



## COMMUNITY DEVELOPMENT

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

# Notice of Decision

## Tentative Subdivision Plat & Cluster Development

SD-02-23

December 21, 2023

### Application Information

Proposal:	Tentative Plat to create a 176-lot subdivision utilizing the Cluster Development standards.
Review Body:	Staff (Type III Review)
Property Owner:	Irvin & Lois Gerig Revocable Living Trusts; 3795 Lochner Road SE; Albany, OR 97322
Applicant:	Hayden Homes; C/O Brian Thoreson; 2464 SW Glacier Place Suite 110; Redmond, OR 97756
Applicant's Agent:	A & O Engineering, LLC; C/O Scott Morris; 380 Q Street Suite 200; Springfield, OR 97477
Address/Location:	Unassigned; Lochner Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-20; Tax Lot 606
Zoning:	RS-6.5 Residential Single Dwelling
Overlay District:	Floodplain (/FP); Riparian Corridor (/RC); Significant Wetland (/SW)

On December 18, 2023, the City of Albany Planning Commission granted **Approval with Conditions** of the application referenced above.

The Commission based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC) with an effective date of July 1, 2023. 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.

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 five 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*

Planning Commission Chair

**Appeal Deadline: January 2, 2024**

[cd.cityofalbany.net](http://cd.cityofalbany.net)



**Approval Expiration Date (if not appealed): December 21, 2028**

## Conditions of Approval

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- Condition 1** The applicant shall convey Tract D to the property at 3795 Lochner Road SE at the time of recording the Final Plat for Phase One.
- Condition 2** The applicant shall construct, to city standards, all public streets interior to the development. The right-of-way widths shall be 54 feet and the curb-to-curb widths 30 feet as identified on the Tentative Plat Map. The minimum center line radius for interior local streets shall be 200 feet.
- Condition 3** Project phasing and interior street construction must demonstrate compliance with applicable Fire Code requirements relating to the need for secondary access and access point spacing.
- Condition 4** Concurrent with the development of Phase One:
- The applicant shall dedicate 10 feet of public right-of-way along the site's 705 feet of frontage along Lochner Road as shown on Tentative Plat Map.
  - The applicant shall construct a 6-foot public setback sidewalk along the site's frontage on Lochner Road.
  - The applicant shall install stop signs and striped crosswalks at the two new local street connections to Lochner Road.
  - The applicant shall dedicate to the City a multi-use path over Tract A for the path identified in the South Albany Area Plan (SAAP) that extends from the southeastern corner of the site north to the BPA easement, and along the BPA easement to Lochner Road. The precise location of the easement over that alignment shall be non-specific in order to allow for flexibility in path design and alignment and allow for a path for up to 12 feet in width.
- Condition 5** Before the City will approve the final subdivision plat for each phase, the applicant must construct public sanitary sewer facilities to provide service to each of the proposed lots in the subdivision and provide for future extension to the property to the south.
- Condition 6** Before the City will approve the final subdivision plat for each phase, the applicant must construct public water facilities to provide service to each of the proposed lots in the subdivision and provide for future extension to the property to the south. The 16-inch public water main in Lochner Road must be extended to the south boundary of the subject property by routing the water main east through Blackbird Avenue to the intersection with Finch Street. The water main would continue south in Finch Street to the intersection with Blue Jay Avenue. The water main will then be brought back west through Blue Jay Avenue to the intersection with Lochner Road SE. The water main will then be extended south in Lochner Road for the remainder of the property's frontage.
- Condition 7** Before the City will approve the final subdivision plat for Phase One, the applicant must construct public storm drainage improvements to collect runoff from the proposed development. The storm drainage improvement must include stormwater detention and stormwater quality facilities generally as shown on the preliminary utility plans submitted by the applicant.
- Condition 8** Before the City will approve the final subdivision plat for Phase One, the applicant must pay all connection charges associated with existing public infrastructure in Lochner Road along the frontage of the subject property.
- Condition 9** 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 meets the Engineering Standards.

- Condition 10** Prior to the signing of the Final Plat for each phase the applicant shall comply with the wetland delineation requirements and permits from the Oregon Department of State Lands (DSL).
- Condition 11** At the recording of the Final Plat for Phase One, a restrictive covenant must be filed, that prohibits the placement of structures or impervious surfaces, alteration of ground contours, or any other activity or use inconsistent with the purpose of the Cluster Development provisions.
- Condition 12** Prior to the signing of the Final Plat for Phase One, a copy of the Covenants, Conditions, and Restrictions of the HOA documents detailing the maintenance and responsibility of Tracts A and C must be provided to the City for review.

## Information for the Applicant

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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.

## 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).

5. 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).
6. 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.
7. **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:

Blackbird Avenue

Finch Street

Harrier Street

Flicker Street

Junco Street

Nuthatch Street

Blue Jay Avenue

Nighthawk Street

11. 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)
12. 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).

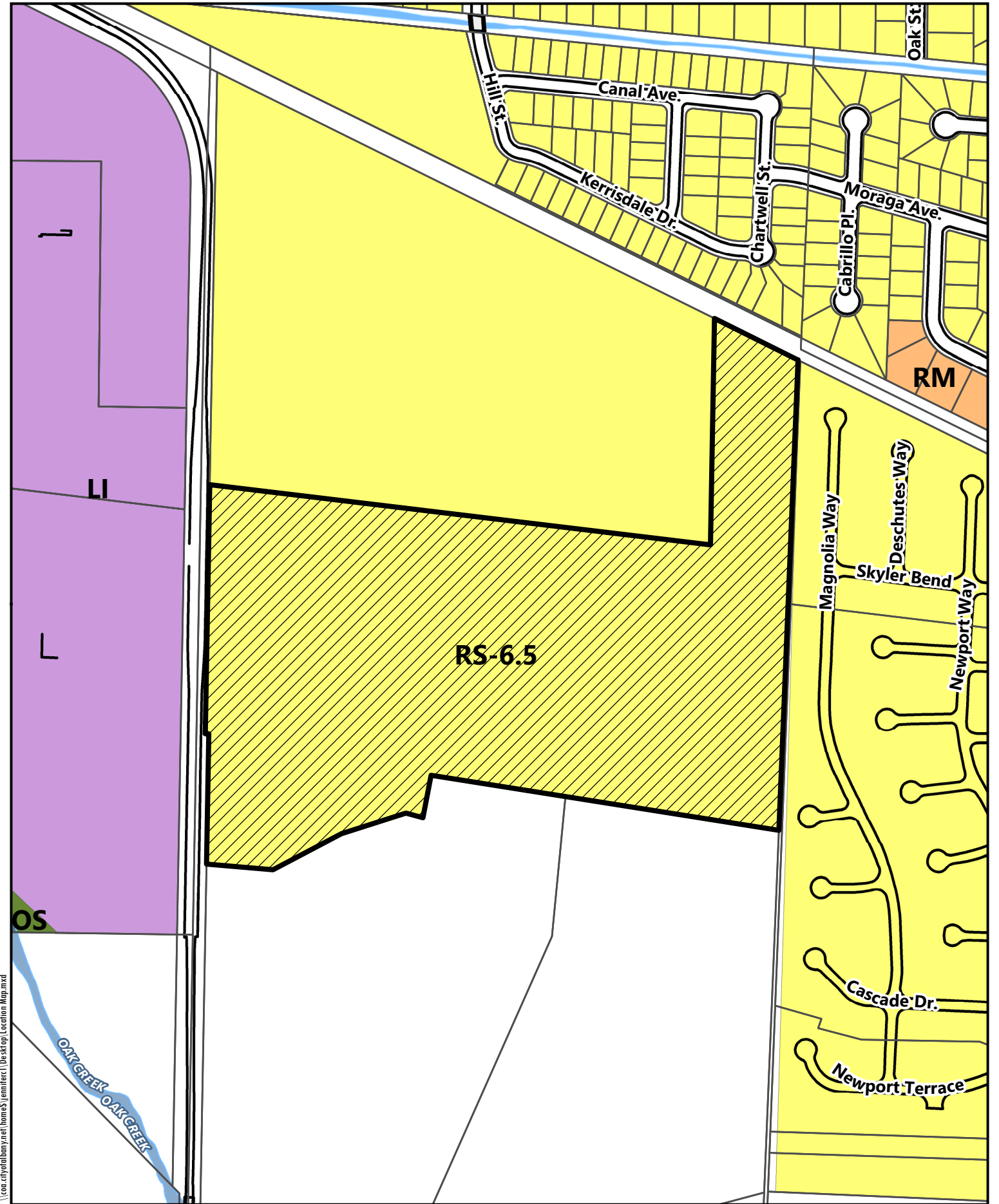
13. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3)

14. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

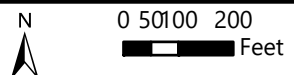
If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in OAR 918-480-0125,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

Attachments: Location Map, Tentative Plat



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Date: 9/25/2023 Map Source: City of Albany

# Unassigned; Lochner Road

Location Map



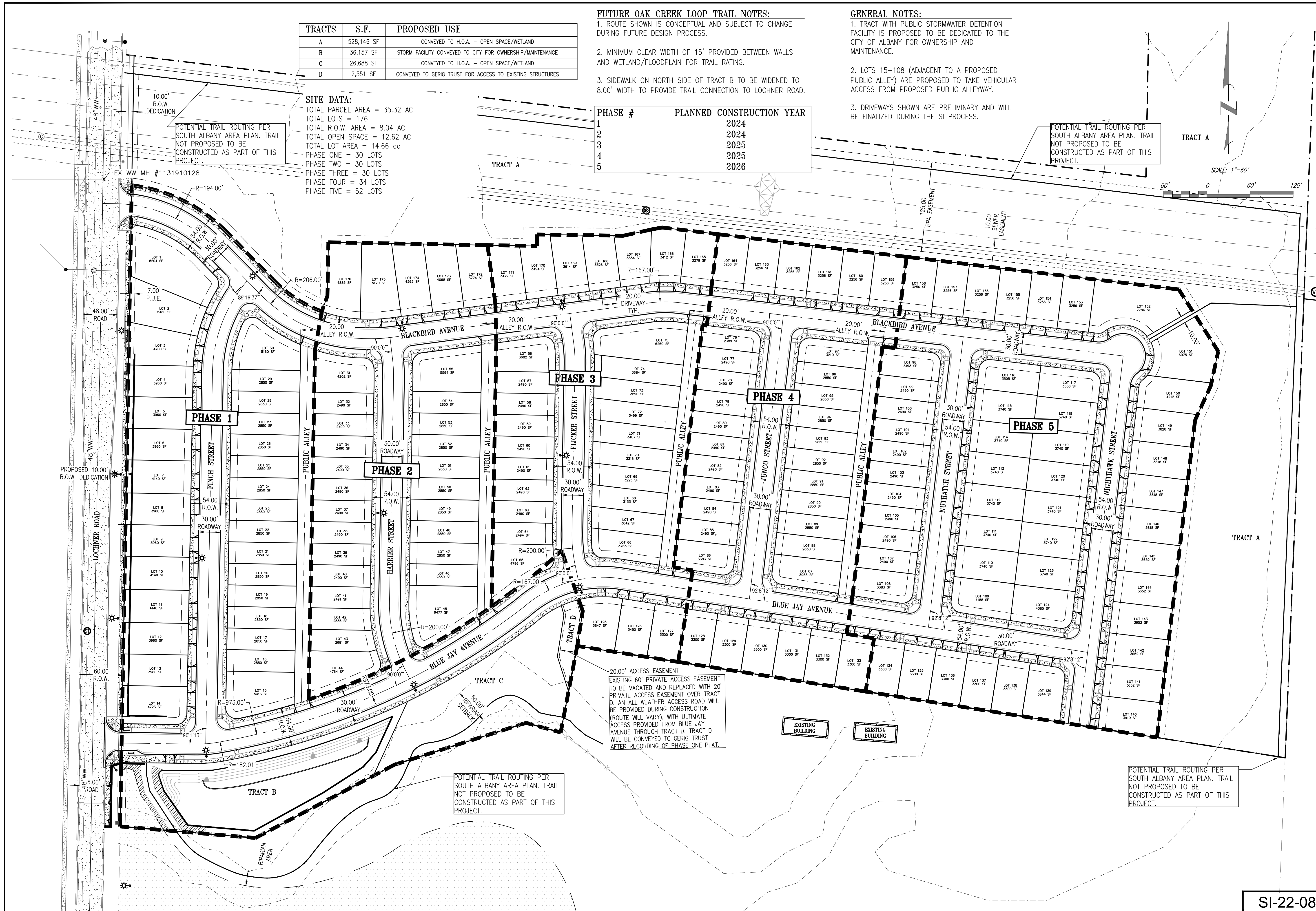
TRACTS	S.F.	PROPOSED USE
A	528,146 SF	CONVEYED TO H.O.A. - OPEN SPACE/WETLAND
B	36,157 SF	STORM FACILITY CONVEYED TO CITY FOR OWNERSHIP/MAINTENANCE
C	26,688 SF	CONVEYED TO H.O.A. - OPEN SPACE/WETLAND
D	2,551 SF	CONVEYED TO GERIG TRUST FOR ACCESS TO EXISTING STRUCTURES

**SITE DATA:**  
 TOTAL PARCEL AREA = 35.32 AC  
 TOTAL LOTS = 176  
 TOTAL R.O.W. AREA = 8.04 AC  
 TOTAL OPEN SPACE = 12.62 AC  
 TOTAL LOT AREA = 14.66 ac  
 PHASE ONE = 30 LOTS  
 PHASE TWO = 30 LOTS  
 PHASE THREE = 30 LOTS  
 PHASE FOUR = 34 LOTS  
 PHASE FIVE = 52 LOTS

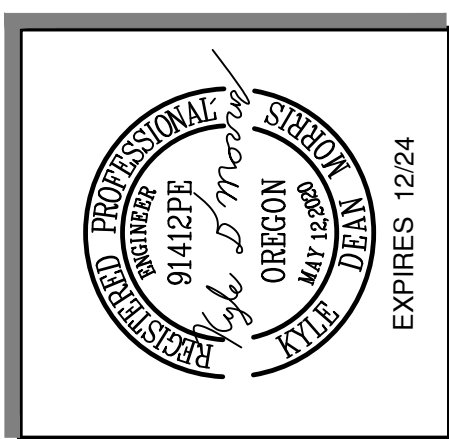
**FUTURE OAK CREEK LOOP TRAIL NOTES:**  
 1. ROUTE SHOWN IS CONCEPTUAL AND SUBJECT TO CHANGE DURING FUTURE DESIGN PROCESS.  
 2. MINIMUM CLEAR WIDTH OF 15' PROVIDED BETWEEN WALLS AND WETLAND/FLOODPLAIN FOR TRAIL RATING.  
 3. SIDEWALK ON NORTH SIDE OF TRACT B TO BE WIDENED TO 8.00' WIDTH TO PROVIDE TRAIL CONNECTION TO LOCHNER ROAD.

**GENERAL NOTES:**  
 1. TRACT WITH PUBLIC STORMWATER DETENTION FACILITY IS PROPOSED TO BE DEDICATED TO THE CITY OF ALBANY FOR OWNERSHIP AND MAINTENANCE.  
 2. LOTS 15-108 (ADJACENT TO A PROPOSED PUBLIC ALLEY) ARE PROPOSED TO TAKE VEHICULAR ACCESS FROM PROPOSED PUBLIC ALLEYWAY.  
 3. DRIVEWAYS SHOWN ARE PRELIMINARY AND WILL BE FINALIZED DURING THE SI PROCESS.

PHASE #	PLANNED CONSTRUCTION YEAR
1	2024
2	2024
3	2025
4	2025
5	2026



**A & O Engineering L.L.C.**  
 CIVIL ENGINEERING & SITE DEVELOPMENT CONSULTING  
 380 O ST. SUITE 300  
 SPRINGFIELD, OR 97477  
 PHONE: (541) 902-9790  
 SCOTT@AOENGINEERING.LL.C.



**Tentative Subdivision Site Plan**  
 for  
**Meadowlark Estates Subdivision**  
 Albany Linn County Oregon

DATE: 8-1-22  
 PROJECT No: 5291  
 SCALE: 1/8"=1'-0"  
 VERT: \_\_\_\_\_  
 DRAWN BY: AGH  
 DESIGNED BY: KDM  
 REVIEWED BY: SDM

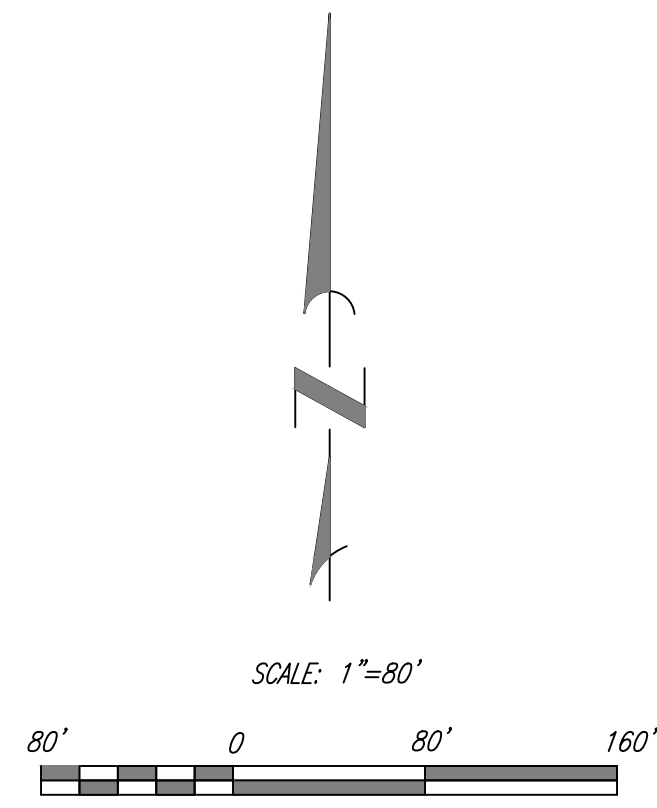
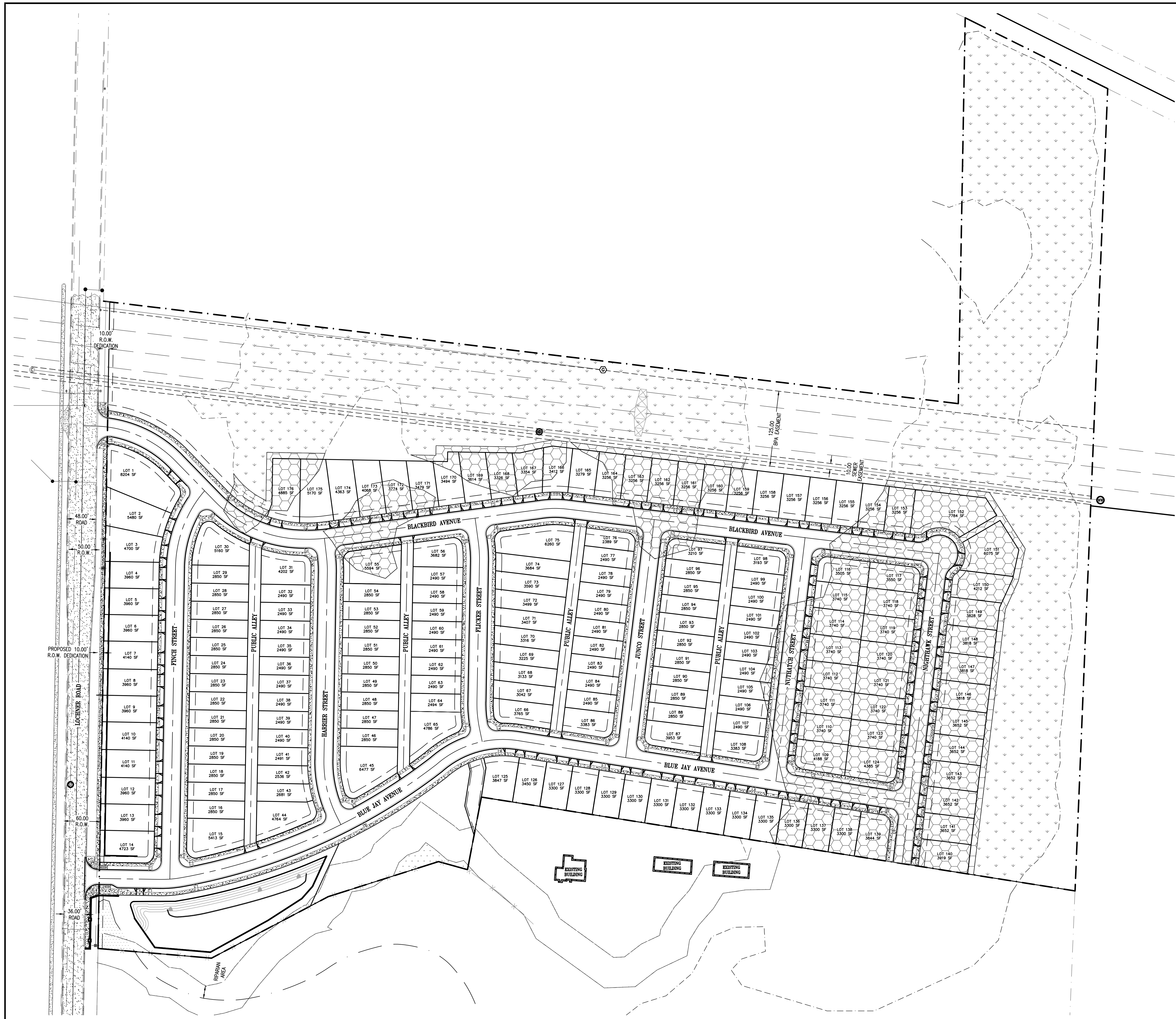
SUBMITTALS:  
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REVISIONS:  
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**SHEET**  
**C-1.1**  
 2 OF 11

SI-22-08





**WETLAND DATA:**  
 TOTAL WETLAND = 14.20 AC  
 TOTAL WETLAND MITIGATION = 6.23 AC

**WETLAND PERMIT NOTE:**  
 WETLAND FILL PERMIT HAS BEEN ISSUED  
 DSL PERMIT #63643-RF

- LEGEND**
- WETLANDS TO BE IMPACTED
  - WETLANDS TO BE PRESERVED
  - ZONE AE FLOOD PLAIN AREA

**A & O Engineering L.L.C.**  
 CIVIL ENGINEERING & SITE DEVELOPMENT CONSULTING  
 380 O ST. SUITE 300  
 SPRINGFIELD, OR 97477  
 PHONE: (541) 302-9790  
 scott@aoengineeringllc.biz

**Natural Resource Plan**  
 for  
**Meadowlark Estates Subdivision**  
 Albany Linn County Oregon

DATE: 8-1-22  
 PROJECT No: 5291  
 SCALE: 1/8"=1'-0"  
 VERT: \_\_\_\_\_  
 DRAWN BY: ACH  
 DESIGNED BY: KOM  
 REVIEWED BY: SEM

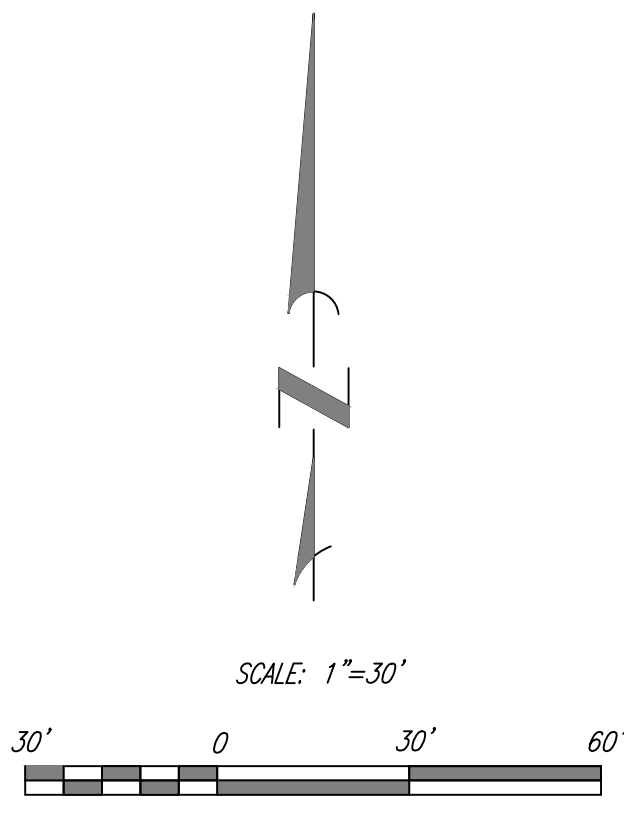
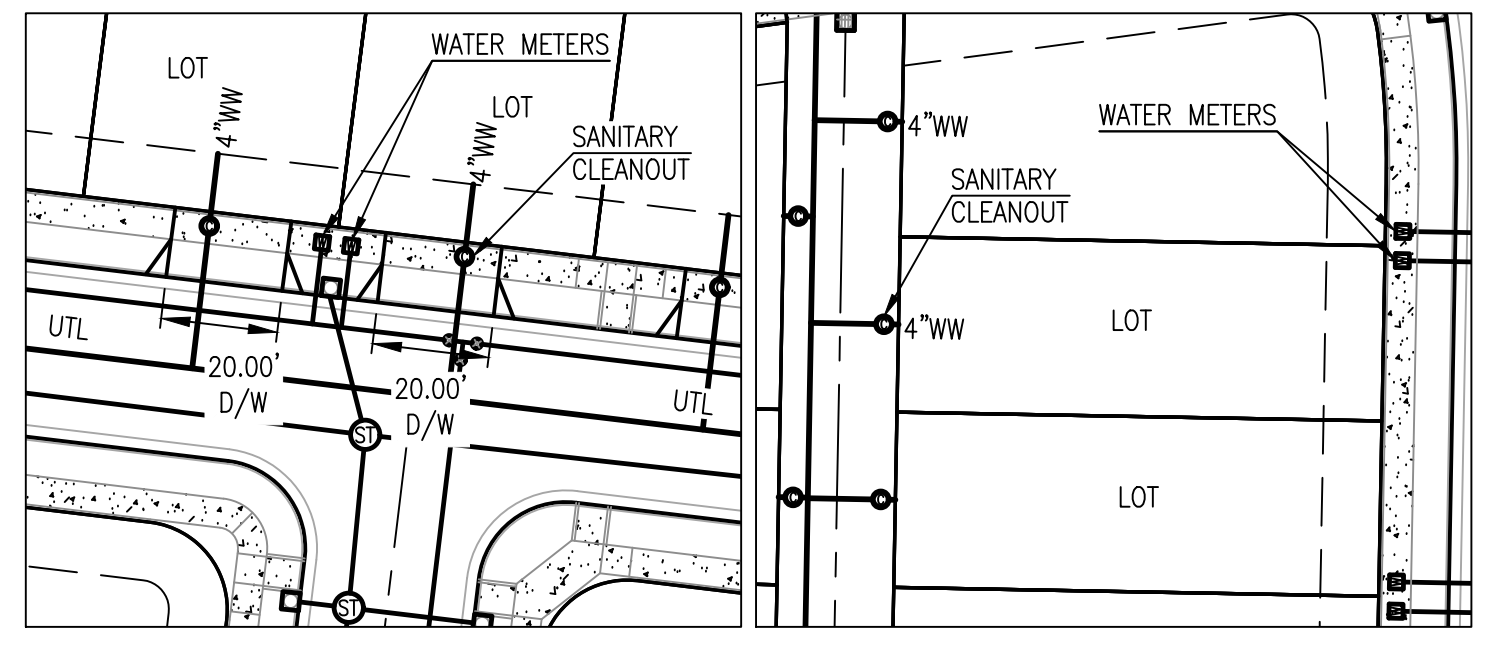
SUBMITTALS:  
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REVISIONS:  
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SI-22-08

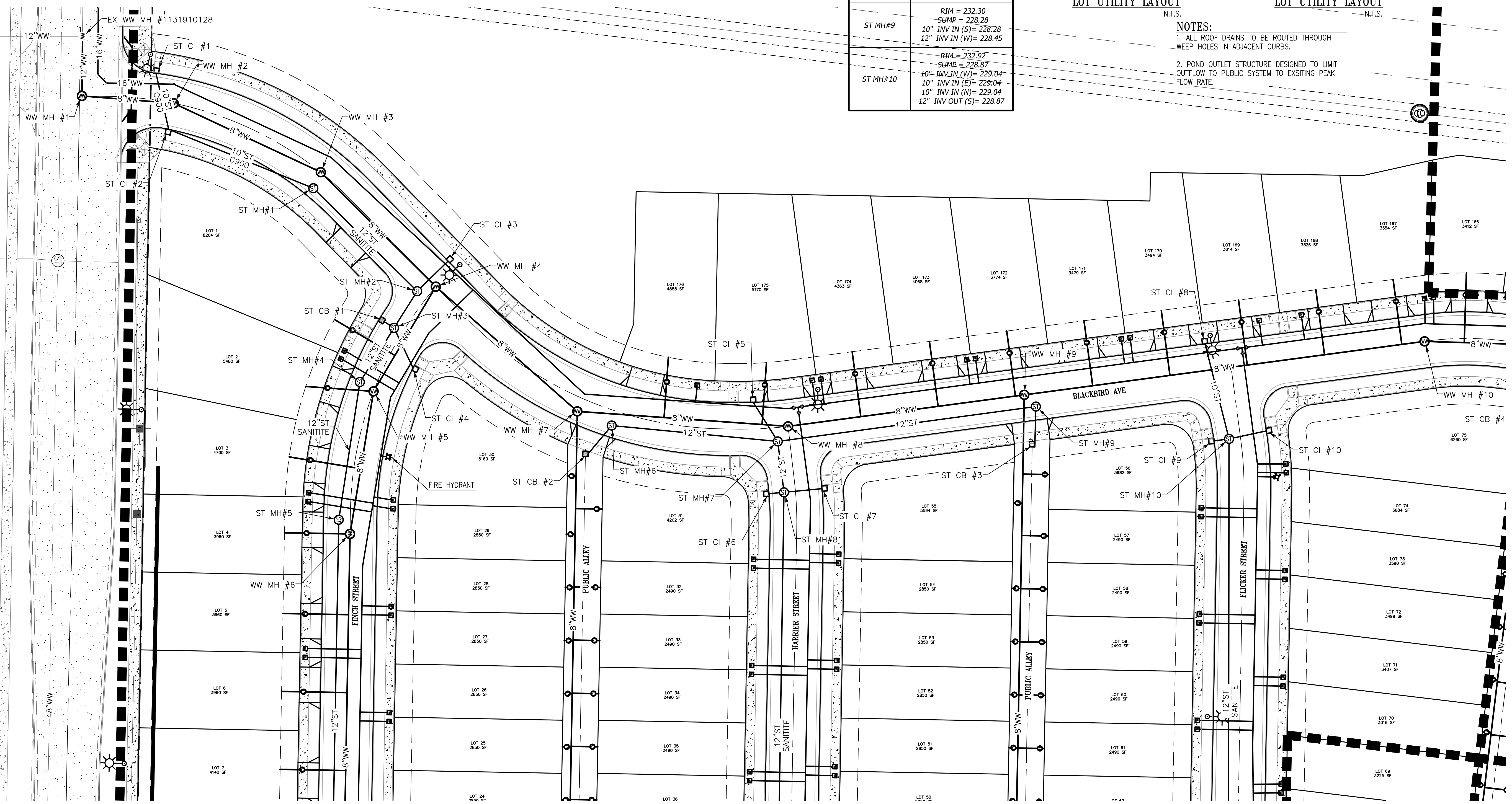


Wastewater Structure Table		Wastewater Structure Table		Wastewater Structure Table		Stormwater Structure Table		Stormwater Structure Table		Stormwater Structure Table	
Structure Name	Structure Details	Structure Name	Structure Details	Structure Name	Structure Details	Structure Name	Structure Details	Structure Name	Structure Details	Structure Name	Structure Details
EX WW MH #1131910128	RIM = 228.98 SUMP = 211.68 12" INV IN (S)=211.91 12" INV IN (N)=211.91 12" INV OUT (W)=211.70	WW MH #5	RIM = 231.03 SUMP = 213.19 8" INV IN (S)=213.29 8" INV OUT (NE)=213.19	WW MH #10	RIM = 232.83 SUMP = 215.57 8" INV IN (E)=215.67 8" INV OUT (W)=215.57	ST CB #1	RIM = 231.02 SUMP = 225.14 10" INV OUT (SE)=226.64	ST CI #5	RIM = 231.81 SUMP = 227.53 10" INV OUT (SE)=229.03	ST MH#2	RIM = 231.01 SUMP = 225.13 12" INV IN (NW)=226.83 10" INV IN (NE)=226.79 12" INV OUT (SW)=226.63
WW MH #1	RIM = 228.99 SUMP = 211.97 8" INV IN (E)=212.31 12" INV OUT (N)=211.99	WW MH #6	RIM = 231.00 SUMP = 213.62 8" INV IN (S)=213.72 8" INV OUT (N)=213.62			ST CB #2	RIM = 232.15 SUMP = 228.10 10" INV OUT (NE)=229.60	ST CI #6	RIM = 232.00 SUMP = 227.21 10" INV OUT (E)=228.71	ST MH#5	RIM = 231.01 SUMP = 224.24 12" INV IN (N)=225.84 12" INV OUT (S)=225.74
WW MH #2	RIM = 228.85 SUMP = 212.50 8" INV IN (SE)=212.62 8" INV OUT (W)=212.52	WW MH #7	RIM = 231.31 SUMP = 213.22 8" INV IN (E)=213.44 8" INV IN (S)=219.74 8" INV OUT (NW)=213.24			ST CB #3	RIM = 232.37 SUMP = 226.89 10" INV OUT (N)=228.39	ST CI #7	RIM = 232.00 SUMP = 227.28 10" INV OUT (W)=228.78	ST MH#6	RIM = 231.25 SUMP = 227.82 10" INV IN (SW)=229.49 12" INV OUT (S)=229.32
WW MH #3	RIM = 229.94 SUMP = 212.96 8" INV OUT (NW)=212.99 8" INV OUT (SE)=213.08	WW MH #8	RIM = 231.09 SUMP = 213.89 8" INV IN (E)=214.02 8" INV OUT (W)=213.92			ST CI #1	RIM = 230.50 SUMP = 226.48 10" INV OUT (S)=227.98	ST CI #8	RIM = 232.64 SUMP = 227.83 10" INV OUT (S)=229.33	ST MH#7	RIM = 231.98 SUMP = 228.72 12" INV IN (NW)=228.89 12" INV OUT (S)=228.72 12" INV OUT (E)=228.92
WW MH #4	RIM = 231.01 SUMP = 212.71 8" INV IN (NW)=212.71 8" INV IN (SE)=212.81 8" INV IN (SW)=212.91	WW MH #9	RIM = 231.93 SUMP = 214.53 8" INV IN (S)=220.66 8" INV OUT (W)=214.55			ST CI #2	RIM = 230.84 SUMP = 226.31 10" INV IN (N)=227.81 10" INV OUT (E)=227.81	ST CI #9	RIM = 232.89 SUMP = 227.58 10" INV OUT (E)=229.08	ST MH#8	RIM = 232.00 SUMP = 228.50 10" INV IN (W)=228.67 10" INV IN (E)=228.67 10" INV IN (N)=228.60 12" INV OUT (S)=228.50
						ST CI #3	RIM = 231.00 SUMP = 225.42 10" INV OUT (SW)=226.92	ST CI #10	RIM = 232.98 SUMP = 227.65 10" INV OUT (W)=229.15	ST MH#9	RIM = 232.30 SUMP = 228.28 10" INV IN (S)=228.28 12" INV IN (W)=228.45
						ST CI #4	RIM = 231.02 SUMP = 225.22 10" INV OUT (NW)=226.72	ST MH#1	RIM = 231.47 SUMP = 225.67 10" INV IN (W)=227.34 12" INV OUT (SE)=227.17	ST MH#10	RIM = 232.92 SUMP = 228.87 10" INV IN (W)=229.04 10" INV IN (E)=229.04 10" INV IN (N)=229.04 12" INV OUT (S)=228.87

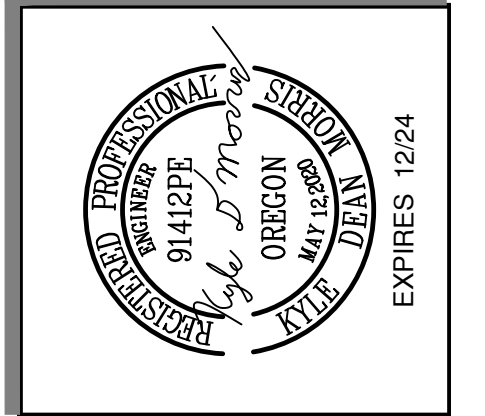


TYPICAL STREET LOAD LOT UTILITY LAYOUT N.T.S.  
TYPICAL ALLEY LOAD LOT UTILITY LAYOUT N.T.S.

- NOTES:
- ALL ROOF DRAINS TO BE ROUTED THROUGH WEEP HOLES IN ADJACENT CURBS.
  - POND OUTLET STRUCTURE DESIGNED TO LIMIT OUTFLOW TO PUBLIC SYSTEM TO EXISTING PEAK FLOW RATE.



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scott@aoengineeringllc.biz



Utility Plan NW  
for  
Meadowlark Cluster Subdivision  
Albany Linn County Oregon

DATE: 8-1-22  
PROJECT No: 5231  
SCALE: 1/8"=1'-0"  
VERT: ACH  
DRAWN BY: KDM  
DESIGNED BY: KDM  
REVIEWED BY: SDM

SUBMITTALS:

REVISIONS:

SHEET  
C-4.1  
6 OF 11

SI-22-08