Staff Report
Tentative Replat & Adjustment
November 24, 2020

Summary
This application is a request to consolidate platted lot lines into a single parcel and adjust the home and garage infill setback standards for a proposed duplex on the subject property addressed 2040 15th Avenue SW, Linn County Assessor’s Map No. 11S-04W-12CB; Tax Lot 8901.

Land Division criteria contained in Albany Development Code (ADC or Code) 11.180 and Adjustment Review criteria contained in ADC 2.080 are addressed in this report. The criteria must be satisfied to grant approval for this application.

Application Information
Proposal: Consolidate platted lot lines into a single parcel and adjust the garage setback infill standards.

Review Body: Staff (Type I-L review)
Report Prepared by: Tony Mills, project planner

Property Owner/Applicant: TJ Garber; 4621 Granite Avenue NE, Albany, OR 97321

Engineer: Brian Vandetta; Udell Engineering and Land Surveying, LLC 63 East Ash Street, Lebanon, OR 97355

Address/Location: 2040 15th Avenue SW, Albany, OR 97321

Map/Tax Lot: Linn County Assessor’s Map No. 11S-04W-12CB; Tax Lot 8901

Total Land Area: 0.18 acres

Existing Land Use: Vacant

Neighborhood: Broadway

Surrounding Zoning: All surrounding properties are within the Single-family Residential (RS-6.5) zoning district.

Surrounding Uses:
North: RS-6.5
East: RS-6.5
South: RS-6.5
West: RS-6.5

Prior History: No prior land use history
Notice Information
A Notice of Filing was mailed to property owners identified within 100 feet of the subject properties on October 9, 2020. At the time the comment period ended on October 23, 2020, the Albany Planning Division had not received any written comments.

Analysis of Development Code Criteria
Section 2.080 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

**Criterion 1**
The adjustment **is not requested to avoid a land use review process or increase density**.

**Findings of Fact**

1.1 The subject property is situated within the Residential Single Family (RS-6.5) zone district. The RS-6.5 district is intended primarily for low-density urban single-family residential development.

1.2 The average minimum lot size in the RS-6.5 zone is 6,500-square-feet for a single-family dwelling and 8,000-square-feet for a duplex on corner lot. The minimum lot width and depth are 65 feet and 100 feet, respectively.

1.3 The subject property consists of Lot 4 and a portion of Lot 3, Block 25 of the Hazelwood Addition. The applicant has submitted a concurrent Tentative Replat application to consolidate these lots into one 8,000-square-foot, 80-foot-wide and 100-foot-deep lot. Upon recordation of the final plat, the subject property will be conforming to the minimum lot standard for development of a single-family dwelling or duplex.

1.4 Upon recordation of the final plat, the applicant intends to construct a duplex unit. According to ADC 3.050, the proposed use is an allowed outright (subject to applicable development code standards and building permit approval) in the RS-6.5 district on a corner lot that is at least 8,000-square-feet.

**Conclusions**

1.1 The adjustment application is not requested to avoid a land use review or increase density; therefore, this criterion is met.

**Criterion 2**
The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides.

**Findings of Fact**

2.1 The applicant is proposing to develop the subject property with a duplex.

2.2 An application for tentative re-plat that proposes to consolidate existing platted lots into one 8,000-square-foot lot has been submitted for concurrent review.

2.3 ADC 22.400 defines infill as *Development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, and streets and other public services are readily available.* The subject property is a corner lot south of 15th Avenue, east of Crittenden Street, west of developed parcel known as 2020 15th Avenue SW, and north of an alley. Based on the definition of infill, the proposed duplex is considered infill development.
2.4 Standards in ADC 8.140 require that a home and garage be no more than five feet closer to the street than the closest home, garage, or carport and no further than five feet from the street than the farthest home, garage, or carport within 150 feet of the lot. According to a vicinity map provided by the applicant (Attachment D) an adjacent property to the east of the subject site addressed 2020 15th Avenue SW, has a house that is situated 19 feet from the street and a garage that is situated 51 feet from the street. Another property located to the east at 1940 15th Avenue SW is developed with a single-family residence that is setback 12 feet from the street. The proposed duplex will be setback approximately 27.5 feet from the front property line and the associated garage entrance will be setback approximately 31.5 feet from the front property line.

2.5 The applicant proposes to construct a duplex oriented towards 15th Avenue. The proposed orientation is based on the condition of the public right-of-way (i.e. 15th Avenue and Crittenden Street) along the frontage of the site. 15th Avenue is partially improved and allows for access whereas the other public rights-of-way (Crittenden Street and the alley) are unimproved and would likely require improvements for circulation and access.

2.6 The applicant proposed to place the front building facade and garage entrance approximately 27.5 and 31.5 feet from the front property line, respectively (Attachment C). According to applicant submitted materials, the proposed setbacks are necessary to reduce the slope of the driveway as well as to avoid fill and/or grade in an identified Special Flood Hazard Area (Attachment E).

2.7 According to the applicant and confirmed with City of Albany GIS data (Attachment E) the topography of the site is relatively even, with the exception of a sloped area extending from the northwest portion of the site into the adjacent unimproved right-of-way, which has approximately four to five feet of downhill gradient from the east to west.

2.8 As shown on FEMA/FIRM Community Panel No. 41043C0507G dated September 29, 2010, shows the majority of the subject property located outside Special Flood Hazard Area the exception of a small portion at northwest corner of the site.

Conclusions

2.1 The need for the adjustment is to allow infill development to occur on a site one acre or less.

2.2 Orientation of the proposed structure is limited to 15th Avenue based on access to improved right-of-way.

2.3 The proposed placement of the structure is based on the unusual topography of the lot and will keep development from occurring within the mapped 100-year floodplain.

2.4 This criterion is met.

Criterion 3
The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Findings of Fact

3.1 The RS-6.5 zone district is intended primarily for low-density urban single-family residential development. The average minimum lot size is 6,500-square-feet.

3.2 The minimum front setback in the RS-6.5 zone is 15 feet to a building and 20 feet to a garage entrance. Certain project building features, such as porches are allowed up to five feet into the required front setback according to ADC 3.260(2). The RS-6.5 zone requires a minimum interior setback of five feet for single-story structures and 8 feet for two or more stories.
3.3 Infill design standards apply to new single-family dwelling, two-family (duplex), and attached dwellings that are infill development. Infill development is described as development on land that is zoned for residential use where at least 75 percent of the abutting parcels have a dwelling. In this case, the only abutting parcel is 2020 15th Avenue SW, and it is developed with a single-family dwelling. Therefore, the site is subject to design standards.

3.4 The home and garage infill setbacks required infill development to be no more than five feet closer to the street than the closest garage or carport, and no more than five feet farther from the street than the farthest home, garage, or carport when compared with other homes, garage, and carports within 150 on either side of the lot.

3.5 The properties at 1940 15th Avenue SW and 2020 15th Avenue SW are only developed site within 150 feet of the subject property that are oriented to the same street (i.e. 15th Avenue) as the proposed development (Attachment D). The single-family dwelling and detached garage developed at 2020 15th Avenue SW are estimated to be setback 19 feet and 51 feet, respectively. The single-family dwelling developed at 1940 15th Avenue SW is estimated to be 12 feet from the front property line. There is no garage or carport associated with the site at 1940 15th Avenue.

3.6 The properties at 1530 Crittenden Street, 2039 16th Avenue, and 2037 16th Avenue are also within 150 feet of the subject property and developed with single-family dwellings, but the orientation of these structures to different streets than the proposed development (i.e. Crittenden Street and 16th Avenue) (Attachment D). The setbacks of structures at these locations are not applicable to this application as the purpose of this standard is to create uniform development pattern along the frontage of the block where development is proposed and the orientation of these properties and this site are to different streets/blocks.

3.7 In accordance with ADC 8.140(2)(a)(b), the setback to the front building façade is required to be 7 feet to 24 feet and the setback to the garage entrance is required to be 46 feet to 56 feet based on the existing development at 2020 15th Avenue and 1940 15th Avenue. The applicant proposed to construct a duplex with the front building façade approximately 27.5 feet from the front property line and the garage entrance approximately 31.5 feet from the front property line. The request is to deviate 3.5 feet from the required setback for the façade of the duplex and 15 feet for required front setback for the garage.

3.8 The proposed setbacks are necessary to elongate the driveway to reduce the overall slope of the driveway approach and to avoid placing fill and grade in an identified 100-year flood plain near at the northwest portion of the site.

Conclusions
3.1 The requested adjustments are the minimum necessary to construct a driveway away from the identified steep gradient slope and avoid development within the 100-year floodplain.

3.2 The adjustment request is for the construction of low-density residential development, which is consistent with the purpose of the RS-6.5 zone.

3.3 This criterion is met.

Analysis of Development Code Criteria
Section 11.180 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the 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 and Conclusions

1.1 The subject property is located at 2040 15th Avenue within the RS 6.5 zoning district (Attachment A).

1.2 As presented on the Tentative Replat (Attachment B), the proposal is to consolidate the underlying platted lot line into one parcel by removing the interior platted lot lines.

1.3 The subject property is a developed site. The proposed replat does not alter the perimeter lot line and, therefore, does not alter the distance the existing building and associated improvements are set back from the street frontages or interior lot line to the east and south.

1.4 According to Article 3 of the ADC, Table 1, the minimum lot size in the RS-6.5 zoning district is 6,500-square-feet, with a minimum lot width of 50 feet and minimum lot depth of 80 feet. The subject property is 0.18 acres with a minimum lot depth of 100 feet and minimum lot width of 80 feet (Attachment B). Therefore, the proposed replat will not create a nonconforming situation.

1.5 ADC 11.090(1) states lot arrangement must be such that there are no foreseeable difficulties, for reason of topography or other conditions, in securing building permits on all lots in compliance with this Code. The subject property is vacant. The proposed replat will result in more buildable area on the property. Therefore, the proposed replat will not create any foreseeable difficulties in further developing the site in accordance with ADC standards.

1.6 ADC 11.090(2) states lots must comply with the minimum standards of this Code and lots that are more than double the minimum area as designated by the zoning district must be arranged to allow further subdivision. As noted above, the resultant lot greatly exceeds the minimum lot size and lot dimensions of the RS-6.5 zoning district. The proposed lot consolidation does not alter the arrangement of the perimeter lot line or create new parcels. This standard is not applicable.

1.7 ADC 11.090(3) states double frontage lots shall be avoided. The subject property has frontage along two public streets and an alley. The proposed lot consolidation does not alter the arrangement of the perimeter lot line, create new parcels, or alter existing street access. This standard is not applicable.

1.8 ADC 11.090(4) states side yards of a lot shall run at right angles to the street the property faces. No changes are proposed to the perimeter lot line. This standard is not applicable.

1.9 ADC 11.090(5) lists dimensional requirements when street blocks are created as part of the land division. The proposed replat does not create any new streets or blocks. This standard is not applicable.

1.10 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. The subject property is connected to two public streets and an alley. This standard is met.

1.11 ADC 11.090(7) provides recommendations for the minimum distance between arterial street intersections. No new streets or intersections are proposed. Therefore, this standard is not applicable.

1.12 ADC 11.090(8) regards developments located on a cul-de-sac lot. The proposed lot does not utilize a cul-de-sac. Therefore, this standard is not applicable.

1.13 ADC 11.090(9) pertains to flag lots. No flag lot is proposed. Therefore, this standard is not applicable.

1.14 ADC 11.090(10) regards street intersections and minimum curb radius. No street intersections are created or impacted by the proposed replat. Therefore, this standard is not applicable.

Conclusions

1.1 The proposal meets the standards of the underlying zoning district.

1.2 The proposal meets all lot and block length standards.

1.3 This criterion is met 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 There is no other remainder of property under the same ownership to consider with this application.

Conclusions
2.1 The above 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. Adjoining lands currently have direct access to public streets. This standard is met.

3.2 ADC 12.060 requires development must have frontage on or approved access to a public street currently open to traffic. The subject property has access to a public street currently open to traffic. The proposed replat does not affect this street frontage. This standard is met.

Conclusions
3.1 The subject property and all the adjoining land have access to public streets.

3.2 This criterion is met without conditions.

Criterion 4
The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

Findings of Fact
4.1 The project is located on the southeast corner of 15th Avenue and Crittenden Street. The development will consolidate the site into one lot. No new lots are being created.

4.2 15th Avenue is classified as a local street and is constructed to partial width city standards. Curb, gutter, and sidewalk exist along the north side of the street. Pavement width is 28 feet and provides for a vehicle travel lane in each direction.

4.3 Crittenden Street is classified as a local street. No street improvements currently exist in the right of way and the road is not open to traffic.

4.4 The replat envisioned by this application will not result in a change in trip generation from the site.

4.5 Albany’s Transportation Systems Program (TSP) does not identify any safety or congestion issues adjacent to the site.

Conclusions
4.1 The proposed development will not result in creation of additional lots or an increase in the intensity of development that can occur on the site.
4.2 The replat envisioned by this application will not change the trip generation from the site.

4.3 Albany’s TSP does not identify any safety or congestion issues adjacent to the site.

**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 sewer main in 15th Avenue and an 8-inch main along the rear (south) lot line of the subject property. A previous dwelling on the site was served by the public sewer system.

**Water**

5.2 City utility maps show an 8-inch public water main in 15th Avenue. The subject property has never been connected to the City water system.

5.3 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. (Albany Municipal Code (AMC) 15.30.010).

5.4 If the water distribution facility is to be utilized pursuant to any activity involving a land division, the amount of the applicable connection charge shall be paid, in full, prior to the signing of the final plat. In all other cases, the connection charge shall be assessed and paid, in full, prior to the issuance of any building permit or encroachment permit authorizing construction on real property which will utilize or connect to any of the City facilities in AMC 15.30.010.

5.5 The proposed replat consolidation will not adversely impact public water service to the site.

**Storm Drainage**

5.6 City utility maps show a 24-inch public storm drainage main in 15th Avenue.

5.7 It is the property owner’s responsibility to ensure 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. 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 Public utilities (sanitary sewer, water, and storm drainage) are available to serve the proposed parcel.

5.2 A water connection charge will be due for the existing public water main in 15th Avenue along the frontage of the subject property.

**Conditions**

**Conditions 1** Before the City will sign the final replat, the applicant must pay a water connection charge.
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: Table 4-1 of the ADC shows the subject property is located within the City's Airport Horizontal Surface Overlay District. No development is proposed with this replat. This standard is not applicable to this application.

6.2 Article 6 Significant Natural Vegetation and Wildlife Habitat: Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat, does not show any areas of vegetation or wildlife habitat on the property.

6.3 Article 6: Floodplains: Comprehensive Plan Plate 5: Floodplains, FEMA/FIRM Community Panel No. 41043C0507G, dated September 29, 2010, shows a portion of this property is in Zone AE, an area determined to be within the 100-year floodplain. Approximately 156-square-feet of the northwest corner of the subject property is within the 100-year floodplain. The proposed replat will allow for more developable land outside of the floodplain. The applicant is proposing to develop a duplex outside of the 100-year floodplain.

6.4 Article 6: Wetlands: Comprehensive Plan Plate 6: Wetland Sites, does not show any wetlands on the subject property. The National Wetlands Inventory does not show any wetlands on the property.

6.5 Article 6: Topography: Comprehensive Plan, Plate 7: Slopes, does not show any steep slopes on this property.

6.6 Article 7: Historic and Archaeological Resources: Comprehensive Plan, Plate 9: Historic Districts, shows the property is not located in a historic district. There are no known archaeological sites on the property.

Conclusions

6.1 No development is proposed that would impact special purpose overlay districts.

6.2 This criterion is met without conditions.

Overall Conclusion

As proposed, the application for an adjustment to the infill setback requirements and tentative replat to remove interior platted lot lines satisfies all the applicable review criteria.

STAFF DECISION

APPROVAL with CONDITIONS of the Adjustment and Tentative Replat application. The approval is subject to the following conditions.

Conditions

Conditions 1 Before the City will sign the final replat, the applicant must pay a water connection charge.

Attachments

A. Location Map
B. Tentative Replat
C. Site Plan
D. Vicinity Map
E. Topography Map
F. Applicant's Findings
Acronyms
ADC  Albany Development Code
AD   Adjustment (File Designation)
AMC  Albany Municipal Code
FEMA Federal Emergency Management Agency
FIRM Flood Insurance Rate Map
LUBA Land Use Board of Appeals
RL   Replat (File Designation)
TSP  Transportation Systems Program
ADJUSTMENT APPLICATION & FINDINGS OF FACT

**GENERAL INFORMATION**

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<thead>
<tr>
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<tbody>
<tr>
<td>APPLICANT:</td>
<td>TJ Garber&lt;br&gt;4621 Granite Ave. NE&lt;br&gt;Albany, OR 97321&lt;br&gt;(541) 619-3110&lt;br&gt;<a href="mailto:tj@premierepropertygroup.com">tj@premierepropertygroup.com</a></td>
</tr>
<tr>
<td>PROPERTY OWNER:</td>
<td>Same as applicant</td>
</tr>
<tr>
<td>REPRESENTATIVE:</td>
<td>Udell Engineering and Land Surveying, LLC&lt;br&gt;Kyle Latimer&lt;br&gt;63 East Ash Street&lt;br&gt;Lebanon, OR 97355&lt;br&gt;(541) 451-5125&lt;br&gt;<a href="mailto:kyle@udelleng.com">kyle@udelleng.com</a></td>
</tr>
<tr>
<td>PROPERTY LOCATION:</td>
<td>2040 15th Avenue SW, Albany, OR 97321&lt;br&gt;South of 15th Avenue SW, East of Crittenden Street SW&lt;br&gt;Hazelwood Addition Lot 4 and portion of Lot3, Block 25&lt;br&gt;Linn County Tax Assessor’s Map No. 11S – 04W – 12CB&lt;br&gt;Tax Lot 8901</td>
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<td>COMP. PLAN:</td>
<td>Residential – Low Density</td>
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<td>ZONING:</td>
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Summary

An adjustment is proposed to adjust the home and garage setback standards found in ADC 8.140(2)(a)(b). The subject property is a proposed 8,000 square foot undeveloped lot located to the southeast of the 15th Avenue and Crittenden Street intersection within the RS-6.5 zoning district.

According to ADC 8.140, infill design standards apply to new single-family dwelling, two-family (duplex), and attached dwellings that are infill development. Infill development is described as development on land that is zoned for residential use where at least 75 percent of the abutting parcels have a dwelling (...). In this insistence, the only abutting parcel is 2020 15th Avenue SW, and it is developed with a single-family dwelling. Therefore, the site is subject to design standards.

The home and garage infill standards under ADC 8.140 require the home and garage to be no more than five feet closer to the street than the closest home, garage, or carport, and no more than five feet farther from the street than the farthest home, garage, or carport when compared with other homes, garage, and carports within 150 on either side of the lot.

The properties at 1940 15th Avenue SW and 2020 15th Avenue SW are the only developed sites within 150 feet of the subject property that are oriented to the same street as the proposed development. The single-family dwelling and detached garage developed at 2020 15th Avenue SW are estimated to be setback 19 feet and 51 feet, respectively. The single-family dwelling developed at 1940 15th Avenue SW is estimated to be 12 feet from the front property line.

In accordance with ADC 8.140(2)(a)(b), the setback to the front building façade is required to be 7 feet to 24 feet and the setback to the garage entrance is required to be 46 feet to 56 feet based on the existing development at 2020 15th Avenue and 1940 15th Avenue. The applicant proposed to construct a duplex with the front building façade approximately 27.5 feet from the front property line and the garage entrance approximately 31.5 feet from the front property line. The proposed setbacks are necessary to elongate the driveway to reduce the overall slope of the driveway approach and to avoid placing fill and grade in an identified 100-year flood plain near at the northwest portion of the site.

Adjustments are permitted to allow limited modifications to the application of numeric standards for unusual situations specific the site or for (...) infill development. In this case, an adjustment is requested to allow the front building facade to be up to 27.5 feet from the front property line and the garage entrance to be constructed up to 31.5 feet from the front property line. Adjustment review criteria contained in Albany Development Code (ADC) 2.080 are addressed below.

Analysis of Development Code Criteria

The ADC includes the following review criteria for an Adjustment (ADC 2.080), which must be met for these applications to be approved. Code criteria are written in bold followed by findings and conclusions.

Adjustment Review Criteria

Criterion 1

The adjustment is not requested to avoid a land use review process or increase density; AND

Findings of Fact

1.1 The subject property is situated within the Residential Single Family (RS-6.5) zone district. The RS-6.5 district is intended primarily for low-density urban single-family residential development.
1.2 The average minimum lot size in the RS-6.5 zone is 6,500 square feet for a single-family dwelling and 8,000 square feet for a duplex on corner lot. The minimum lot width and depth are 65 feet and 100 feet, respectively.

1.3 The subject property consists of Lot 4 and a portion of Lot 3, Block 25 of the Hazelwood Addition. The applicant has submitted a concurrent Tentative Re-plat application to consolidate these lots into one 8,000 square foot lot, that is 80-foot-wide and 100-foot-deep. Upon recordation of the final plat, the subject property will be conforming to the minimum lot standard for development of a single-family dwell or duplex.

1.4 Upon recordation of the final plat, the applicant intends to construct a duplex unit. According to ADC 3.050, the proposed use is an allowed outright (subject to applicable development code standards and building permit approval) in the RS-6.5 district on a corner lot that is at least 8,000 square feet.

Conclusions

1.1 The adjustment application is not requested to avoid a land use review or increase density; therefore, this criterion is met.

Criterion 2

The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND

Findings of Fact

2.1 A tentative re-plat application has been submitted to consolidate existing lots into one 8,000 square foot lot.

2.2 According to ADC 22.400, infill is described as follows: Development of land that has been bypassed, remained vacant, and/or underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, and streets and other public services are readily available.

2.3 The subject property is considered infill development according to the infill definition under ADC 22.400, as the unimproved site is proposed to be developed with a duplex that will be fully served by public services.

2.4 The subject property is a corner lot south of 15th Avenue, east of Crittenden Street, west of developed parcel known as 2020 15th Avenue SW, and north of an alley.

2.5 The applicant proposes to construct a duplex oriented towards 15th Avenue. The proposed orientation is based on the condition of the public right-of-way (i.e. 15th Avenue and Crittenden Street) along the frontage of the site. 15th Avenue is partially improved and allows for access whereas the other public rights-of-way (Crittenden Street and the alley) are unimproved and would likely require improvements for circulation and access.

2.6 The applicant proposed to place the front building facade and garage entrance approximately 27.5 and 31.5 feet from the front property line, respectively. The proposed setbacks are necessary to
reduce the slope of the driveway as well as to avoid fill and/or grade in an identified Special Flood Hazard Area.

2.7 The topography of the site is a fairly constant surface slope, except for the northwest portion of the site which has approximately four feet of downhill gradient from the east to west. Similarly, the topography of the unimproved area between the subject site's north property line the south edge of pavement along 15th Avenue continues being approximately five feet of downhill gradient from east to west.

2.8 As shown on FEMA/FIRM Community Panel No. 41043C0507G dated September 29, 2010, shows the majority of the subject property located outside Special Flood Hazard Area the exception of a small portion at northwest corner of the site.

Conclusions

2.1 The need for the adjustment is to allow infill development to occur on a site one acre or less.

2.2 Orientation of the proposed structure limited to 15th Avenue based as Crittenden Street along the frontage of the site is unimproved.

2.3 The proposed infill setback deviations are necessary to help avoid impacts such as fill and grade in the Special Flood Hazard Area and to decrease the slope of the driveway due to gradient changes at the northwest portion of the site.

2.4 This criterion is met.

Criterion 3

The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.

Findings of Fact

3.1 The RS-6.5 zone district is intended primarily for low-density urban single-family residential development. The average minimum lot size is 6,500.

3.2 The minimum front setback in the RS-6.5 zone is 15 feet to a building and 20-feet to a garage entrance. Certain project building features, such as porches are allowed up to five feet into the required front setback according to ADC 3.260(2). The RS-6.5 zone requires a minimum interior setback of five feet for single-story structures and 8 feet for two or more stories.

3.3 Infill design standards apply to new single-family dwelling, two-family (duplex), and attached dwellings that are infill development. Infill development is described as development on land that is zoned for residential use where at least 75 percent of the abutting parcels have a dwelling (...). In this case, the only abutting parcel is 2020 15th Avenue SW, and it is developed with a single-family dwelling. Therefore, the site is subject to design standards.

3.4 The home and garage infill setbacks required infill development to be no more than five feet closer to the street than the closest garage or carport, and no more than five feet farther from the street than the farthest home, garage, or carport when compared with other homes, garage, and carports within 150 on either side of the lot.
3.5 The properties at 1940 15th Avenue SW and 2020 15th Avenue SW are only developed site within 150 feet of the subject property that are oriented to the same street (i.e. 15th Avenue) as the proposed development. The single-family dwelling and detached garage developed at 2020 15th Avenue SW are estimated to be setback 19 feet and 51 feet, respectively. The single-family dwelling developed at 1940 15th Avenue SW is estimated to be 12 feet from the front property line. There is no garage or carport associated with the site at 1940 15th Avenue.

3.6 The properties at 1530 Crittenden Street, 2039 16th Avenue, and 2037 16th Avenue are also within 150 feet of the subject property and developed with single-family dwellings, but the orientation of this structures to different streets than the proposed development (i.e. Crittenden Street and 16th Avenue). The setbacks of structures at these locations are not applicable to this application as the purpose of this standard is to create uniform development pattern along the frontage of the block where development is proposed and the orientation of the these properties and this site are to different streets/blocks.

3.7 In accordance with ADC 8.140(2)(a)(b), the setback to the front building façade is required to be 7 feet to 24 feet and the setback to the garage entrance is required to be 46 feet to 56 feet based on the existing development at 2020 15th Avenue and 1940 15th Avenue.

3.8 The applicant proposed to construct a duplex with the front building façade approximately 27.5 feet from the front property line and the garage entrance approximately 31.5 feet from the front property line. The proposed setbacks are necessary to elongate the driveway to reduce the overall slope of the driveway approach and to avoid placing fill and grade in an identified 100-year flood plain near at the northwest portion of the site.

Conclusions
3.1 An adjustment is requested to allow the front building facade to be up to 27.5 feet from the front property line and the garage entrance to be constructed up to 31.5 feet from the front property line. These adjustments to the code standards are the minimum needed in order to avoid impacts such as fill and grade in the Special Flood Hazard Area and to decrease the slope of the driveway due to gradient changes at the northwest portion of the site.

3.2 The adjustment request is for the construction of low-density residential development, which is consistent with the purpose of the RS-6.5.

3.3 This criterion is met.

Overall Conclusion
As proposed and conditioned, the application for an Adjustment to the home and garage setback standards found in ADC 8.140(2)(a)(b) satisfies all applicable review criteria as outlined above.
Attachments

A. Tentative Replat Map, Sheet 1
B. Tentative Replat Map – Proposed Duplex, Sheet 2
C. Surrounding Development, Sheet 3

Acronyms

ADC: Albany Development Code
FEMA: Federal Emergency Management Agency
FIRM: Flood Insurance Rate Map
RS-6.5: Residential Single-Family Zoning District
TENTATIVE REPLAT
FOR
TJ Garber

LAND DIVISION – TENTATIVE REPLAT

APPLICANT: TJ Garber
4621 Granite Ave NE
Albany, OR 97321
541-619-3110
tj@premierepropertygroup.com

PROPERTY OWNERS: Same as applicant

ENGINEER/SURVEYOR: Udell Engineering and Land Surveying, LLC
Kyle Latimer
63 E. Ash St.
Lebanon, OR 97355
541-451-5125
kyle@udelleng.com

PROPERTY LOCATION: 2040 15th Ave SW Albany, Oregon 97321
Assessor’s Map 11S-04W-12CB, Tax lot 8901

Findings of fact:

Criterion 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.

Fact: There are no new lots or blocks being proposed with this tentative replat.

Conclusion: The proposed replat will consolidate lot 4 and a portion of lot 3, block 25, Hazelwood Addition into a single parcel as described in Linn County document deed no 2020-11573.
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?

**Fact:** the proposed is to replat lot 4 and a portion of lot 3 into a single parcel.

**Conclusion:** The proposed replat will be of 8,000 square feet per City of Albany zoning districts for RS-6.5 the minimum lot size is 6,500 square feet. There will be no remainder property to divided.

If yes, submit a separate expanded plat map, called an “Urban Conversion Plan,” that shows how the property can be further divided, and how access and utilities complying with the various regulations of the ADC can be provided. An Urban Conversion Plan is used only to evaluate the current request against the review criteria and does not convey any approval rights.

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.

**Fact:** The proposed replat is bound on the north and west by public streets and on the south by a 12 foot alley way. The neighbor property to the east has been already developed and has access on the north side from W. 15th Street.

**Conclusion:** Adjacent properties to the proposed replat have access to City of Albany public streets.

4. The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances. 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.

**Fact:** No street plans are being submitted with the proposed replat.

**Conclusion:** The proposed replat will have access on the north from W. 15th St. and public frontage on the west from Crittenden St.

5. The location and design allows for development to be conveniently served by various public utilities. 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?

**Fact:** An 8” water pipe, 6” to 8” sewer line, and a 10” storm line exist on the north side of the proposed replat on W. 15th St, there is also an 8” sewer line running east west on the south portion of the proposed replat.
Conclusion: Existing utilities will be available on the north side of the proposed replat as well as a sewer line which appears to already have service laterals installed to the property along the alley to the south.

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.

Fact: Proposed replat not in Airport Approach vicinity area, wetlands, or historic district. A 20' by 15' area at the northwest corner of the property is within the FEMA 1% return interval special flood hazard area; however this area is outside the proposed area of improvements and the ‘area to be improved’ is also located above the base flood elevation for that area. i.e. the FEMA map correctly shows the flood limits based on elevations.

Conclusion: The proposed replat of tax lot 8901, assessor’s map 11S04W12CB is not a part of the Airport Approach vicinity area, wetlands, or historic district special purpose districts per City of Albany ADC articles 4, 6, and 7. A small area at the northwest corner is within the FEMA defined floodplain, however this area is outside any proposed improvements.