



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Subdivision Plat

SD-04-24

November 15, 2024

Summary

The proposal is to subdivide 1.88 acres of land into 10 lots. The site is located at 2120 Three Lakes Road SE. A location map is included as Attachment A and the proposed Tentative Plat is shown on Attachment B.

The following review criteria are applicable for this project: Tentative Plat Review under Albany Development Code (ADC) 11.180. These criteria are addressed in this report and must be satisfied to grant approval of this application.

Application Information

Type of Application:	Land Division (Tentative Subdivision Plat) for a 10-lot subdivision.
Review Body:	Staff Review (Type I-L)
Property Owner/Applicant:	Kangaroo Properties LLC, C/O Jerry Boehme, PO Box 1009, Albany, OR 97321.
Applicant's Representative:	Brandie Dalton, MultiTech Engineering, 1155 SE 13th Street, Salem, OR 97302.
Address/Location:	2120 Three Lakes Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-09D; Tax Lot 1109
Zoning:	RS-5 (Residential Single Dwelling Unit District)
Overlay District:	Airport Overlay (Horizontal Surface)
Total Land Area:	1.88 acres
Prior Land Use Approvals:	None

Appeals

Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type I-L staff decision to the Planning Commission by filing a Notice of Appeal and associated filing fee within ten days from the date the City mails the Notice of Decision.

Notice Information

A Notice of Filing was mailed on October 11, 2024, to owners of property located within 300 feet of the subject property in accordance with ADC 1.220. At the conclusion of the public notice period on October 25, 2024, one comment had been received (Attachment E).

GRAND PRAIRIE WATER CONTROL DISTRICT: The Grand Prairie Water Control District commented that any current right of way(s) and access easement(s) currently in place on that/those properties must remain over any new boundary creation by way of this subdivision.

STAFF RESPONSE: The applicant is hereby notified that the Grand Prairie Water Control District is not relinquishing any previously granted rights to maintain the area and ditches on the subject property. The applicant is encouraged to be aware of any previously granted easements and the rights established with them.

Staff Analysis

The Albany Development Code (ADC) includes the following review criteria for land divisions, site plan review for tree felling, and minor variances, which must be met for these applications to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Tentative Plat Review Criteria (ADC 11.180)

Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:

Criterion (1)

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.

Findings of Fact

- 1.1 Zoning. The applicant has applied for a Tentative Subdivision Plat Review to create a 10-lot residential subdivision. The subject property is located at 2120 Three Lakes Road SE on Linn County Assessor's Map No. 11S-03W-09D; Tax Lot 1109 and is a total of 1.88 acres in size. The property is currently zoned RS-5 (Residential Single Dwelling Unit District).
- 1.2 Residential Single-Dwelling Unit (RS-5) is intended primarily for a lower density residential environment. The applicant proposes to demolish the existing structure on site and develop the ten lots with single unit dwellings. There is one tract that will be dedicated for use as a stormwater quality facility.
- 1.3 Lot Sizes. ADC Table 3.190-1 contains the minimum property size or land requirements by unit. The table states that a townhouse requires a minimum property size of 1,500 square feet, single dwelling units, duplexes, and triplexes require 5,000 square feet and fourplexes, and cottage clusters require 7,000 square feet. The proposed tentative plat shows that all 10 lots will range between 5,030 square feet to 6,323 square feet. The applicant does not specify which type of housing is proposed on the lots. Based on the size of the lots, single dwellings units, duplexes, and triplexes would be allowed to be developed on the resultant lots. A future division of land could also allow for townhomes.
- 1.4 Lot Width. The RS-5 zoning district has a minimum lot width of 20 feet for townhouses and 40 feet for all other uses. All lots are intended for other uses and have a minimum width of 40 feet.
- 1.5 Development Standards. No development is proposed with this application. At the time of building permit processing, setback, lot coverage, and height standards will be applied to ensure

construction meets the applicable development standards of the underlying zoning district.

- 1.6 Lot and Block Standards. The lot and block standards under ADC 11.090 are addressed later in this report. The findings show the lot and block standards are met with conditions. Those findings and conclusions are included here by reference.

Conclusions

- 1.1 Based on the factors above, the proposal meets the applicable development standards of the underlying zoning district with no conditions.
- 1.2 This criterion is met.

Criterion (2)

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact

- 2.1 The subject property is located on Linn County Assessor's Map No. 11S-03W-09D; Tax Lot 1109 and is owned in its entirety by Kangaroo Properties LLC. No additional contiguous properties are owned by the property owner.
- 2.2 The subdivision does not create any remainder property.

Conclusions

- 2.1 All property included in this subdivision is under the same ownership, and there is no remainder of land to consider with this application.
- 2.2 This criterion is met.

Criterion (3)

Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Findings of Fact

- 3.1 ADC 12.060 requires that development have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by the city council to require only that adjoining land either have access or be provided access to public streets. The property has frontage on Three Lakes Road SE. All proposed lots will have frontage on and/or access to an existing public right-of-way or onto a proposed interior street that is being created.
- 3.2 Property to the north: North of the subject property is a single-dwelling unit with frontage on and access to Three Lakes Road SE. The proposed land division does not affect future development of this lot.
- 3.3 Property to the east: East of the subject property is an existing manufactured home park that has frontage and access onto Three Lakes Road SE and Spicer Road SE. The proposed land division does not affect future development of the lot.
- 3.4 Property to the south: South of the subject property there is one developed property and another undeveloped property, both with frontage on Three Lakes Road SE. The proposed land division does not affect future development of these lots.
- 3.5 Property to the west: West of the subject property are existing single unit dwellings that have access onto Spicer Wayside SE. The proposed land division does not affect future development of these lots.

Conclusions

- 3.1 All adjoining properties have access to public streets through the existing transportation system, and the proposed subdivision plan will not remove that access.
- 3.2 This criterion is met.

Criterion (4)

The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

- 4.1 The proposed development will create a 10-lot residential subdivision and a tract for stormwater quality that will be dedicated to the City of Albany.
- 4.2 The development is located at 2120 Three Lakes Road SE, on the west side of Three Lakes Road SE.
- 4.3 ADC 12.060 requires that all streets interior and abutting new development be improved to city standards.
- 4.4 Three Lakes Road is classified as a minor arterial, has a speed limit of 35 MPH, and is not improved to city standards along the frontage of this site. The street lacks curb, gutter, and sidewalk. Existing improvements include 20 feet of concrete pavement providing for a vehicle travel lane in each direction. Curb and gutter exist along the east side of the street and is aligned for an ultimate curb to curb width of 36 feet.
- 4.5 A new local street, Shallows Court, is proposed to be extended into the site and terminate with a cul-de-sac. Proposed improvements include curb, gutter, sidewalk, and a vehicle travel lane in both directions. The design of the street conforms to the local street design standards contained in ADC 12.122.
- 4.6 The ultimate right-of-way width for Three Lakes Road SE is 60 feet. The tentative plat submitted by the applicant proposes dedication of 10 feet of right-of-way in order to achieve an overall width of 60 feet, together with the construction of curb, gutter, and sidewalk along the west side of the street in order to fully improve the site's frontage to city standards.
- 4.7 Based on ITE trip generation rates for single dwelling detached housing, at full buildout the developments could generate 94 vehicle trips per day, with 9.4 of those trips occurring during the peak PM traffic hour.
- 4.8 ADC 12.060 requires that all streets interior and abutting new development be improved to city standards.
- 4.9 Albany's Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP includes an intersection project (Project I-36) to the north of this site at the Three Lakes Road/18th Avenue intersection, and street improvements along the frontage of the site on Three Lakes Road (Project L-55).
- 4.10 Albany's Transportation System Plan does not identify any congestion or safety issues occurring on the street system within or adjoining this site.

Conclusions

- 4.1 The proposed development will create a 10-lot residential subdivision and a tract for stormwater quality that will be dedicated to the City of Albany.
- 4.2 ADC 12.060 and 12.290 require all public streets adjoining new development to be improved to city standards. The adopted city standard for street improvement includes curb, gutter, and sidewalk.
- 4.3 The development's frontage on Three Lakes Road is not currently improved to city standards. The applicant has proposed construction of curb, gutter, sidewalk, and new pavement along the site's frontage on the west side of the road.
- 4.4 Based on ITE trip generation rates when fully developed the site is estimated to generate 94 new vehicle trips

per day, with 9.4 of those occurring during the peak PM traffic hour.

- 4.5 The development will create a new local street connection to Three Lakes Road. Installation of a stop sign and crosswalk across the new street approach will be needed to assign right-of-way and provide for safe pedestrian movements along Three Lakes Road.
- 4.6 The development will contribute to the construction of the future intersection improvements at Three Lakes Road/18th Avenue intersection (TSP Project I-36) through payment of Transportation System Development Charges (tSDC) at the time of building permit.

Conditions

- Condition 1 Prior to or with recordation of the final plat map the applicant shall dedicate right of way along the site's frontage on Three Lakes Road as shown on the tentative plat map. The overall right of way width shall be 60 feet.
- Condition 2 Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements to Three Lakes Road along the frontage of the site. Improvements shall include:
- Curb, gutter, and sidewalk to city standards along the site's frontage on the west side of the road. The new curb shall align with the existing curb to the north and allow for an ultimate curb to curb width of 36 feet.
 - Installation of new pavement to city standards between the new curb and gutter and the existing west edge of pavement.
 - Installation of a stop sign and crosswalk across the new local street connection to Three Lakes Road.
- Condition 3 Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements to interior public streets within the development. Right-of-way dedication and improvements shall conform to the approved tentative plat map and include:
- Shallows Court shall have a minimum right-of-way width of 54 feet and a curb-to-curb width of 30 feet.
 - Construction of curb, gutter, and sidewalk to city standards. With the approval of the City Engineer sidewalk construction may be deferred to individual lot development for parcels intended for development of single-family homes.
 - The construction of new pavement to city standards.

Criterion (5)

The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sanitary Sewer:

- 5.1 City utility maps show no public sanitary sewer adjacent to the subject property. The nearest public sanitary sewer intended to serve this property is located approximately 480 feet southwest of the subject property. A 21-inch public sewer is currently being installed under a Public Improvements by Private Developer Permit to Three Lakes Road.
- 5.2 ORS 92.090 states that no subdivision plat shall be approved unless sanitary sewer service from an approved sewage disposal system is available to the lot line of each lot depicted in the proposed subdivision plat.

- 5.3 AMC 10.01.010(1) states that the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 5.4 ADC 12.490 states that sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next property. In this way, each property owner shares proportionately in the cost of extending sewer mains.
- 5.5 The minimum size of the public sanitary sewer main to be installed must be eight inches in diameter where a larger size is not needed to provide an adequate system, conform with the size of existing mains, meet future needs, or conform to the size specified by the utility's sewer system facility plan (AMC 10.01.110(2)(a)).
- 5.6 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110(2)(b)).
- 5.7 All public sanitary sewer mains must be installed in accordance with the City's Standard Construction Specifications. If being constructed under a private contract, the developer must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division.
- 5.8 The applicant's preliminary utility plan shows the extension of an eight-inch sanitary sewer main in Three Lakes Road to serve the subdivision. Before any work is done on or around a public sanitary sewer main the applicant must obtain a Site Improvement Plan from the Public Works Department.

Water:

- 5.9 City utility maps show a 16-inch public water main in Three Lakes Road. The property is currently not connected to the public water system.
- 5.10 ORS 92.090 states that no subdivision plat shall be approved unless water service from an approved water supply system is available to the lot line of each lot depicted in the proposed subdivision plat.
- 5.11 AMC 11.01.120(2)(e) states that all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next property. In this way, each property owner shares proportionately in the cost of extending water mains.
- 5.12 AMC 11.01.120(2)(c) states that the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water

- system improvements to be built under a private contract require that the developer obtain a Permit for Private Construction of Public Improvements.
- 5.13 AMC 11.01.120(2)(h) states that all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 5.14 AMC 11.01.120(2)(b) states that all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.
- 5.15 AMC 15.30.010 states a Connection Charge shall be due and payable when accessing the City's water distribution facilities from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the water facilities has not been paid by the property owner or predecessor thereof. 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.
- 5.16 The applicant's preliminary utility plan shows the extension of an eight-inch water main in Three Lakes Road to serve the subdivision. Before any work is done on or around a public water main the applicant must obtain a Site Improvement Permit from the Public Works Department.

Stormwater Drainage:

- 5.17 City utility maps show a 24-inch public storm drainage main in Three Lakes Road. There is an open drainage-way with associated wetlands that traverses the southwest corner of the subject property.
- 5.18 Three Lakes Road is not improved to city standards with curb and gutter along the subject property's frontage.
- 5.19 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City's Engineering Division.
- 5.20 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer.
- 5.21 ADC 12.550 states that any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 5.22 ADC 12.580 states that all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 5.23 AMC 12.45.030 requires that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects that create or replace 5,000 square feet or more of impervious surface area, including all phases of the development.
- 5.24 The applicant has submitted a preliminary drainage plan showing the instillation of stormwater quality and detention facilities. The proposed drainage plan will connect to the existing storm main in Three

Lakes Road. Final design details for these storm drainage facilities will be reviewed in conjunction with the subdivision. Before any work is done on or around a public storm drainage main the applicant must obtain a Site Improvement Permit from the Public Works Department.

- 5.25 A public drainage easement is needed over the open drainage system that traverses the subject property.

Fire Safety:

- 5.18 The Albany Fire Department has reviewed the proposed subdivision for conformance with the 2022 Oregon Fire Code (OFC), and their comments are included as Attachment C. Per Fire's comments, the road name "Shallows Ct" is not approved at this time.
- 5.19 No more than 30 dwellings can be constructed before a second access will be required, unless all the structures are fire sprinkled.
- 5.20 An additional fire hydrant will likely be required due to the distance to existing hydrants.

Conclusions

- 5.1 The applicant must extend public sanitary sewer facilities into the site from Three Lakes Road to serve each of the proposed lots and across the property frontage in Three Lakes Road.
- 5.2 The applicant must extend public water facilities into the site from Three Lakes Road to serve each of the proposed lots.
- 5.3 Connection charges will be due for existing public water improvements in Three Lakes Road. These connection charges must be paid before the City will approve the final plat.
- 5.4 The applicant must provide detention and stormwater quality facilities for the proposed development.
- 5.5 The applicant has submitted preliminary utility plans for the proposed development. While these plans appear to be generally acceptable, final design and construction details will be reviewed as part of the required permits.
- 5.6 A public drainage easement is needed over the open drainage system. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of the recognized bank.
- 5.7 The applicant must show compliance with fire safety standards prior to plat approval. Please refer to Attachment C for additional information.

Conditions

- Condition 4 Before the City will approve the final subdivision plat, 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 north.
- Condition 5 Before the City will approve the final subdivision plat, the applicant must construct public water facilities to provide service to each of the proposed lots in the subdivision.
- Condition 6 Before the City approves the final subdivision plat, the applicant must obtain a stormwater quality permit and construct stormwater detention and stormwater quality facilities generally as detailed in the applicant's storm drainage report. However, final design details for these facilities will be reviewed and approved by the City as part of the stormwater quality permit and SI permit.
- Condition 7 Before the City approves the final subdivision plat, the applicant shall dedicate a public drainage easement over the open drainage system. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of recognized bank.

NOTE: *All required permits must be obtained through the Public Works Department before beginning work on any of the aforementioned improvements. Final design and construction details will be reviewed as part of the required permits. Reference is hereby made to the comments provided by the Public Works Department, Engineering Division.*

Condition 8 Before the City approves the final subdivision plat, the applicant must show compliance with fire safety standards prior to final plat approval of the development.

Criterion (6)

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact

6.1 Article 4 Airport Approach Overlay District: Figure 4-1 of ADC Article 4 shows the subject property is in the Airport Approach District. This district is comprised of several imaginary surfaces above which aircraft are allowed to operate.

The proposed development will be under the second outermost surface called the Horizontal Surface. The Horizontal Surface is a flat surface at an elevation of 150 feet (NGVD 1929) above the airport elevation, which is 222 feet (NGVD 1929). The existing ground elevation is approximately 238 feet (NGVD 1929), and the maximum height limit of the RS-5 zone is 30 feet above grade for a total elevation of 46 feet, which is 104 feet below the maximum height (150 feet) established by the Horizontal Surface.

There are no design features of the proposed development with navigational signals or radio communications, or that would induce confusing light patterns, or create bird-strike hazards that would endanger or interfere with aircraft intending to use the airport.

The property is also located in the 55 Ldn area, which requires a declaratory statement containing the anticipated noise levels on each parcel to be filed prior to, or concurrent with, the recording of the final plat.

6.2 Article 6 Floodplain Overlay District: According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0531G, dated September 29, 2010, the subject property is in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).

6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.

6.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within the Riparian Corridor Overlay District.

6.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within the Significant Wetlands Overlay District.

The subject property contains a wetland inventoried on the National Wetlands Inventory and hydric soils, which can be an indicator of wetlands on a property. Notice of the proposed subdivision was provided to the Oregon Department of State Lands (DSL). Comments received from DSL indicate that there may be wetlands present on site and that a delineation may be required. All comments from DSL can be found in Attachment D. As a condition of approval, the applicant must provide evidence of compliance with DSL requirements prior to the acceptance of building permits. Examples of compliance can include, but is not limited to, a delineation with no determination of wetlands and mitigation.

6.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat

Assessment Overlay District.

- 6.7 Article 7 Historic Overlay District: According to Chapter 11, Plate 9 of the Comprehensive Plan, the subject property is not located within the Historic Overlay District. There are no known archaeological sites on the property.

Conclusions

- 6.1 The proposed development is not located within a special purpose district described in Article 7 (Historic Overlay District), as applicable.
- 6.2 According to the FEMA Flood Insurance Rate Map, the proposed development is not located within the Floodplain Overlay District or Hillside Development Overlay District described in Article 6.
- 6.3 The proposed development is not located within the Riparian Corridor Overlay District.
- 6.4 The subject property may have wetlands, and a delineation is being recommended by DSL for a more formal determination. As a condition of approval, the applicant must comply with the requirements of DSL prior to acceptance of building permits or any ground disturbing work commencing.
- 6.5 The subject property is located in the Horizontal Surface of the Airport Overlay, but any structures permitted on the property will not exceed the height limitation due to the height limit established by the zoning district.
- 6.6 The subject property is located in the 55 Ldn area. As a condition of approval, a declaratory statement containing the anticipated noise levels on each parcel must be filed prior to, or concurrent with, the recording of the final plat.
- 6.7 This criterion is met through conditions of approval.

Conditions

- Condition 9 Prior to, or concurrent with, the recording of the final plat, a declaratory statement containing the anticipated noise levels on each parcel must be filed with the County Clerk's Office.
- Condition 10 Prior to the acceptance of building permits or the commencement of ground disturbing work, the applicant must comply with the requirements of DSL. See Attachment D for further information.

Lot and Block Arrangements Review Criteria (ADC 11.090)

In any land division for single-family residential or middle housing development, lots and blocks shall conform to the following standards in this Article and other applicable provisions of this Code:

Criterion (1)

Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code with the exception of lots designated Open Space.

Findings of Fact

- 1.1 The subject property is not located in an area with steep slopes. The proposed subdivision has been designed to accommodate the existing topography ensuring building permits may be issued for each lot.

Conclusion

- 1.1 This criterion is met.

Criterion (2)

Lot dimensions must comply with the minimum standards of this Code. When lots are more than double the minimum area designated by the zoning district, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat.

Findings of Fact

- 2.1 The proposed lots range in size range between 5,030 square feet to 6,323 square feet. No proposed lots are double the minimum area designated by the zoning district.

Conclusion

- 2.1 This criterion is met.

Criterion (3)

Double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterials is necessary for several adjoining lots, those lots must be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials. An access control strip shall be placed along all lots abutting arterial streets requiring access onto the lesser class street where possible.

Findings of Fact

- 3.1 No double frontage lots are proposed. There is one corner lot proposed (not including the Tract proposed for stormwater quality). Access to the corner lot will be provided off of the proposed interior road.

Conclusion

- 3.1 This criterion is met.

Criterion (4)

Side yards of a lot shall run at right angles to the street the property faces, except that on a curved street the side property line shall be radial to the curve.

Findings of Fact

- 4.1 As shown on the Tentative Plat, lot lines run at right angles to the streets, or radial to the curved portions of the streets.

Conclusion

- 4.1 This criterion is met.

Criterion (5)

The average block length shall not exceed 600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets (Figure 11.090-1). The City may grant an exception to the average block length standard based on one or more of the conditions in subsections (a) through (c) below.

- (a) *Physical conditions preclude an average block length of 600 feet or less. Such conditions may include steep slopes or the existence of physical features, including, but not limited to: wetlands, riparian corridors, mature tree groves, or a resource under protection by State or Federal law.*
- (b) *Existing transportation or utility facilities, buildings, or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude an average block length of 600 feet or less, considering the potential for redevelopment.*
- (c) *An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet or are situated such that the extension of the street(s) into the development site would create a block length exceeding 600 feet. In such cases, the average block length shall be as close to 600 feet as practicable.*

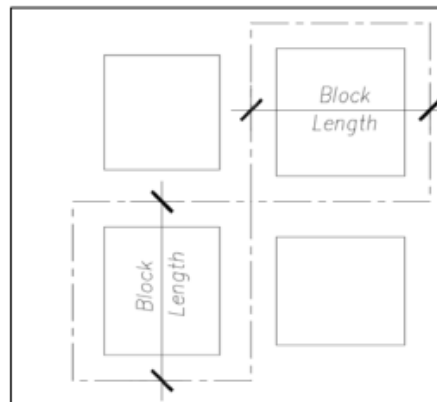


FIGURE 11.090-1. Block Length

Findings of Fact

- 5.1 The Tentative Plat indicates that the proposed interior road will be approximately 275 feet in length from the intersection with Three Lakes Road SE to the center of the cul-de-sac bulb. Based on these facts, the block length will not exceed 600 feet.

Conclusion

- 5.1 This criterion is met.

Criterion (6)

Off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible.

Findings of Fact

- 6.1 All lots have direct access to a public street and no off-street pedestrian pathways are proposed or required.

Conclusion

- 6.1 This criterion is not applicable.

Criterion (7)

With the exception of townhouse development, the minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.

Findings of Fact

- 7.1 The applicant proposes a cul-de-sac bulb at the terminus of the proposed interior road. Lots 6-9 are proposed to have frontage on the cul-de-sac bulb, with Lot 7 having the smallest amount of frontage at 23 feet.

Conclusion

- 7.1 This criterion is not applicable.

Criterion (8)

Flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The minimum width for a flag is 22 feet, except when access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet.

Findings of Fact

- 8.1 The applicant proposes one flag lot with a 22-foot-wide flag stem to serve Lot 7. Shared access is not proposed.

Conclusion

- 8.1 This criterion is met.

Criterion (9)

At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty-foot radius of the curb line.

Findings of Fact

- 9.1 The applicant's submitted site plan indicates that a radius of approximately 25 feet along the curb line will be obtained with the creation of the new street intersection.

Conclusion

- 9.1 This criterion is met.

Overall Conclusion

As proposed and conditioned, the application under planning file SD-04-24 for a Tentative Plat Review to develop a 10-lot subdivision satisfies all applicable review criteria as outlined in this report.

Overall Conditions

- Condition 1** Prior to or with recordation of the final plat map the applicant shall dedicate right of way along the site's frontage on Three Lakes Road as shown on the tentative plat map. The overall right of way width shall be 60 feet.
- Condition 2** Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements to Three Lakes Road along the frontage of the site.

Improvements shall include:

- Curb, gutter, and sidewalk to city standards along the site's frontage on the west side of the road. The new curb shall align with the existing curb to the north and allow for an ultimate curb to curb width of 36 feet.
- Installation of new pavement to city standards between the new curb and gutter and the existing west edge of pavement.
- Installation of a stop sign and crosswalk across the new local street connection to Three Lakes Road.

Condition 3 Prior to recordation of the final plat map the applicant shall construct, or financially assure the construction of, public street improvements to interior public streets within the development. Right-of-way dedication and improvements shall conform to the approved tentative plat map and include:

- Shallows Court shall have a minimum right-of-way width of 54 feet and a curb-to-curb width of 30 feet.
- Construction of curb, gutter, and sidewalk to city standards. With the approval of the City Engineer sidewalk construction may be deferred to individual lot development for parcels intended for development of single-family homes.
- The construction of new pavement to city standards.

Condition 4 Before the City will approve the final subdivision plat, 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 north.

Condition 5 Before the City will approve the final subdivision plat, the applicant must construct public water facilities to provide service to each of the proposed lots in the subdivision.

Condition 6 Before the City approves the final subdivision plat, the applicant must obtain a stormwater quality permit and construct stormwater detention and stormwater quality facilities generally as detailed in the applicant's storm drainage report. However, final design details for these facilities will be reviewed and approved by the City as part of the stormwater quality permit and SI permit.

Condition 7 Before the City approves the final subdivision plat, the applicant shall dedicate a public drainage easement over the open drainage system. The drainage easement shall be measured in width to cover the 100-year floodplain line or 15 feet from the top of recognized bank.

Condition 8 Before the City approves the final subdivision plat, the applicant must show compliance with fire safety standards prior to final plat approval of the development.

Condition 9 Prior to, or concurrent with, the recording of the final plat, a declaratory statement containing the anticipated noise levels on each parcel must be filed with the County Clerk's Office.

Condition 10 Prior to the acceptance of building permits or the commencement of ground disturbing work, the applicant must comply with the requirements of DSL. See Attachment D for further information.

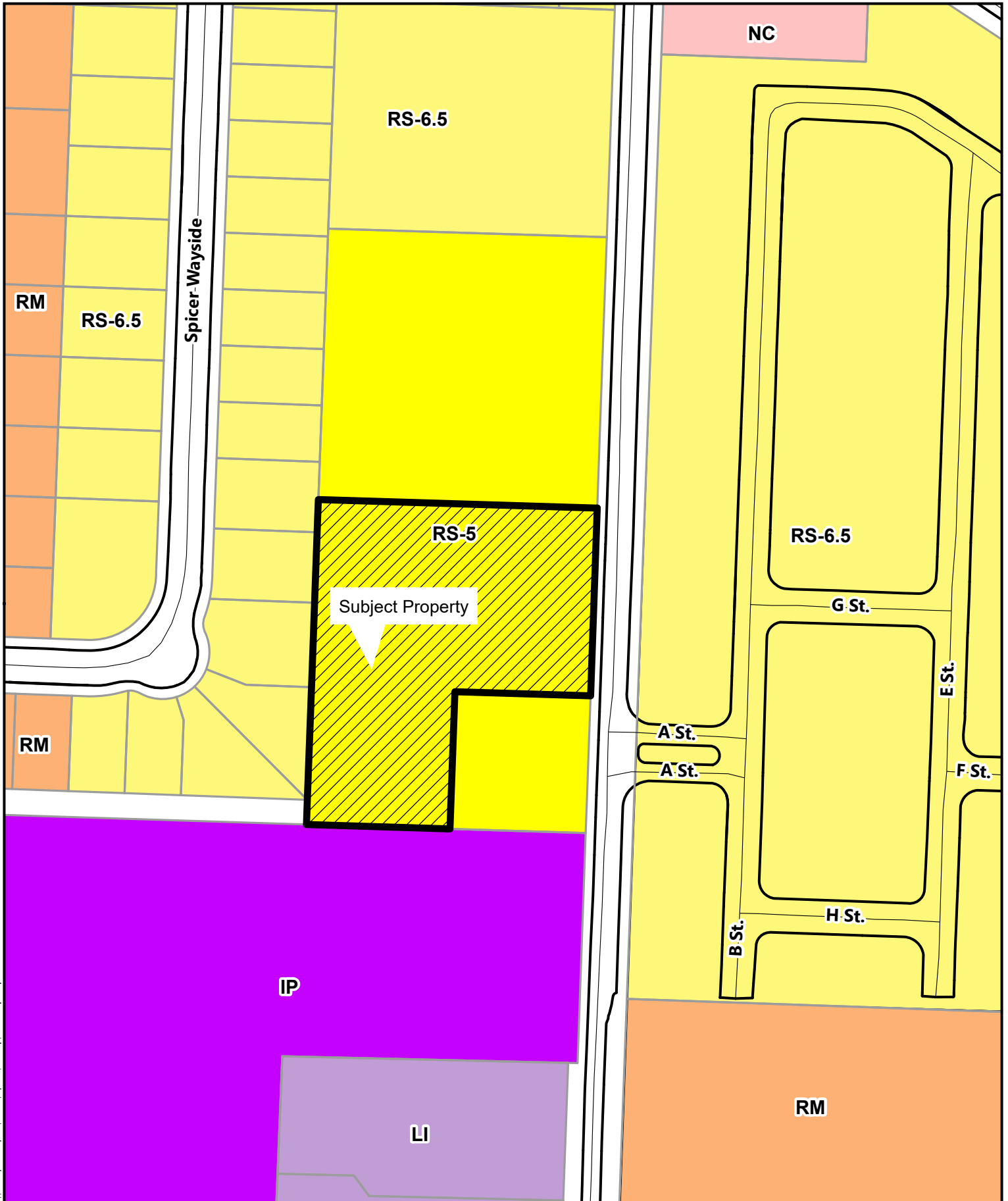
NOTE: *All required permits must be obtained through the Public Works Department before beginning work on any of the aforementioned improvements. Final design and construction details will be reviewed as part of the required permits. Reference is hereby made to the comments provided by the Public Works Department, Engineering Division.*

Attachments

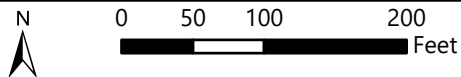
- A Location Map
- B Tentative Plat Map
- C Albany Fire Department Comments
- D DSL Comments
- E Grand Prairie Water District Comments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
DSL	Department of State Lands
GIS	Geographic Information Systems
ITE	Institute of Transportation Engineers
ODOT	Oregon Department of Transportation
RS-5	Residential Single Dwelling Unit District
SI	Site Improvement Permit
TSP	Transportation System Plan



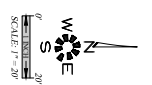
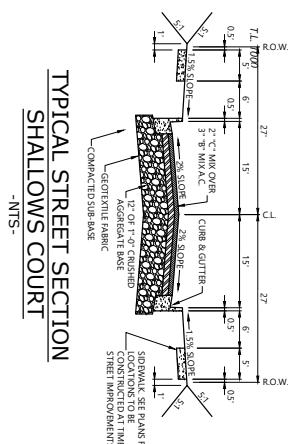
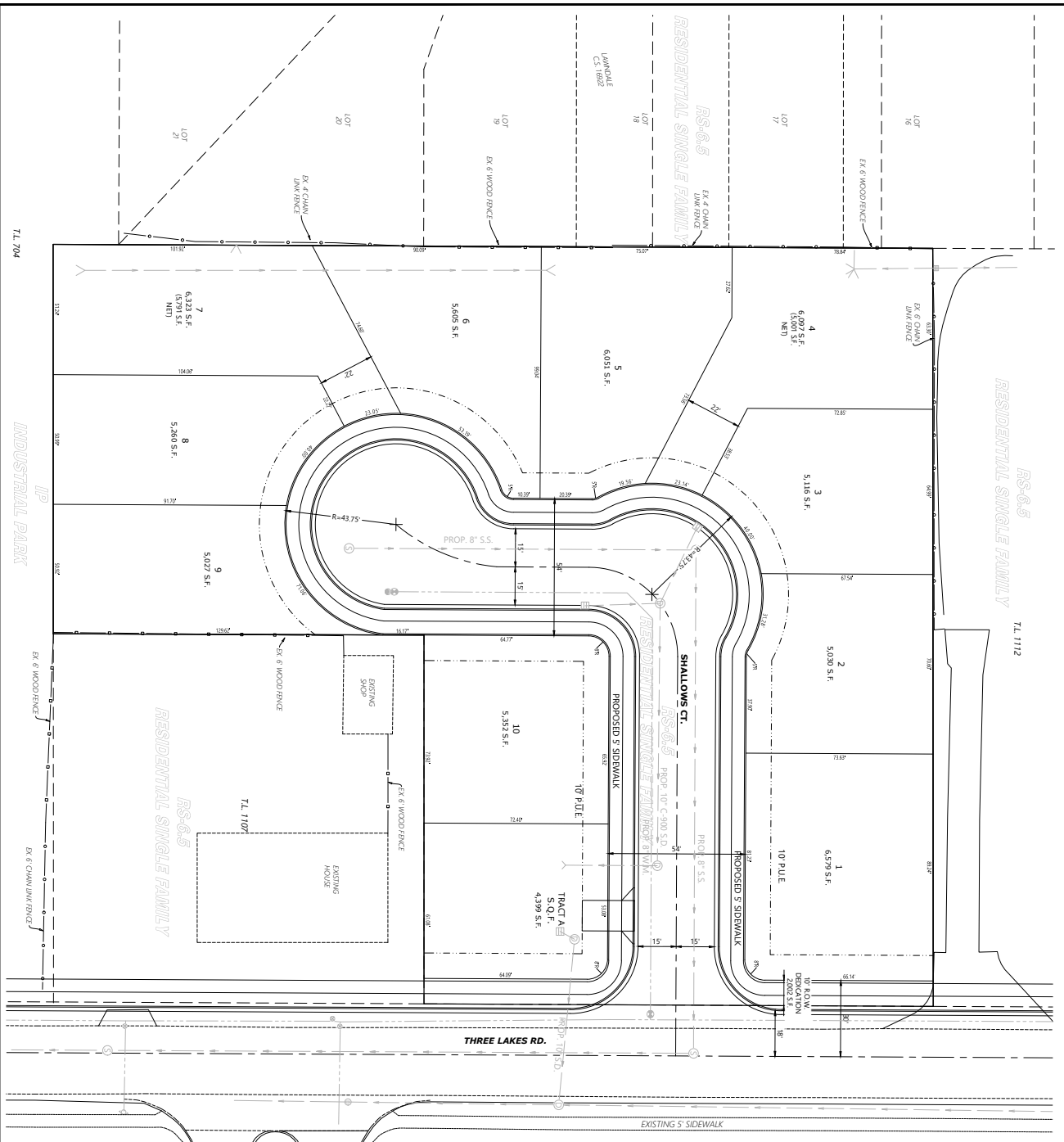
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2120 Three Lakes RD SE

Date: 9/16/2024 Map Source: City of Albany

Location Map



THREE LAKES COURT

TENTATIVE PLAT PLAN



Design: M.D.G.

 Drawn: C.F.G.

 Checked: B.M.G.

 Issue Date: 10/8/24

 Scale: AS SHOWN

 As-Built:

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.

10/30 P3-RAT-1001

 JOB # 7653

P3



TO: Alyssa Schrems, Planner

From: Lora Ratcliff, Fire Marshal

DATE: September 23, 2024

SUBJECT: SD-04-24—2120 Three Lakes Rd SE – 10- Lot Subdivision - Fire Department Comments

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:

****Land Use permit will include a \$125 Fire Plans Review fee****

1. Street names will need to be approved prior to final plat. Please submit proposed names to me for approval.

Shallows is not approved at this time.

2. 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).
3. 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 2nd access will be required, unless all the structures are fire sprinklered.

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. 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.
6. 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).

It appears an additional hydrant will be required due to distance to existing hydrants.

7. 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



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2024-0640

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Alyssa Schrems	City	Albany
Local case file #	County	
SD-04-24	Linn	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
11S	03W	09	D	1109

Street Address

2120 Three Lakes Rd SE

Address Line 2

City

Albany

Postal / Zip Code

97322

State / Province / Region

OR

Country

Linn

Latitude

44.622675

Longitude

-123.056770

Wetland/Waterway/Other Water Features

- 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.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

- It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)



- 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.

DSL Review



Wetland Ecologist Comments

This project may impact wetlands. A wetland delineation is recommended.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county.

Response Date

10/11/2024

Response by:

Chris Stevenson

Response Phone:

503-798-7622



ATTORNEYS AT LAW

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FAX: 541-926-7167

484 NE BOVARD AVENUE | DALLAS, OR 97338
PHONE: 503-623-6676
FAX: 503-714-8727

E-MAIL: WEYER@JBHWLAW.COM
WEBSITE: WWW.JBHWLAW.COM

HEALY & McCANN, PC
Of Counsel

September 30, 2024

Via E-Mail Only

Alyssa Schrems
Planner II, City of Albany
333 Broadalbin St SW
Albany, OR 97321

Alyssa.Schrems@cityofalbany.net

10-Lot Subdivision, 2120 Three Lakes Road SE

Dear Ms. Schrems,

I represent the Grand Prairie Water Control District. You have requested comments related to a recently proposed 10 lot subdivision at the address listed above, and within the district, specifically SD-04-24.

After speaking with the board members and considering our concerns – the only concern is that any current right of way(s) and access easement(s) currently in place on that/those properties remain over any new boundary created by way of this subdivision.

It is vital to both our ability to maintain the area and ditches, as well as to stay in compliance with the Department of Environmental Quality Standards and Requirements.

Regards,

Bradley M. Weyer

Bradley M. Weyer
OSB No. 151570
Attorney for Grand Prairie Water Control District