

Community Development Department

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Albany, OR 97321

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STAFF REPORT

Application for Tentative Partition Plat Review Planning File PA-01-18

SUMMARY

The application is for a tentative plat to divide one parcel of land into two parcels as presented in Attachment B. Parcel 1 will contain an existing single-family home. Parcel 2 will be vacant and could eventually be developed with a single-family home.

Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development.

As proposed and conditioned, the application for a tentative plat for a two-lot partition meets the land division review criteria as outlined in this report.

GENERAL INFORMATION

DATE OF REPORT:	March 7, 2018
FILE:	PA-01-18
TYPE OF APPLICATION:	Land Division Tentative Plat to create a Two-Lot Partition.
REVIEW BODY:	Staff (Type I-L process)
PROPERTY OWNER:	Fred Molodih; 360 Cindy Lane; Mt. Angel, OR 97362
APPLICANT:	TS West LLC; P.O. Box 436; Mt. Angel, OR 97362
SURVEYOR/ENGINEER:	Jason Cota; K&D Engineering Inc.; 276 Hickory Street NW; Albany, OR 97321
ADDRESS/LOCATION:	2618 Geary Street SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-17BC Tax Lot 00800
ZONING DISTRICTS:	RS-6.5 - Residential Single-Family
COMPREHENSIVE PLAN DESIGNATION:	Residential – Low Density
LAND AREA:	14,000 square feet
EXISTING LAND USE:	Single-Family Dwelling
SURROUNDING ZONING:	North: RS-6.5 - Residential Single-Family South: RS-6.5 - Residential Single-Family East: NC, Neighborhood Commercial West: RS-6.5 - Residential Single-Family
SURROUNDING USES:	North: Single-family residential South: Single-family residential East: Single-family residential West: Single-family and multi-family residential

STAFF DECISION

The subject application referenced above is **APPROVED with CONDITIONS** as described in this staff report.

NOTICE INFORMATION

A Notice of Filing for this application was mailed on February 5, 2018, to owners of property located within 100 feet of the subject property. At the time the comment period ended on February 19, 2018, one property owner submitted comments.

PUBLIC COMMENTS: Public comments included concern about the existing house being on well and septic, noting the soil on the lot does not percolate well, and requested the current and any new house be required to connect to water and sewer. The second concern raised is the two-house configuration would not fit the character of the neighborhood.

STAFF RESPONSE: According to City records and findings 5.1 through 5.9 in this analysis, the existing house is connected to the public sewer system but not to city water. A new house on proposed Parcel 2 would be required to connect to both city water and sewer. Regarding neighborhood character, no other properties of similar size have partitioned the back portion of their lots; however, the proposed development meets the zoning district minimum lot sizes and there is room to meet building setbacks and other applicable development standards.

STAFF ANALYSIS

Tentative Partition Plat Review, File PA-01-18

The Albany Development Code (ADC) includes the following review criteria for a land division, which must be met for the 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)

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 application is for a tentative plat for a two-lot partition. As presented in Attachment B, Parcel 1 is proposed to retain an existing single-family home; Parcel 2 is proposed to be located behind proposed Parcel 1.
- 1.2 **Minimum Lot Size.** The proposed partition is in the RS-6.5 Residential Single-Family zoning district. The minimum average lot size for single-family detached homes in the RS-6.5 zone is 6,500 square feet.
- 1.3 Parcel 1 is proposed to retain an existing single-family home on a 6,507 square foot lot, which meets the lot size standard for a single-family home. Parcel 2 is proposed to be 7,278 square feet, which meets the lot size standard for single-family development.
- 1.4 **Minimum Lot Dimensions.** The minimum dimension for parcels in the RS-6.5 zone is 50 feet wide and 80 feet in depth.
- 1.5 Parcel 1 is proposed to be 78 feet wide and approximately 81 feet deep. Parcel 2 is proposed to be 50 feet wide and 100 feet deep. Both parcels, as proposed, meet the minimum dimensional standards for the RS-6.5 zone.
- 1.6 **Other Applicable Development Standards.** At the time of building permit, the minimum setbacks, maximum lot coverage, and maximum height standards will be applied to ensure the construction of new dwellings meet all other applicable development standards of the RS-6.5 zone.

The **applicable** Lot and Block Arrangement standards in ADC 11.190 provided below must be met for the application to be approved.

Lot and Block Arrangements: In any single-family residential land division, lots and blocks shall conform to the following standards in this Article and other applicable provisions of this Code:

(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

1.7 The proposal creates one new parcel; however, no new streets and blocks are created with this proposal. Both parcels have frontage on a public street right-of-way.

1.8 As noted in findings 1.1 through 1.6, the proposed lots comply with the minimum requirements of the underlying zoning district; those findings are included here by reference. The house on Parcel 1 will remain. The dimensions of Parcel 2 (54.7 feet by 100 feet) provide an adequate building envelope for a dwelling; therefore, there will be no foreseeable difficulties in obtaining building permits on the new parcel. This criterion is met.

(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 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

1.9 The proposed lots meet the minimum lot standards for the underlying zoning district as noted in finding 1.3.

1.10 Neither of the proposed lots are more than double the minimum lot area of the RS-6.5 zoning district.

1.11 This criterion is met.

(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.

FINDING OF FACT

1.12 The side yards for proposed Parcel 1 run at a right angle to the public street. Parcel 2 is a “flag lot” configuration, so the side yards do not abut the public street. This criterion is met.

(9) Flag lots are allowed only when necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street is determined by the City Engineer to be 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.

FINDING OF FACT

1.13 The proposed partition will create one flag lot, Parcel 2, to provide access to the proposed buildable area behind Parcel 1.

CRITERION 1 CONCLUSIONS

1.1 The proposal meets the minimum lot area and lot dimension standard of the underlying zoning district.

1.2 The proposal meets all applicable lot and block standards in ADC 11.090.

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 The subject property at 2618 Geary Street SE is owned by TS West LLC in its entirety.

2.2 The proposed two-lot partition will create one new lot from a parent parcel that will retain an existing single-family dwelling as illustrated in Attachment B.

- 2.3 The proposed partition will not leave any remaining property under the same ownership to consider with this application.

CRITERION 2 CONCLUSIONS

- 2.1 The site is currently owned by a single property owner. There is no remaining property under the same ownership to consider with this application.
- 2.2 This criterion is met without conditions.

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 The subject property has frontage on Geary Street.
- 3.4 Adjoining properties have access to Geary Street, and the proposed partition will not remove that access.

CRITERION 3 CONCLUSIONS

- 3.1 Adjoining lands currently have direct access to public streets and the proposed partition will not impact that access.
- 3.2 Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- 3.3 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 proposed partition would divide one parcel of land into two parcels. Parcel 1 contains an existing single-family house. Parcel 2 will be vacant and could eventually be developed with a single-family house.
- 4.2 The proposed partition is located on the west side of Geary Street in the middle of a block, between 24th and 28th Avenues, at 2618 Geary Street SE.
- 4.3 Geary Street is classified as a minor arterial and, with the exception of sidewalk, is constructed to City standards. The right of way width is 63 feet. The curb to curb width is 49 feet and provides for: a travel lane in each direction; a center two-way left turn lane; bike lanes; and on street parking along the west side of the street.
- 4.4 The Geary Street right-of-way line along the frontage of the site is six feet behind the face of curb. The standard width for curbside public sidewalk along arterial streets is seven feet, with the back of the walk being located six inches from the right of way line.
- 4.5 Section 12.290 of the Development Code requires that new development include the installation of sidewalk along public street frontages. The vacant parcel being created with this partition can be developed in the future with a single-family dwelling. The Institute of Transportation Engineers (ITE) estimates that the average single-family home generates 9.57 vehicle trips per day and one trip during the PM peak traffic hour.
- 4.6 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

CRITERION 4 CONCLUSIONS

- 4.1 With the exception of sidewalk, the development's frontage on Geary Street is constructed to city standards.
- 4.2 The proposed partition will ultimately result in approximately 10 new vehicle trips per day and one p.m. peak hour trip on the public street system.
- 4.3 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.4 Insufficient right-of-way currently exists along the frontage of the site to install public sidewalk to City standards. The applicant has proposed right-of-way dedication sufficient to accommodate sidewalk installation.
- 4.5 This criterion can be met with the following conditions.

CONDITIONS OF APPROVAL

- Condition 1:** Prior to recording the partition plat, the applicant shall construct or financially assure the construction of public sidewalk to City standards across the development frontage on Geary Street.
- Condition 2:** Prior to or with the recording of the partition plat, the applicant shall dedicate right-of-way along the site's frontage on Geary Street for installation of public sidewalk to City standards. Dedication may be as shown on the tentative plat map or there may be dedication of two feet of right-of-way together with a four-foot public sidewalk easement.

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 eight-inch public sanitary sewer main in Geary Street along the subject property's frontage. The existing house on the site is currently connected to the public sewer system.
- 5.2 ADC 12.470 requires that all new development extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 5.3 The Albany Municipal Code (AMC) Title 10.01.010 (1) states that the objective of the AMC 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 Future development on the proposed new Parcel 2 must be connected to the public sanitary sewer system.

Water

- 5.5 City utility maps show a 12-inch public water main in Geary Street along the subject property's frontage. The existing house on the site is not connected to the public water system but is served by a private well.
- 5.6 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.
- 5.7 Future development on the proposed new parcel (Parcel 2) must be connected to the public water system.
- 5.8 The applicant is proposing to utilize an existing water service for the new parcel. A private utility easement is proposed for the section of private water line serving Parcel 2 that will cross over a portion of Parcel 1.
- 5.9 Because the parent parcel has never been connected to the public water system, a water connection charge will be due for the existing public water main in Geary Street. This charge is due before the City will approve the final partition plat.

Storm Drainage

- 5.10 City utility maps show a 24-inch public storm drainage main along the subject property's frontage.

- 5.11 ADC 12.530 says the review body will approve a development request only where adequate provisions for storm and flood water runoff have been made, as determined by the City Engineer.
- 5.12 Single-family homes typically have their roof drains connected to weep holes in the adjacent curb to discharge storm water to the gutter. It is unknown if the roof drains from a future house built on Parcel 2 can be connected to the curb in Geary Street. Upon obtaining building permits for future development on Parcel 2, the applicant must show how roof drainage will be collected and discharged to a location approved by the City Engineer and/or Building Official.

CRITERION 5 CONCLUSIONS

- 5.1 The existing house on the site is currently served by public sanitary sewer.
- 5.2 The existing house on the site is not connected to public water but is served by a private well.
- 5.3 Future development on Parcel 2 must be connected to the public sanitary sewer and water systems at the time of development (building permit for single-family house).
- 5.4 At the time of development of the new lot (Parcel 2), the applicant must show how storm water runoff from the new house will be collected and routed to a location approved by the City Engineer and/or Building Official.
- 5.5 Some private plumbing for Parcel 2 may cross a portion of Parcel 1. The applicant is proposing to provide a private utility easement over a portion of Parcel 1 for the benefit of Parcel 2.
- 5.6 This review criterion can be satisfied with the following condition.

CONDITON OF APPROVAL

- Condition 3:** Before the City will approve the final partition plat, a water connection charge will be due for the existing public water main in Geary Street.
- Condition 4:** A private utility easement for plumbing shall be provided on the final plat over a portion of Parcel 1 for the benefit of Parcel 2.

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 (ADC Figure 4-1): The subject property is located outside the boundaries of the Airport Approach District.
- 6.2 Article 6 Steep Slopes, Comprehensive Plan Plate 7: According to Plate 7, there are no areas of steep slopes on the subject property. The property is flat.
- 6.3 Article 6 Floodplains, Comprehensive Plan Plate 5: The applicable Flood Insurance Rate Map (FIRM) for the subject site is map #41043C0527G, dated September 29, 2010. Based on this FIRM, the subject property is located out of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.4 Article 6 Wetlands, Comprehensive Plan Plate 6: Comprehensive Plan Plate 6 and the Local Wetland Inventory do not show any wetlands on the subject property.
- 6.5 Article 7 Historic Districts, Comprehensive Plan Plate 9: The subject property is not located in a historic district.

CRITERION 6 CONCLUSIONS

- 6.1 The subject property is not located in any special purpose district.
- 6.2 This criterion is met without conditions.

OVERALL CONCLUSIONS

The application is for a tentative plat for a two-lot partition. As presented in Attachment B, Parcel 1 is proposed to retain an existing single-family home; Parcel 2 is proposed to be located behind proposed Parcel 1. The proposed development meets the land division review criteria as outlined in this report, with the following conditions of approval:

- Condition 1:** Prior to recording the partition plat, the applicant shall construct or financially assure the construction of public sidewalk to City standards across the development frontage on Geary Street.
- Condition 2:** Prior to or with the recording of the partition plat, the applicant shall dedicate right-of-way along the site's frontage on Geary Street for installation of public sidewalk to City standards. Dedication may be as shown on the tentative plat map or there may be dedication of two feet of right-of-way together with a four-foot public sidewalk easement.
- Condition 3:** Before the City will approve the final partition plat, a water connection charge will be due for the existing public water main in Geary Street.
- Condition 4:** A private utility easement for plumbing shall be provided on the final plat over a portion of Parcel 1 for the benefit of Parcel 2.

ATTACHMENTS

- A. Applicant's Findings Narrative
- B. Proposed Tentative Partition Plat

K & D ENGINEERING, Inc.

*Engineers • Planners • Surveyors*Review Criteria / Written Response

Partition Application

for

TS West LLC

located at

2618 Geary St., Albany, OR 97322

Tax Lot 800 (Map 11S-3W-17BC)

Project Overview:

The Applicant proposes a Partition Plat to divide tax lot 800 of Assessor map 10S-3W-17BC into 2 Parcels. The property currently has a single family residence that is served by city sewer and water is provided by a private well. The Applicant proposed to create a new parcel over the westerly portion of the property. This is an infill type development.

Review Criteria:

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

Response:

The applicant requests a two parcel partition of an existing lot located in a RS-6.5 zone. The proposed parcels exceed the 6,500 sf minimum size. The existing residence located on proposed Parcel 1 meets the minimum set back standards as show on the tentative map.

Conclusion:

The proposed partition meets the development standards for a RS-10 zone.

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

Response:

The applicant requests a two parcel partition. The proposed easterly parcel contains an existing residence. The proposed westerly parcel will be developed as a residential property. The area of the parent

lot is 14,000. Lot size minimums limit the number of potential parcels to two.

Conclusion:

The proposed Partition will fully develop the subject property. There is no remainder.

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

Response:

The adjoining properties to the north, south and east have road access to Geary St. The adjoining properties to the west have road access to Pine Ln.

Conclusion:

The proposed Partition is an infill development within an existing residential area and will not adversely affect development and access of adjoining land.

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

Response:

No public streets are planned or required for the proposed partition. The parcel with the existing residence will continue to use the existing driveway. The undeveloped parcel is a flag lot, the pole portion of the parcel is 22 foot wide with access to Geary St. The existing face of curd along Geary street is about six feet from the property line. The Applicant is proposing the dedicate right-of-way to accommodate future curb side sidewalk and driveway approaches.

Conclusion:

The proposed Partition is an infill development within an existing residential area, no street plan is proposed for this development. The applicant is proposing to dedicate right-of-way for the construction of sidewalks and driveways.

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

Response:

Water and Sewer main lines are located in Geary St. The existing residence located on the proposed easterly parcel is already served with public sewer and water is provided by a private well, the applicant intends to continue to use the well as the water source for the residence and does not plan to connect the existing residence to City water. The proposed parcel will utilize the existing water lateral and meter box as shown on the tentative plat. A new sewer later will need to be constructed to serve the westerly parcel. The applicant plans on constructing the sewer lat when building permits are pulled after the completion of this partition.

Conclusion:

Sewer and water mains are located in Geary St. The existing residence is already connected to City sewer and will continue to use the private well for water. The new parcel will utilize the existing water lateral and hook up to the existing sewer main when building permits are pulled.

6. *Activities and developments within special purpose districts must comply with the regulations described in Article 4.*

Response:

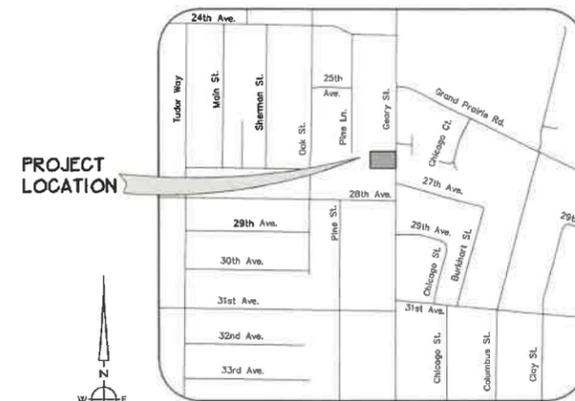
The subject property is not located within any of the listed special purpose districts.

Conclusion: Addressing this Criterion is not applicable.

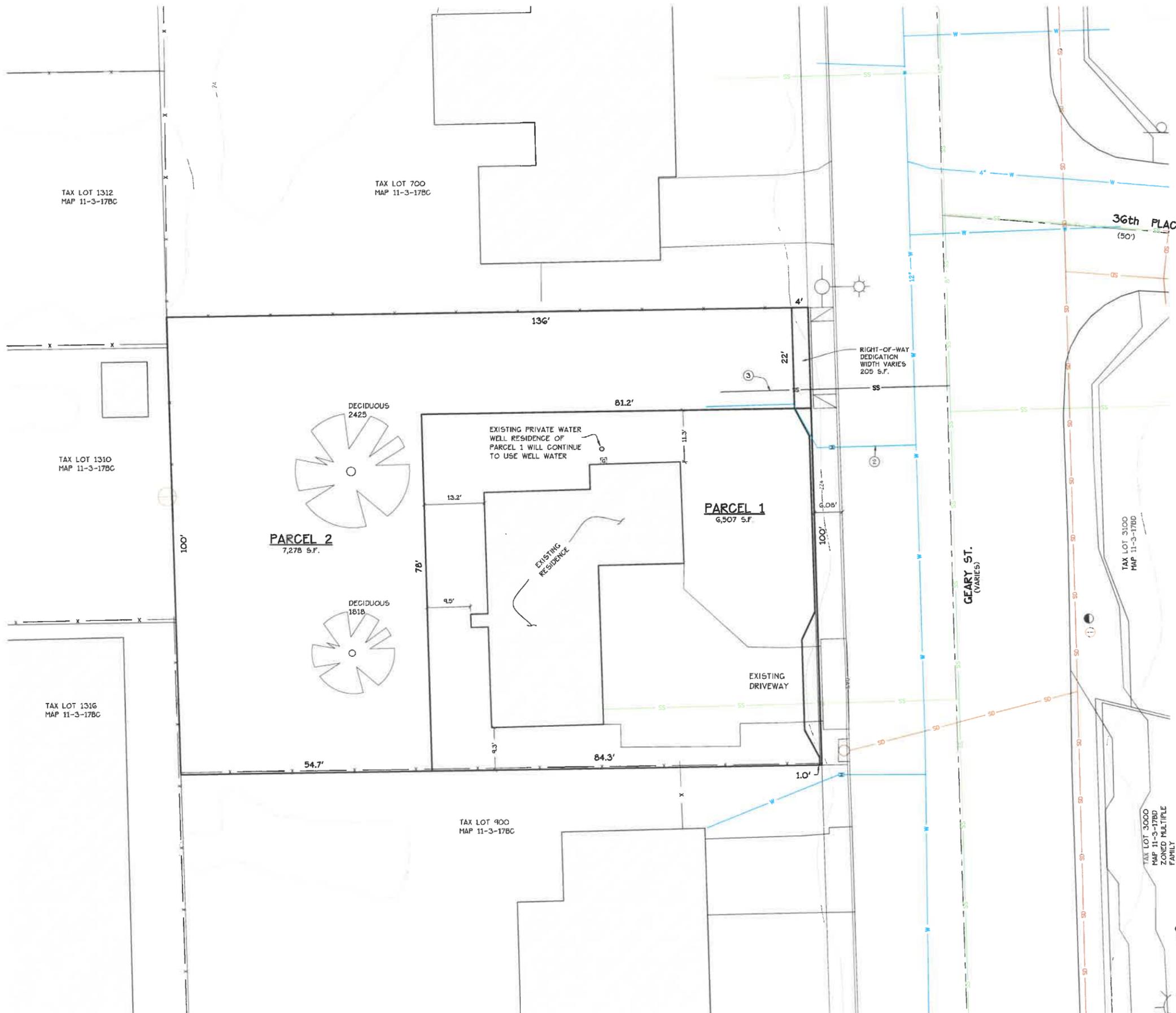
**TENTATIVE REPLAT MAP
FOR
TS WEST LLC
LOCATED IN**

TAX LOT 800 OF MAP 115-3W-17BC
NW 1/4 SEC 17, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

DECEMBER 27, 2017



VICINITY MAP:
NOT TO SCALE



ENGINEER/SURVEYOR:

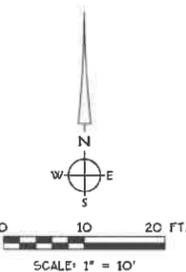
K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OREGON 97321
(541) 928-2583

OWNER ADDRESS:

TS WEST LLC
P.O. BOX 436
MT. ANGEL, OREGON 97362

LEGEND:

- WATER LINE
- SEWER LINE
- STORM DRAIN LINE
- CONTOUR LINE
- FENCE
- HEDGE
- TREE TRUNK/DRIPLINE



Date: 1/3/2018 Time: 10:33
Scale: 1"=10'(P5)
File: dwg\2017\17-189\17-189_tpp.dwg (George)

PROJECT STATISTICS:

- TOTAL PROJECT AREA = 14,000 S.F.
- PROPOSED PARCEL 1 = 6,545 S.F.
- PROPOSED PARCEL 2 = 7,282 S.F.
- PROPOSED RIGHT-OF-WAY DEDICATION = 173 S.F.
- TOTAL NUMBER OF PARCELS = 2
- ZONING TO THE NORTH, WEST AND SOUTH IS R5 G.5 (RESIDENTIAL LOW DENSITY)
- ZONING TO THE EAST IS NC (NEIGHBORHOOD COMMERCIAL) AND RM (RESIDENTIAL MULTIPLE FAMILY)

PARTITIONING:

TAX LOT:
TAX LOT: 800
ASSESSOR'S MAP: 115-3W-17BC

ZONING:
R5-G.5 (RESIDENTIAL SINGLE FAMILY)

CURRENT USE:

EXISTING RESIDENCE

SITE ADDRESS:

2618 GEARY STREET SE
ALBANY, OREGON 97322

NOTES:

- 1 BASIS OF CONTOURS IS LINN COUNTY GIS DATA.
- 2 EXISTING WATER LATERAL AND METER BOX; WILL SERVE PARCEL 2
- 3 PROPOSED NEW 4" SEWER LATERAL TO BE CONSTRUCTED WHEN THE HOUSE ON PARCEL 2 IS BUILT

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