



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat, Natural Resources Impact Review, Floodplain Review

PA-03-23; FP-07-23; NR-02-23

September 5, 2023

Summary

This proposal is for a Tentative Partition Plat, Natural Resources Impact Review and a Floodplain Review to divide a 0.62-acre property into two parcels. The subject property is addressed 1455 Pacific Boulevard SE and is identified as Linn County Assessor: 11S-03W-08BB Tax Lot 2700. Parcel One, as proposed, will be 0.20 acres in size and will contain an existing dwelling; Parcel Two is proposed 0.42-acres and will also contain an existing dwelling. Parcel One will have access from 7th St SE. Parcel Two will have access off of Pacific Boulevard.

Land Division criteria contained in Albany Development Code (ADC or Code) 11.180 are addressed in this report for the proposed development, along with floodplain review criteria (ADC 6.110) and Natural Resource Impact Review Standards (ADC 6.310). The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Tentative Partition Plat to divide a 0.62-acre parcel into two parcels, Floodplain Development Review for Land Division, and Natural Resource Impact Review.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Property Owner/Applicant:	Josh Mitchell; 3125 Crocker Lane NW, Albany, OR 97321
Address/Location:	1455 Pacific Boulevard SE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor: 11S-03W-08BB-02700
Zoning:	Community Commercial (CC)
Comprehensive Plan:	Commercial-General and Open Space
Overlay Districts:	Floodplain Overlay District (/FP) & Riparian Corridor Overlay (/RC)
Total Land Area:	0.62 acres
Existing Land Use:	Two Single-Unit Detached Dwellings
Neighborhood:	Willamette
Surrounding Zoning:	North: Residential Medium Density (RM) & Community Commercial (CC) East: CC South: CC West: RM & CC
Surrounding Uses:	North: Apartment Complex, single-unit dwellings East: Retail store, used car lot South: Restaurant, retail store West: Retail store and specialty shop

Staff Decision

The subject application referenced above is APPROVED WITH CONDITIONS as described in this staff report. The approval expires three years from the date of tentative plat approval. The final plat must be recorded with the Linn County Records Division (ADC 11.065) unless an extension is approved by the City and the county surveyor's office.

Appeals

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)].

Notice Information

A notice of filing was mailed to property owners identified within 300 feet of the subject properties on August 9, 2023, in accordance with ADC 1.220. At the time the comment period ended on August 23, 2023, the Albany Planning Division had received one comment on the proposal.

Grand Prairie Water Control District: The only concern of the Board is that current right of way(s) and access easement(s) that may currently be in place on that property remain across whatever new boundaries are made. 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.

Staff Response: This will be made a condition of approval.

Analysis of Development Code Criteria

The ADC includes the following review criteria for a tentative plat (ADC 11.180), along with review criteria for land divisions in the floodplain (ADC 6.110) and in the Significant Natural Resource overlay districts (ADC 6.310) which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Tentative Plat Review Criteria

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 The underlying zoning district of the subject lot is Community Commercial (CC). The CC zoning district is intended to support small to medium-scale businesses, services and sites mostly located on arterial streets and highways. There is no minimum lot size in the CC zone.
- 1.2 In any residential land division, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed partition are addressed below.
- 1.3 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. Both properties are proposed to contain one of the existing houses on the subject property. There are no foreseen difficulties related to the proposed dividing line.
- 1.4 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged 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. There is no minimum lot size in the CC zone, therefore no urban conversion plan is required.

- 1.5 ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. The proposed parcels are not double-frontage lots. This standard is not applicable.
- 1.6 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All proposed parcels will have side yards that will run at right angles to the street frontage. This standard is met.
- 1.7 According to ADC 11.090(5), block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through-streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves. The proposed partition does not create any new streets, and therefore, does not create any new blocks. This standard is not applicable.
- 1.8 ADC 11.090(6) states 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. Parcel 1 will have frontage on 7th Ave SE and be connected to the existing street and sidewalk network. Parcel 2 will have frontage on Pacific Boulevard and be connected to the existing street and sidewalk network.
- 1.9 ADC 11.090 (7) and (8) provide standards for access to arterial streets and standards related to cul-de-sacs. No new streets are proposed with this development; therefore, these standards are not applicable.
- 1.10 ADC 11.090(8) states flag lots are discouraged and allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street cannot be provided. The minimum width for a flag lot is 22 feet, except when the point of 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. Both properties are proposed to have frontage on a public street and neither property is proposed to be served by a flag lot.
- 1.11 ADC 11.090(9) requires street intersections to be constructed so there is not less than a 20-foot radius along the curb line. This standard ensures all public improvements, including accessibility ramps, can be contained in the public right-of-way at the corresponding street corners. All parcels will have access to an existing public street, and therefore, no new intersections are proposed. This standard is not applicable.

Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.
- 1.2 There are no foreseeable difficulties in securing building permits to build on the proposed lots.
- 1.3 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.4 The proposal meets the underlying development and lot and block standards of the CC zoning district.
- 1.5 This criterion is satisfied without conditions.

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 proposal will divide a single 0.62-acre property into a 0.20-acre property and a 0.42-acre property.
- 2.2 The proposed partition would divide the entire parcel owned at this location by the applicant.
- 2.3 None of the lots are proposed to be further divided.

Conclusions

- 2.1 There is no other remainder of land to consider. All the land area within the parent property will be allocated to the two proposed parcels.
- 2.2 This review criterion is not applicable.

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 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.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.3 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
 - Properties to the north: The dwelling units have access to 7th Ave SE.
 - Properties to the east: The dwellings units have access to either 7th Ave SE or Pine St SE
 - Properties to the south: The businesses have access to Pacific Boulevard SE.
 - Properties to the west: The car lot has access to Cleveland St SE.
- 3.4 All of the adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.

Conclusions

- 3.1 All the adjoining land has, and will continue to have, access to public streets.
- 3.2 This criterion is met without conditions.

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 available at the time of development.

Findings of Fact

- 4.1 The development is located at 1455 Pacific Boulevard SE. the site has frontage on both Pacific Boulevard SE and 7th Avenue SE. The development will divide a 0.62-acre parcel of land into two parcels. Both parcels will contain an existing single-dwelling unit home after the partition.
- 4.2 ADC 12.060 requires that the public street frontages of all new development be improved to city standards. In situations where the City Engineer determines that an improvement is not timely, the City can accept a petition for Improvement/Waiver of Remonstrance.
- 4.3 The zone designation of both parcels is CC (Community Commercial). The single-unit dwellings on the site are non-conforming uses.
- 4.4 Both parcels have the potential to be redeveloped in the future with commercial uses allowed under the site's CC zone designation. The potential size and intensity of any future redevelopment is based on the site's overall land area and zone designation. As a result, the proposed partition will not result in an increase in potential future development intensity or traffic related impacts.
- 4.5 Pacific Boulevard SE is classified as a principal arterial street, is improved to city standards, and is under the jurisdiction of ODOT.
- 4.6 7th Avenue SE is classified as a local street and is not improved to city standards. The site's frontage

lacks curb, gutter, and sidewalk.

- 4.7 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

Conclusions

- 4.1 The site has frontage on both Pacific Boulevard SE and 7th Avenue SE. Pacific Boulevard is improved to city standards across the site's frontage, but 7th Avenue SE is not.
- 4.2 ADC 12.060 requires that the public street frontages of all new development be improved to city standards. The City Engineer has determined that improvement of this site's frontage along 7th Avenue SE is not currently timely. In this circumstance ADC 12.060 allows for acceptance of a Petition for Improvement/Waiver of Remonstrance in lieu of the improvement.
- 4.3 Because the subject property is zoned CC, the proposed partition will not result in an increase in potential development intensity or transportation impacts that could result from future site development.

Condition

- Condition 1 Prior to recordation of the final partition plat, the owner shall provide a Petition for Improvement/Waiver of Remonstrance for the improvement of 7th Avenue SE.

Criterion 5

The location and design allow development to be conveniently served by various public utilities.

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary backlot sewer main to the property. The subject property is currently connected to city sewer.
- 5.2 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 5.3 All property with buildings or structures normally used or inhabited by people, where the property is located within 300 feet of a public sanitary sewer main will be required to have or make a connection to the public sewer system (AMC10.01.100 (1)).
- 5.4 Preliminary site plan information indicates that each building is currently served by individual sewer laterals. Utility easements will need to be shown on the final plat.
- 5.5 ADC 12.370 requires the dedication of public utility easements (typically a minimum of 20 feet in width, to be centered over the main) for all public sanitary sewers and appurtenances. Permanent structures are not allowed to encroach on a public utility easement or be placed over a public sewer main.

Water

- 5.6 City utility maps show a 12-inch public water main in 7th Avenue SE and 12-inch in Pacific Blvd. The subject property is currently connected to city water.
- 5.7 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.

- 5.8 Preliminary site plan information indicates that each parcel will be served with independent water services. New parcels must connect to the public water system since the parcels are already developed. The Developer must obtain a water meter permit for the new water service. The utility easements will need to be shown on the final plat.
- 5.9 The proposed property partition will not negatively affect public water service availability for future development on this parcel.

Storm Drainage

- 5.10 City utility maps show a 48-inch public storm drainage facility in 7th avenue along the northern property frontage. Pacific Blvd is currently improved to City standards with curb and gutter. 7th Avenue is not improved to City standards with curb and gutter. 7th Avenue ends at Periwinkle Creek.
- 5.11 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 of Albany's Engineering Division.

Conclusions

- 5.1 The proposed property partition will have no adverse impact on public utility services to the subject properties. The utility easements will need to be shown on the final plat.
- 5.2 The existing public sanitary sewer main that lies on the property does not have a public utility easement over it. A 20-foot-wide public utility easement is needed over this main.

Conditions of Approval

- Condition 2 Before the City will sign the final partition plat for this project, the applicant must provide a 20-foot-wide public utility easement over the existing public sanitary sewer main that lies within the property boundaries.
- Condition 3 Before the City will sign the final partition plat for this project, the applicant must install a new water service to provide water to each parcel.

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 District. According to Figure 4.410-1 of the ADC, the subject property is located in the conical surface of the Airport Overlay. The conical area slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. The airport is located at an elevation of 222 feet above mean sea level (NGVD 1929). The subject property at its highest point is 216 feet (NGVD). The structures on the property are one story buildings with pitched roofs. No structure exceeds 150 feet tall, which is the lowest point of the conical surface. Based on this, the development complies with the Airport Approach District.
- 6.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* shows that the subject property is not located in the Hillside Development district.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0214H, dated December 8, 2016), the subject

property is located in the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. A floodplain development review has been included and incorporated into this staff report. Findings are addressed below. Based on this, the development complies with the Floodplain requirements.

- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show any wetlands on the property. The National Wetlands Inventory (NWI) does not show wetlands on the property. This property is not included in a local wetlands inventory.
- 6.5 Article 6: Significant Natural Resource Overlay Districts. The Riparian Corridor overlay district extends 50 feet upland from the Ordinary High Water mark, measured horizontally from the following water resources (and in-stream lakes): Calapooia River, Burkhart Creek, Cathey Creek, Cox Creek, Crocker Creek, Horseshoe Creek, Oak Creek, Periwinkle Creek, Thornton Lakes, and Truax Creek. The subject property contains a portion of Periwinkle Creek which flows south to north towards the Willamette River. Due to this, portions of the property within 50 feet of Periwinkle Creek are impacted by the Riparian Corridor overlay district. A Natural Resources Impact Review has been applied for an incorporated into this staff report. Findings are addressed below. Based on this, the development complies with the requirements of the Significant Natural Resource Overlay District.
- 6.6 Historic and Archaeological Resources. *Comprehensive Plan, Plate 9* shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is not located within the special purpose districts described in Article 6 (Steep Slopes, Hillside Development, Wetlands, Willamette River Greenway) and 7 (Historic). The subject property is located within the special purpose district described in Article 6 (Floodplain and Significant Natural Resource Overlay) and Article 4 (Airport Approach).

Floodplain Review: Site Improvement, Land Division, and Manufactured Home Park Standards (ADC 6.110)

Criterion 1

All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Findings of Fact

- 1.1 The subject property is currently developed with two pre-existing dwellings. Based on FEMA FIRM panel 41043C0214H, both structures appear to be located outside of the area identified as the 100-year floodplain. Parcel 1 is proposed to be 0.20 acres in size (8,712 square feet) and has approximately 635 square feet of area that is identified as floodplain. Parcel 2 is proposed to be 0.42 acres in size (18,295 square feet) and approximately 3,830 square feet of that area is identified as floodplain. Based on these facts, the proposal appears to create developments (parcels) that are reasonably safe from flooding.
- 1.2 This criterion is met without conditions.

Criterion 2

All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Findings of Fact

- 2.1 The existing property is currently served by public utilities. The additional water meter and service required will be provided from the east side of the property and originate from 7th Avenue SE. Based on these facts, utilities and facilities are proposed to be constructed and located to minimize flood damage.
- 2.2 This criterion is met.

Criterion 3

On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

Findings of Fact

- 3.1 The existing property is currently served by public utilities. There is no existing on-site waste disposal system.
- 3.2 This criterion is met.

Criterion 4

All development proposals shall have adequate drainage provided to reduce exposure to flood damage.

Findings of Fact

- 4.1 The existing property is currently sloped in an east to west direction, with the highest point being located at the southeast corner of the property. Storm drainage is provided to the north and south of the property in the public right-of-way.
- 4.2 This criterion is met.

Criterion 5

Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.

Findings of Fact

- 5.1 The new lots created by this land division shall both have adequate developable area outside the floodplain and riparian zone. The buildable site area exceeds the minimum requirements for this Article.
- 5.2 This criterion is met.

Criterion 6

Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.

Findings of Fact

- 6.1 There are no new public or private streets created by this land division.
- 6.2 This criterion is met.

Criterion 7

All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

Findings of Fact

- 7.1 The applicant shall be required to submit all future site plans showing the location of the 100-year flood contour line followed by the date the flood elevation was established.
- 7.2 As a condition of approval, the final plat must include a statement that reads as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

7.3 This criterion is met with conditions.

Condition

Condition 4 The final plat must include a statement that reads as follows: **“Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”**

Criterion 8

In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Findings of Fact

8.1 The applicant is not proposing a manufactured home park on either of the subject properties.

8.2 This criterion is not applicable.

Natural Resource Impact Review Standards (ADC 6.310(A))

Criterion 1

The proposed activity is allowed under the requirements of the base zone.

Findings of Fact

1.1 The applicant has applied to divide the existing lot into two parcels of approximately 0.20 acres and 0.42 acres. The CC zone does not have a minimum lot size requirement. Based on these facts, the proposed land division is allowed in the zone.

1.2 This criterion is met without conditions.

Criterion 2

There are no other reasonably feasible options or locations outside the Significant Natural Resource overlay districts for the proposed activity on the subject parcel.

Findings of Fact

2.1 The applicant has applied to divide the existing lot into two parcels of approximately 0.20 acres and 0.42 acres. The applicant is not proposing any ground disturbing work in conjunction with the proposed partition.

2.2 This criterion is met without conditions.

Criterion 3

The proposed activity is designed, located, and constructed to minimize excavation, grading, structures, impervious surfaces, loss of native vegetation, erosion, and adverse hydrological impacts on water resources. All activities are located as far from the water resources, and use as little of the surface area of the Significant Natural Resource overlay districts, to the extent reasonably feasible.

Findings of Fact

3.1 The applicant has applied to divide the existing lot into two parcels of approximately 0.20 acres and 0.42 acres. The subject property is currently developed with two pre-existing dwellings. After the proposed partition the houses would be on individual lots. The applicant does not indicate that any further development is proposed. Any future development will require its own Natural Resources Impact Review as necessary.

3.2 This criterion is met without conditions.

Criterion 4

Any proposed impacts to significant natural resources will be mitigated per the standards in Sections 6.400 and 6.410.

Findings of Fact

- 4.1 There are no proposed impacts to significant natural resources with this application.
- 4.2 This criterion is met without conditions.

Criterion 5

Any applicable local, state, and federal permits are secured.

Findings of Fact

- 5.1 The Oregon Department of State Lands (DSL) does not require a wetland delineation to complete a partition.
- 5.2 This criterion is met without conditions.

Criterion 6

The additional requirements of ADC 6.310(B) will be met.

Findings of Fact

- 6.1 Findings addressing ADC 6.310(B) are addressed below and incorporated herein by reference.
- 6.2 This criterion is met without conditions.

Natural Resource Impact Review Standards (ADC 6.310(B))

Criterion 1

Land Division. In addition to the regulations in Article 11, land partially situated in one of the City's natural resource districts can be divided only if there is sufficient land outside of any significant Natural Resource overlay districts to establish a development site area and/or separate a developed area from the natural resource area. For the purposes of this section, for residential land division "sufficient land" means a minimum of 2,000 square feet per proposed lot or parcel. Applicants may also elect to follow the Cluster Development standards for land divisions in Article 11.

Findings of Fact

- 1.1 The applicant has applied to divide the existing lot into two parcels of approximately 0.20 acres and 0.42 acres. Parcel 1 (0.20 acres) has approximately 6,165 square feet of land located outside of the natural resource area. Parcel 2 (0.42 acres) has approximately 10,620 square feet of land located outside of the natural resource area. Based on these facts, both parcels meet the definition of "sufficient land" for a residential land division.
- 1.2 This criterion is met without conditions.

Overall Conclusion

As proposed, the combined application for tentative plat for a two-parcel partition, natural resources impact review, and floodplain development review satisfies all applicable review criteria as outlined in this report with the following conditions.

Conditions of Approval

- Condition 1 Prior to recordation of the final partition plat, the owner shall provide a Petition for Improvement/Waiver of Remonstrance for the improvement of 7th Avenue SE.
- Condition 2 Before the City will sign the final partition plat for this project, the applicant must provide a 20-foot-wide public utility easement over the existing public sanitary sewer main that lies within the property boundaries.
- Condition 3 Before the City will sign the final partition plat for this project, the applicant must install a new water service to provide water to each parcel.
- Condition 4 The final plat must include a statement that reads as follows: **"Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency**

Management Agency or City of Albany may be restricted and subject to special regulations by the City.”

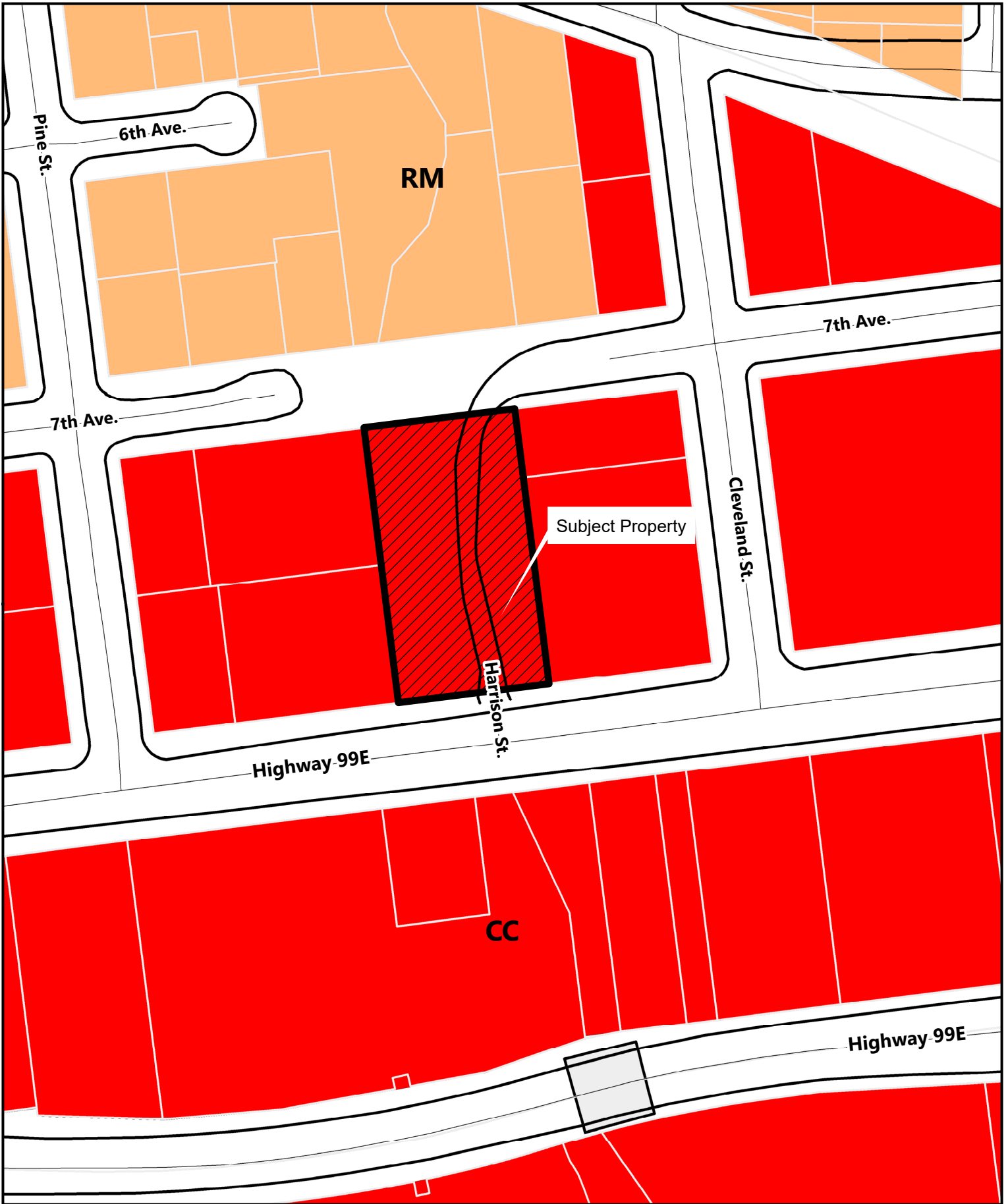
Condition 5 Before the City will sign the final partition plat for this project, the applicant must grant any right of way(s) or access easement(s) that are currently in place across the new parcels that are created, specifically any that apply to Periwinkle Creek.

Attachments

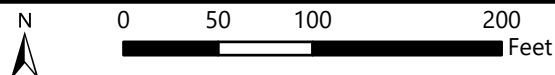
- A. Location Map
- B. Proposed Tentative Partition Plat
- C. Applicant Narrative
- D. Additional Findings
- E. Public Comments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CC	Community Commercial District
EPSC	Erosion Protection and Sediment Control
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NWI	National Wetland Inventory
ODOT	Oregon Department of Transportation
PA	Partition File Designation
RM	Residential Medium Density District
RS-6.5	Residential Single Dwelling Unit District
SFHA	Special Flood Hazard Area



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Date: 5/31/2023 Map Source: City of Albany

1455 Pacific Blvd SE

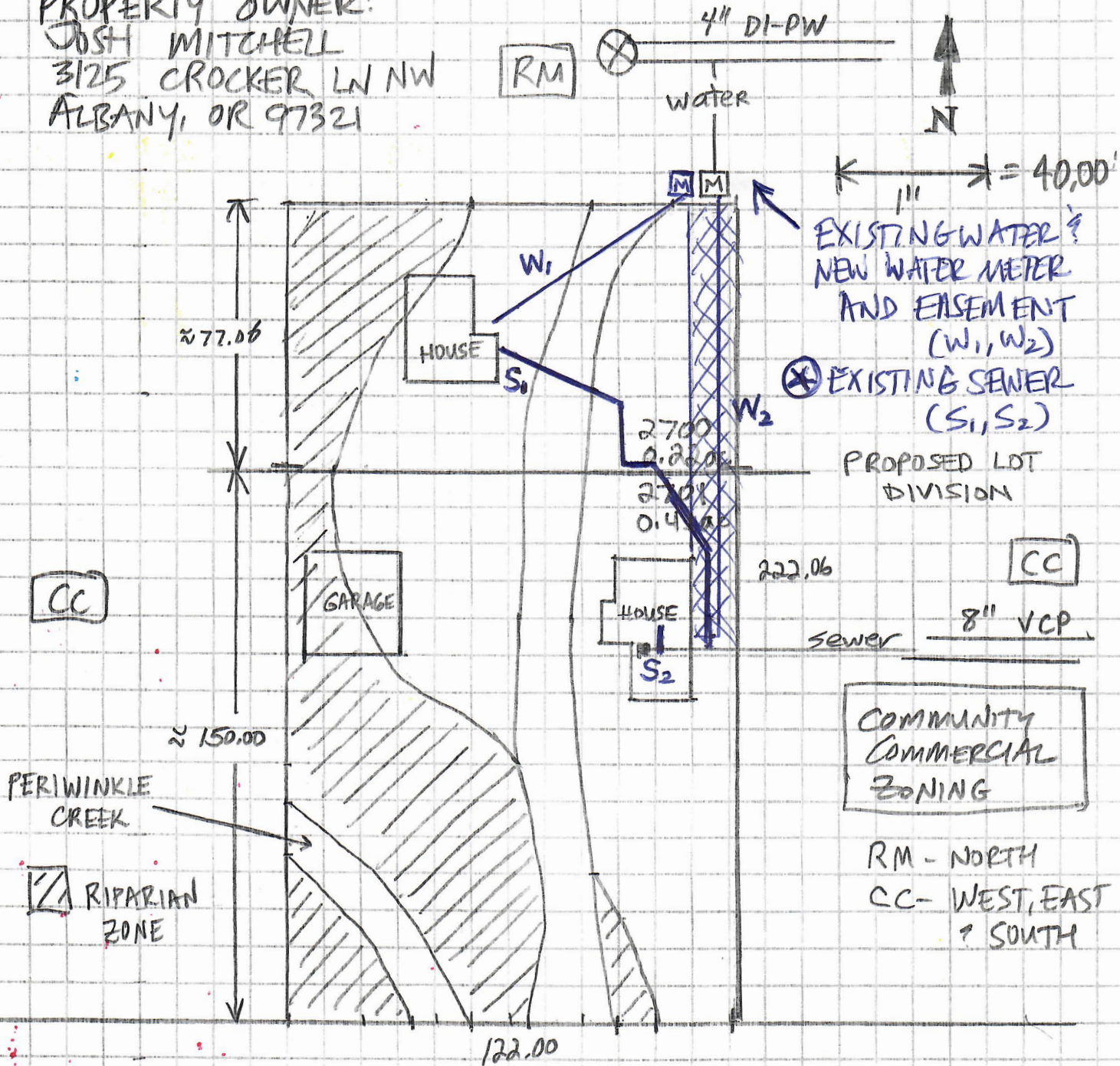
Location Map

1455 PACIFIC BLVD

1455 PACIFIC BLVD
ALBANY, OR 97321
11 S03W 08BB 02700

DIMENSIONS
122 x 222.06
0.62 ACRES

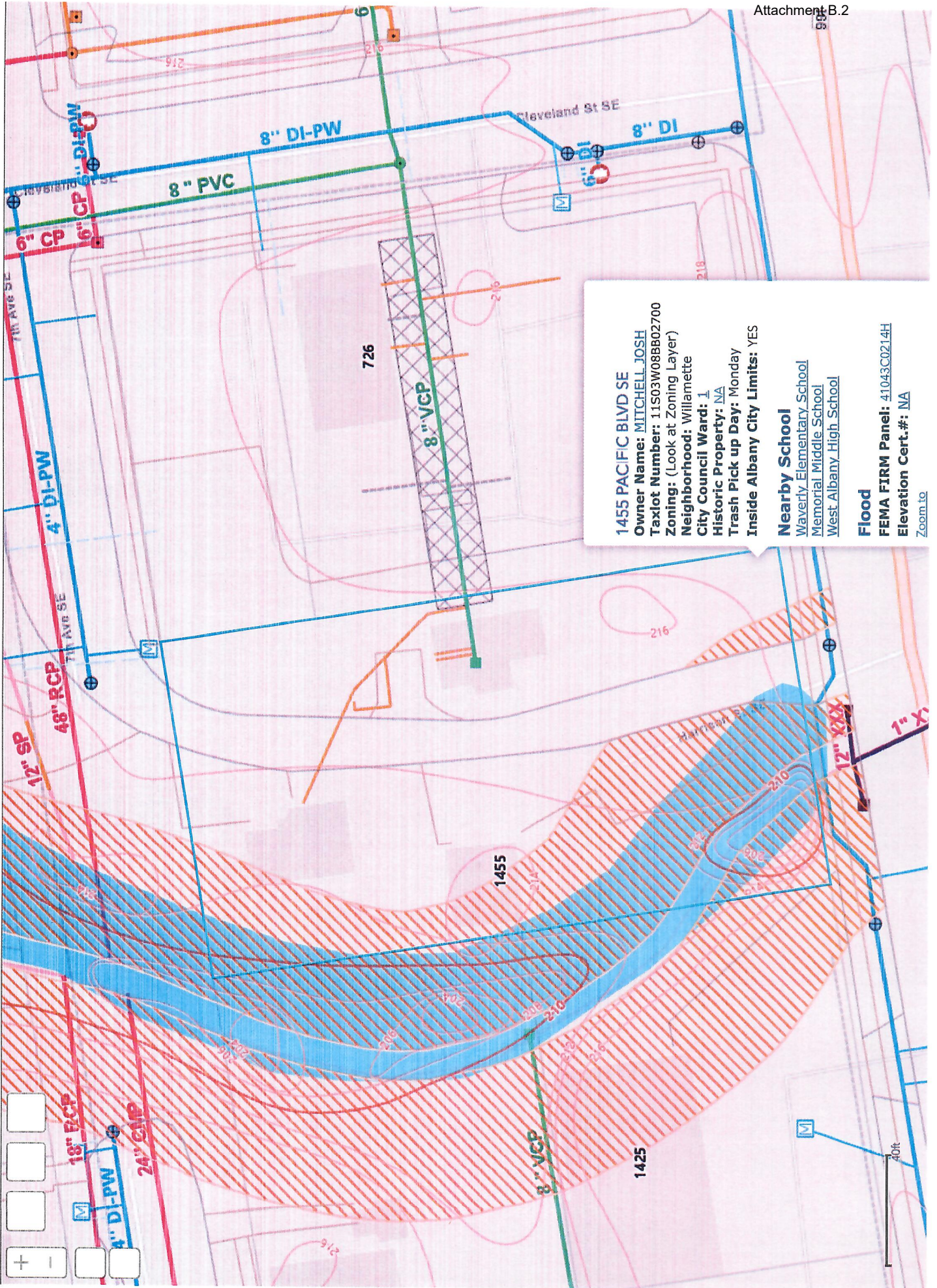
PROPERTY OWNER:
JOSH MITCHELL
3125 CROCKER LN NW
ALBANY, OR 97321



PACIFIC BLVD

CC

5.22.23



1455 PACIFIC BLVD SE
Owner Name: MITCHELL JOSH
Taxlot Number: 11503W08B02700
Zoning: (Look at Zoning Layer)
Neighborhood: Willamette
City Council Ward: 1
Historic Property: NA
Trash Pick up Day: Monday
Inside Albany City Limits: YES

Nearby School
 Waverly Elementary School
 Memorial Middle School
 West Albany High School

Flood
FEMA FIRM Panel: 41043C0214H
Elevation Cert.#: NA

Zoom to

PRE APPLICATION INFORMATION

APPLICANT INFORMATION

Applicant: Josh Mitchell
Mailing Address: 3125 Crocker Ln NW Albany, OR 97321
Email: JoshMitchell.SRR@gmail.com
Phone: 541-231-3118

SUBJECT PROPERTY

Property Address: 1455 Pacific Blvd SE Albany, OR 97321
Property Owner: Josh Mitchell
Tax Account#: 104840
Map#: 11S03W08BB02700
Zoning: Community Commercial (CC)

PROJECT OVERVIEW: Minor land partition, splitting the existing 0.62 acre lot into 2 separate lots approx .2 acres and 0.42 acres.

Specific questions: lot depth issues for fire access, required waivers or street improvements

The proposed property is located at 1455 Pacific Blvd SE Albany, Oregon. The current property has 3 existing structures, one north, east and west, the partition would separate the north structure from the other 2. Currently, there is access from Pacific Blvd on the south and 7th St from the north. The existing structures are grandfathered in, two non-conforming single family residences and 1 double car garage. There would be no other changes to the existing property and thus, no impact upon the riparian zone.

Our proposal is to split the lot just south of the northernmost structure, allowing for the appropriate minimum set back or approx 5 feet. The new lot would then front 7th St SE.

REVIEW CRITERIA RESPONSES:

1. The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section. Describe how the proposal will be consistent with Lot and Block standards obtained in ADC 11.090.

The proposed minor land partition will be a simple division from east to west in accordance with many other lots within the district. There is no change to use or anything that would not meet the underlying zoning district of the lots.

2. Development of any remainder of property under the same ownership can be accomplished in accordance with the Code. Can the proposed land area be further divided?

Yes. However, another expanded plat map with possible divisions would be futile as the current zoning district has no minimum lot size, width or depth requirements making future development limited to what the city planning would allow.

3. Adjoining land can be developed or is provided access that will allow its development in accordance with the Code. Assess each adjoining parcel/lot for further development potential. For example, will any adjoining lot depend upon the application's property for access? If so, the application may need to provide a street stub.

The proposed minor land partition creates 2 lots, each with an existing access. The neighboring lots would be unaffected by this proposed split and would not be impeded from any future development.

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. Describe how the plan makes the best use of existing and proposed streets for access to the proposed parcels/lots, including for pedestrians and bicycles.

The proposed minor land partition uses 2 existing access points to the existing parcel/lot currently. One access point is on Pacific Blvd, this street is already developed with sidewalks and a bike lane for pedestrian and bicycle traffic. The second access point is off of 7th Av. There are no pedestrian or bicycle improvements made to 7th and the proposed minor land partition would not impede any improvements in the future if deemed warranted by the City.

5. The Public Works Director has determined that the 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. Indicate the location and size of each of the nearest public facilities for water, sewer, and storm drainage, and explain how the project

will connect to those facilities. If public facilities are not available, how will the property be served?

Currently, the lot is served by public utilities. Water comes in from the NE corner of the lot off of 7th Ave. Sewer comes in from the east approximately bisecting the easterly property line. Storm drainage naturally flows to Periwinkle Creek and I do not believe any specific storm drainage is in place on the existing lot. The minor land partition requires no new utilities or services. If necessary, an easement can be granted along the east property line from the north property line to the new proposed property line for the new secondary lot so that services would not need to be pulled from Pacific Blvd in the future unless required by the City.

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

The property is zoned Community Commercial and within the Significant Natural Resource Overlay District. A riparian zone extends 50' from high water mark along Periwinkle creek, that zone does affect the west portion of the existing lot. This proposed minor land partition does not change or modify any land within this zone.

GENERAL INFORMATION ABOUT THE SITE AND DEVELOPMENT PROPOSAL

Current Address:
1455 Pacific Blvd SE
Albany, OR 97321

Map
11S03W08BB02700
0.62 acres (122' x 222.06')
Zoned Community Commercial (CC)

Current Use and Zoning

North: Multifamily residential unit- Residential Medium Density (RM)

South: Commercial restaurant and retail (Wilhelm's, Beaver Bowls) - Community Commercial (CC)

East: Commercial retail (Auto sales) - Community Commercial (CC)

West: Commercial retail (Brower's Bookstore) - Community Commercial (CC)

Gross land area: 0.62 acres (122' x 222.06')

Net land area: 0.62 acres (122' x 222.06')

Minimum Lot Size:

Proposed North lot: 0.215 acres

Proposed South lot: 0.41 acres

Lot sizes are similar to existing lots in the zoning district. The block would be unaffected by the proposed lot line adjustment.

Land Partition

1. **Utility Plan** - Currently, both buildings receive water from a meter on 7th Av. We will install a new meter adjacent to the existing meter and grant a utility easement along the east property line to run a new service to the southern lot residence. Both houses will have separate water services and both structures have separate sewer services connected to the main that comes in from the east property line. Storm diversion will be unaffected and will continue as is.

2. **Floodplain Development Permit.**

The FEMA/FIRM maps, Community Panel No. 41043C0214G, dated Sept 29, 2012, shows that the floodplain of Periwinkle Creek on the subject property is in Zone "A," with the floodplain "contained in the channel." There is no base flood information on this section of the creek, however, according to ADC 6.080, if the combined site is less than 4 acres and the development consists of less than 4 lots or structures, the applicant will not be required to conduct a hydraulic analysis to generate a base flood elevation. A BFE was established at Lowes site, and were estimated at the Auto Zone site and Woodland Square (now Woodwind) Apartments. This information will be helpful in estimating the BFE for this site. Development in the floodplain will require a Floodplain Development Permit (ADC 6.093). Applications for development within the Special Flood Hazard Area (100-year floodplain) must include information listed in ADC 6.095(1) through (8). Elevations must be shown using NAVD 1988 datum. Any site improvements that take place within the SHFA must meet standards listed in ADC 6.110(1) through (8). Building standards under ADC 6.120 will need to be met at the time of building permit, which includes elevation certificates and pre- and post-construction.

The subject property is located within the floodplain, however, based upon proposed no new no new grading, excavation, fill or paving any proposed structure in the future shall be able to fill and raise to the established BFE, and the structure will be reasonably safe from flooding.

Site Improvement, Land Division and Manufactured Home Park Standards (ADC 6.110)

1. This proposed new land division will be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
2. All utilities within the land division are currently serviced by public utilities. The additional water meter and service shall be located and constructed to minimize flood damage.
3. NA. There are no on-site waste disposal systems.
4. This proposed land division will not affect drainage. All future drainage shall be consistent with existing drainage.

5. The new lots created by this land division shall both have adequate developable area outside the floodplain and riparian zone. The buildable site area exceeds minimum requirements for this Article.
6. There are no new public or private street access created by this land division.
7. See attached.
8. NA. Not a manufactured home park.

3. Natural Resource Impact Review.

The property contains a Riparian Corridor overlay district (/RC) that runs parallel along Periwinkle creek. The /RC overlay district extends 50 feet upland from the Ordinary High Water Mark, measured horizontally. Unless a survey of the boundary has been done, the exact boundaries of the 50-foot corridor are not known. The creek channel is designated Significant Wetland (/SW). The Department of State Lands (DSL) and the US Corps of Engineers have jurisdiction over the approval of delineations and mitigation of wetlands. Notice of the land use application and future development would be given to any agency with jurisdiction (such as DSL and/or ACE). Delineation, mitigation and permits may be required by those agencies. Delineations expire five years from the date of issuance (OAR 141-090-0045). Site-specific development proposals will require a scaled site plan showing items contained in ADC 6.300(B) concurrent with the land use application. See ADC 6.310 for Natural Resource Impact Review Standards. Each of these must be specifically addressed if any of the proposed development takes place within a Natural Resource area.

Generally, development is not allowed within Significant Natural Resource Overlay districts unless there are no reasonably feasible options of locations outside the overlay districts for the proposed activity on the subject parcel, according to ADC 6.310; see especially ADC 6.310(B)(2). Any proposed impacts will require mitigation and financial assurance in accordance with ADC 6.400 and 6.410. If a state or federal agency has jurisdiction regarding development impacts within the Riparian Corridor and Significant Wetland overlays, and they require mitigation, the City will not impose additional mitigation requirements over the same area (ADC 6.400). If no state or federal agency has jurisdiction, the City will require a Local mitigation Plan (ADC 6.410). We do not have plans for any new structures of developments within the /RC.

Review Criteria and Development Standards (ADC 6.310)

1. This land division is allowed within the base zone.
2. Although within the Natural Resource Overlay District, no new activities are being proposed within this land division or within the riparian zone.
3. The land division leaves adequate building sites for future development that will minimize adverse hydrological impacts on water resources. No proposed usage of Significant Natural Resource Overlay districts.
4. NA. No proposal.
5. Any required permits for land division shall be secured.

6. The land division requirement of 2000sf or greater proposed lots or parcels shall be met within this land division.

4. Land use Application Forms.

The forms



201 1ST AVENUE W. | ALBANY, OR 97321
PHONE: 541-926-5504
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

June 14, 2023

Via E-Mail Only

Alyssa Schrems
Planner II, City of Albany
333 Broadalbin St SW,
Albany, Oregon 97321
Alyssa.Schrems@cityofalbany.net

Re: Project Review, PA-03-23, 1455 Pacific Blvd SE

Dear Ms. Schrems,

I represent Grand Prairie Water Control District. You have requested comments related to a recently proposed partition of a property within the district, specifically, Project Review, PA-03-23, 1455 Pacific Blvd SE.

I have forwarded the information to the Board, and I wanted to forward their comment and response. The only concern of the Board is that current right of way(s) and access easement(s) that may currently be in place on that property remain across whatever new boundaries are made.

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