**  
 2110 17TH AVE. SW  
 ALBANY, OR 97321

**ZONE:**  
 RS 6.5  
 RESIDENTIAL SINGLE FAMILY

**PROPERTY "D"**  
 TAX LOT 600 (MAP 115-4W-13BA)

**OWNERS:**  
 JILL ZELLER + STEPHEN BRAY,  
 SAMANTHA + ANTHONY PULVER,  
 NICOLE + GEORGE SCHUKOW

**SITE ADDRESS:**  
 1999 QUEEN AVE. SW  
 ALBANY, OR 97321

**MAILING ADDRESS:**  
 2010 17TH AVE. SW  
 ALBANY, OR 97321-1847

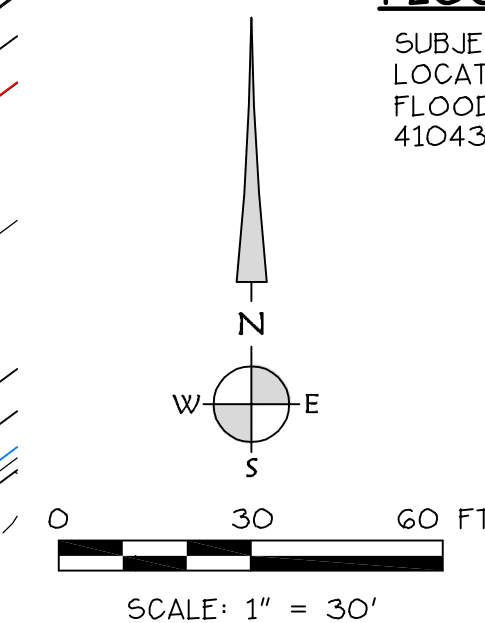
**ZONE:**  
 RS 6.5  
 RESIDENTIAL SINGLE FAMILY

**LEGEND:**

- SD— EXISTING STORM DRAIN LINES
- SS— EXISTING SANITARY SEWER LINES
- W— EXISTING WATER LINES
- X— EXISTING FENCE
- OHP— EXISTING OVERHEAD POWER LINE
- — — EDGE OF GRAVEL
- — — FLOODPLAIN LINE
- ⊙ EXISTING POWER/UTILITY POLE
- FOUND SURVEY MONUMENT
- ⊕ EXISTING MANHOLE
- ⊙ EXISTING LIGHT
- ⊕ EXISTING LIGHT POLE
- ⊕ EXISTING CATCH BASIN
- ⊕ EXISTING SIGN
- ⊕ EXISTING TREE
- R.O.W. RIGHT-OF-WAY
- AREA TO BE TRANSFERRED FROM PROPERTY "D" TO PROPERTY "A" 41,187 SQUARE FEET ±
- AREA TO BE TRANSFERRED FROM PROPERTY "D" TO PROPERTY "B" 35,641 SQUARE FEET ±
- AREA TO BE TRANSFERRED FROM PROPERTY "D" TO PROPERTY "C" 35,641 SQUARE FEET ±

**FLOODPLAIN NOTE:**

SUBJECT PROPERTIES OF THIS MAP ARE LOCATED IN ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FIRM MAP NUMBER 41043C0507G DATED 9/29/2010



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

Date: 10/17/2023 Time: 11:08  
 Scale: 1"=1(P5)  
 File: dwg\2022\22-44\22-44\_trp.dwg (George)