



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Land Division – Tentative Partition Plat

PA-01-19

March 27, 2019

Application Information

Proposal:	Partition existing lot into two lots.
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	Jacob Martin; 7247 Park Terrace Drive NE, Keizer, OR 97303
Address/Location	2015 Jackson Street SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-07DC; Tax Lot 3300
Zoning:	Residential Medium (RM) Density
Existing Land Use:	Single-family residence
Neighborhood:	Sunrise
Surrounding Zoning:	North: Residential Medium Density (RM) East: Residential Medium Density (RM) South Residential Medium Density (RM) West Residential Single Family (RS-6.5)
Surrounding Uses:	North: Single Family East: Multi-Family South Single Family West Single Family
Prior History:	LA-12-02

Summary

A Tentative Partition Plat is proposed for the property located at 2015 Jackson Street SE (Attachment A). The subject property is currently developed with a single-family residence and associated accessory structure (i.e. garage). As shown in Attachment B.2, the proposal is to divide the .23-acre parcel into two parcels, one containing the existing structures and the other to remain vacant. As proposed, Parcel 1 has a total lot area of 4,835 square feet. Parcel 2 has a total lot area of 5,023 square feet.

Land Division criteria contained in Albany Development Code (ADC) 11.180 and 11.090 are addressed in this report. The criteria must be met to grant approval of the application.



Staff Decision

The Tentative Replat application is Approved with Conditions.

Appeal of the Decision: The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files with LUBA a Notice of Intent to Appeal not later than 21 days after the Director's Notice of Decision is mailed.

Notice Information

A Notice of Filing was mailed to property owners identified within 100 feet of the subject properties on February 4, 2019. At the time the comment period ended on February 19, 2018, one property owner had submitted comments.

PUBLIC COMMENTS: Public comments included concern that the lot is too small for another house and that there is not enough on-street parking to accommodate the additional residence, particularly given that Jackson Street does not have a sidewalk at this location or curb and gutter.

STAFF RESPONSE: The proposed lots meet the minimum lot size for a single-family residence or duplex in the Residential Medium (RM) zoning district. Additionally, Condition of Approval #2 requires the applicant improve the street with curb and gutter along the frontage of the properties, which will provide space for on-street parking. Furthermore, per ADC 9.020, Table 9-1, a single-family residence requires two off-street parking spaces and a duplex requires four off-street parking spaces. Findings related to lot size can be found under Criterion 1. Findings related to street and sidewalk improvements can be found under Criterion 4.

Analysis of Development Code Criteria

Section 11.180 of the Albany Development Code (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

- 1.1 The subject lot is located in the Residential Medium Density (RM) zoning district. The RM district is intended primarily for medium- to high-density urban residential development. Development may not exceed 25 units per gross acre.
- 1.2 The proposed partition will result in two lots (Attachment B.2). Parcel 2 will contain the existing residence. Development of Parcel 1 is not proposed with this application.
- 1.3 The minimum lot width for the RM zone is 30 feet for detached units and 20 feet for attached units. The minimum lot depth is 60 feet. Parcel 1 has a minimum width of 46.04 feet and a minimum depth of 105 feet. Parcel 2 has a width of 47.85 feet and a minimum depth of 104.96 feet. Therefore, as proposed both lots meet the minimum lot width and depth requirements.

- 1.4 The minimum lot area in the RM zone for a single-family detached structure is 3,500 square feet. The minimum lot area for a duplex is 4,800 square feet. As proposed, Parcel 1 has a total lot size 4,835 square feet. Parcel 2 has a total lot size of 5,023 square feet. Therefore, as proposed both lots meet the minimum lot size for a single-family or duplex unit.
- 1.5 The minimum front setback in the RM zone is 15 feet. The existing house on Parcel 2 is setback approximately 25 feet from the front lot line and therefore meets the minimum front setback. Future development of Parcel 1 shall comply with the zoning standards in place at that time.
- 1.6 The RM zone requires a minimum interior setback of 3 feet for single-story structures and a minimum of 5 feet for two or more stories. The existing building on Parcel 2 is 1.5 stories, with a dormer window located on the north side of the house. Because the upper floor contains windows, a 5-foot interior setback is required. The existing residence is approximately 7.5 feet from the south interior property line, 18 feet from the east interior property line, and 5 feet from the interior property line to the north that will be created through the partition. Therefore, Parcel 2 meets the interior setback requirements of the RM zoning district.
- 1.7 ADC 3.260 (2) allows projecting building features, including bay windows, to encroach into the interior setback up to 2 feet. The existing residence has a bay window on the north side of the building that encroaches 2.2 feet into the required 5-foot interior setback. Because the bay window is located on the first floor the single-story interior setback of 3 feet will be used, which allows the bay window to be as close as 1 foot from the interior lot line. As proposed, the bay window is 2.8 feet from the interior lot line and therefore meets the setback standard.
- 1.8 The Oregon Residential Specialty Code requires a minimum of 3 feet of separation between residential structures and property lines. As proposed, the bay window will be 2.8 feet from the property line. Either the property line would need to be adjusted so that the building is no closer than 3-feet to the property line or the window opening would not be allowed. Additionally, the wall and roof overhang will need to be protected as required in Table R302.1, when either is within 3 feet of the property line.
- 1.9 Maximum lot coverage in the RM zone is 70 percent. According to Linn County records, the footprint of the existing residence and associated garage on Parcel 2 totals 1,068 square feet. The proposed lot is 5,023 square feet. Therefore, lot coverage is approximately 21%, well below maximum threshold.
- 1.10 Lot and block standards of ADC 11.090 are listed below, along with findings related to each standard.
- 1.11 ADC 11.090(1) states that “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.” The properties are mostly flat and do not contain other environmental impediments that would create difficulties in securing building permits.
- 1.12 ADC 11.090(2) states that “lot dimensions must comply with the minimum standards of this Code. When lots are more than double the minimum area designated by the zoning district, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat.” As discussed above, the proposed lot dimensions comply

with the minimum standards of this Code. Likewise, the proposed lots are less than double the minimum lot area of the RM zoning district. Therefore, an urban conversion plan is not required.

- 1.13 ADC 11.090(4) states that side yards of a lot shall run at right angles to the street the property faces. As proposed, the side yards of both lots run at a right angle to Jackson Street. Therefore, this criterion is met.
- 1.14 ADC 11.090(5) relates to block dimensions associated with the construction of new streets. The partition will result in two lots that utilize an existing street. Likewise, the partition will not alter the existing block dimension. Therefore, this criterion is not applicable.
- 1.15 ADC 11.090(6) relates to pedestrian and bicycle access where a public street connection is not feasible. Both parcels will be connected to a public street. Therefore, this criterion is not applicable.
- 1.16 ADC 11.090(7) relates to the minimum distance between arterial street intersections. The proposed partition will not result in new streets, including arterial streets. Therefore, this criterion is not applicable.
- 1.17 ADC 11.090(8) relates to street frontage along a cul-de-sac. Neither parcel has frontage along a cul-de-sac. Therefore, this criterion is not applicable.
- 1.18 ADC 11.090(9) relates to flag lots. The proposed partition will not result in flag lots. Therefore, this criterion is not applicable.
- 1.19 ADC 11.090(10) relates to street intersections. Neither parcel is located at a street intersection. Therefore, this criterion is not applicable.

Conclusions

- 1.1 Parcel 1 meets the development standards and the lot and block standards of the RM zoning district.
- 1.2 Parcel 2 meets the development standards and the lot and block standards of the RM zoning district.
- 1.3 This criterion is met as conditioned.

Conditions

- Condition 1 Before the City will approve the final partition plat, the applicant shall either adjust the property line to allow 3 feet between the bay window and roof overhang to the north property line or apply for a building permit to meet the separation requirements of the Oregon Residential Specialty Code.

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 proposed partition will result in two lots, one of which will be vacant. Development of the vacant lot (Parcel 1) is not proposed at this time.
- 2.2 Parcel 1 will be served by the existing road and therefore is not a landlocked parcel.

- 2.3 Parcel 1 has access to all utilities.
- 2.4 Parcel 1 meets the dimensional requirements of the underlying zoning district.

Conclusions

- 2.1 Development of the remainder of land (Parcel 1) can be accomplished in accordance with this code.
- 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 proposed partition does not affect access to surrounding land. All adjoining lands have direct access by frontage along public streets.
- 3.4 The proposed lots both have access to a public street currently open to traffic. The proposed partition and resultant lot configurations will not impede access to the existing public street.

Conclusions

- 3.1 All adjoining lands have access to public streets.
- 3.2 The proposed partition will result in lots that have access to a public street currently open to traffic.
- 3.3 This criterion is satisfied without condition.

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 east side of Jackson Street, which is classified as a local street.
- 4.2 The portion of Jackson Street along the subject properties is not improved with curb or gutter. ADC 12.060 requires that new development improve all public street frontages to city standards.
- 4.3 ADC 12.290 requires that public sidewalk be installed along the public street frontage of all new development. The portion of Jackson Street along the subject properties is not improved with sidewalk.
- 4.4 Albany's Transportation System Plan (TSP) does not identify any capacity problems adjacent to the development. No new street plan is being proposed.

- 4.5 The applicant did not provide a trip generation report. Albany's Traffic Impact Study Guidelines do not require submittal of traffic information when a development is projected to generate fewer than 50 peak hour trips.
- 4.6 The development will result in the creation of one vacant lot. That lot can be developed with a single-family home or duplex. Based on ITE trip generation rates, a duplex generates approximately 20 new vehicle trips per day, and two new trips during the peak PM traffic hour.

Conclusions

- 4.1 Both lots will be served by the existing street and new streets are not proposed.
- 4.2 Because the proposed development will generate less than 50 peak hour vehicle trips, a traffic generation study is not required.
- 4.3 In order to comply with ADC 12.060, Jackson Street must be improved with curb and gutter along the frontage of the subject properties.
- 4.4 In order to comply with ADC 12.290, public sidewalk will need to be installed along the development's frontage on Jackson Street.
- 4.5 Because Albany's TSP does not identify any capacity issues occurring adjacent to the development, the transportation system can accommodate the development.

Conditions

- Condition 2: Before the City will approve the final partition plat, the applicant shall install curb and gutter along the development's frontage on Jackson Street together with new pavement between the new curb and gutter and the existing edge of pavement. The face of the curb shall be located 18 feet east of the centerline of Jackson Street.
- Condition 3: Before the City will approve the final partition plat, the applicant shall install sidewalk along the Jackson Street frontage of Parcel 2. Sidewalk construction along the frontage of Parcel 1 can be deferred to the parcel's development.

Criterion 5

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

Findings of Fact and Conclusions

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main in Jackson Street and an 8-inch main along the rear (east) lot line of the subject property. The existing house on the property is currently connected to the public sewer system. The main along the rear lot line is covered by a public utility easement.
- 5.2 AMC 10.01.010 (1) states that the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.

- 5.3 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.
- 5.4 No sewer service lateral currently exists for the proposed new lot, so the developer of the lot must install a new sewer service lateral at the time of development.

Water

- 5.5 City utility maps show an 8-inch public water main in Jackson Street along the frontage of the subject property. The existing house on the property has never been 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 The applicant is proposing to abandon the existing well on the site and connect the existing house to the public water system. A water service exists along the frontage of the subject property to be used by the existing house. A new water service will be required to serve the proposed new lot and must be installed at the time of development of the new lot.
- 5.8 AMC 15.30.010 states that a connection charge shall be due and payable when any person, corporation, or legal entity, connects to or accesses the City's sanitary sewers, water distribution facilities, storm drains, and/or improved streets, 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 sanitary sewer, water distribution facility, storm drain, and/or improved street has not been paid by the property owner or predecessor thereof.
- 5.9 AMC 15.30.020 states that if the sanitary sewer, water distribution facility, storm drain, and/or improved street 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. (Ord. 5565 § 4, 2003).

Storm Drainage

- 5.10 City utility maps show a 10-inch public storm drainage main in Jackson Street. Jackson Street is not developed to city standards as it lacks curb and gutter for storm water runoff and no ditches exist along the street.
- 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.
- 5.12 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official.
- 5.13 Typically, single family houses discharge the roof drainage through weep holes in the curb adjacent to the property. As part of the required street improvements the applicant must provide for storm water runoff. The storm drainage improvements are likely to consist of a curb inlet catch basin at the low

end of the street improvements that is connected to the existing public storm drainage main in Jackson Street.

- 5.14 After street improvements are made (including storm drainage facilities) the undeveloped parcel will be able to connect roof drainage to the curb at the time of development.

Conclusions

- 5.1 Development on the proposed new lot must be connected to the public sanitary sewer system. A sewer service lateral must be installed by the developer at the time of development. A sewer system development charge will be due at the time of building permit issuance for development of the new lot.
- 5.2 Because the subject property has never been connected to the public water system and has never paid a connection charge for the existing public water facilities adjacent to the site, a water connection charge will be due before the final partition plat will be signed by the City.
- 5.3 The applicant is proposing to abandon the existing well and connect the existing house to city water. The water connection charge and system development charge will be due with the building permit to make this connection.
- 5.4 Development on the proposed new lot must be connected to the public water system. The developer of the new lot must obtain a permit to have a new water service installed at the time of development of the new lot. A water system development charge for this new service will be due at the time of permit issuance.
- 5.5 Partial street improvements will be required along the property's Jackson Street frontage. The street improvements must include public storm drainage facilities as needed to collect storm water runoff from the street and adjacent properties.
- 5.6 After street improvements are made (including storm drainage facilities) the undeveloped parcel will be able to connect roof drainage to the curb at the time of development.
- 5.7 The installation of new water, sewer, and storm drainage connections for development of the proposed new lot are not required until development of the lot occurs.

Conditions

- Condition 4 Before the City will approve the final partition plat, the applicant must pay a water connection charge for the subject property.
- Condition 5 Before the City will approve the final partition plat, the applicant must abandon the existing well on the site, connect the existing house to the public water system, and pay the required system development charge for the new connection.

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 and Conclusions

- 6.1 *Article 4, Airport Approach District:* Figure 4-1 of the Albany Development Code shows that the subject property is not located within the Airport Approach District.
- 6.2 *Article 6, Steep Slopes:* Plate 7 of the Comprehensive Plan shows that the subject property is not located in the Hillside Development District.
- 6.3 *Article 6, Floodplains:* Plate 5 of the Comprehensive Plan does not show this property in a 100-year floodplain. FEMA/FIRM Community Panel No. 41043C0526, dated August 29, 2010, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain. There are no other special features of this site to consider with this partition application.
- 6.4 *Article 6, Wetlands:* The Local Wetlands Inventory shows no wetlands on this site. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map does not show wetlands on the property.
- 6.5 *Article 7 Historic Districts:* Plate 9 of the Comprehensive Plan confirms that none of the lots are located in a historic district. There are no known archaeological sites on the property.

Overall Conclusion

As proposed, the application for a Tentative Partition Plat to create two lots, as shown on the tentative partition plat (Attachment B.2), satisfies all the applicable review criteria and development standards as outlined in this report and subject to the Conditions of Approval.

Overall Conditions

- Condition 1: Before the City will approve the final partition plat, the applicant shall either adjust the property line to allow 3 feet between the bay window and roof overhang to the north property line or apply for a building permit to meet the separation requirements of the Oregon Residential Specialty Code.
- Condition 2: Before the City will approve the final partition plat, the applicant shall install curb and gutter along the development's frontage on Jackson Street together with new pavement between the new curb and gutter and the existing edge of pavement. The face of the curb shall be located 18 feet east of the centerline of Jackson Street.
- Condition 3: Before the City will approve the final partition plat, the applicant shall install sidewalk along the Jackson Street frontage of Parcel 2. Sidewalk construction along the frontage of Parcel 1 can be deferred to the parcel's development.
- Condition 4: Before the City will approve the final partition plat, the applicant must pay a water connection charge for the subject property.
- Condition 5: Before the City will approve the final partition plat, the applicant must abandon the existing well on the site, connect the existing house to the public water system, and pay the required system development charge for the new connection.

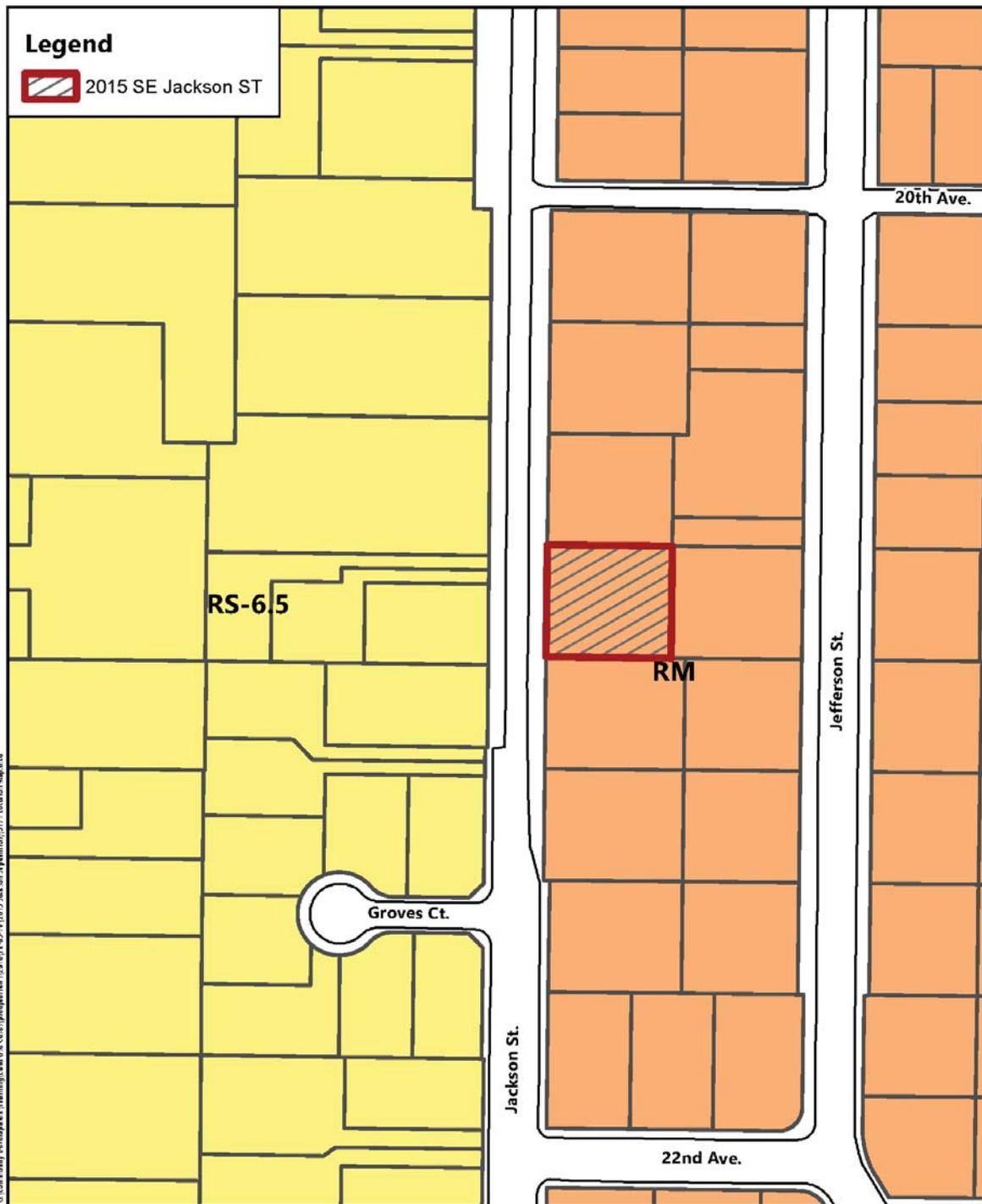
Attachments

- A. Location Map
- B. Proposed Partition Plat

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LUBA	Land Use Board of Appeals
PA	Partition File Designation
ORS	Oregon Revised Statute
RM	Residential Medium (Zoning District)

LOCATION MAP



© Community Development (Planning) and the Geographic Information Systems (GIS) Department, 2017. Location Map and



Date: 11/8/2018 Map Source: City of Albany

2015 SE Jackson ST
Location / Zoning Map

PROPOSED PARTITION PLAT



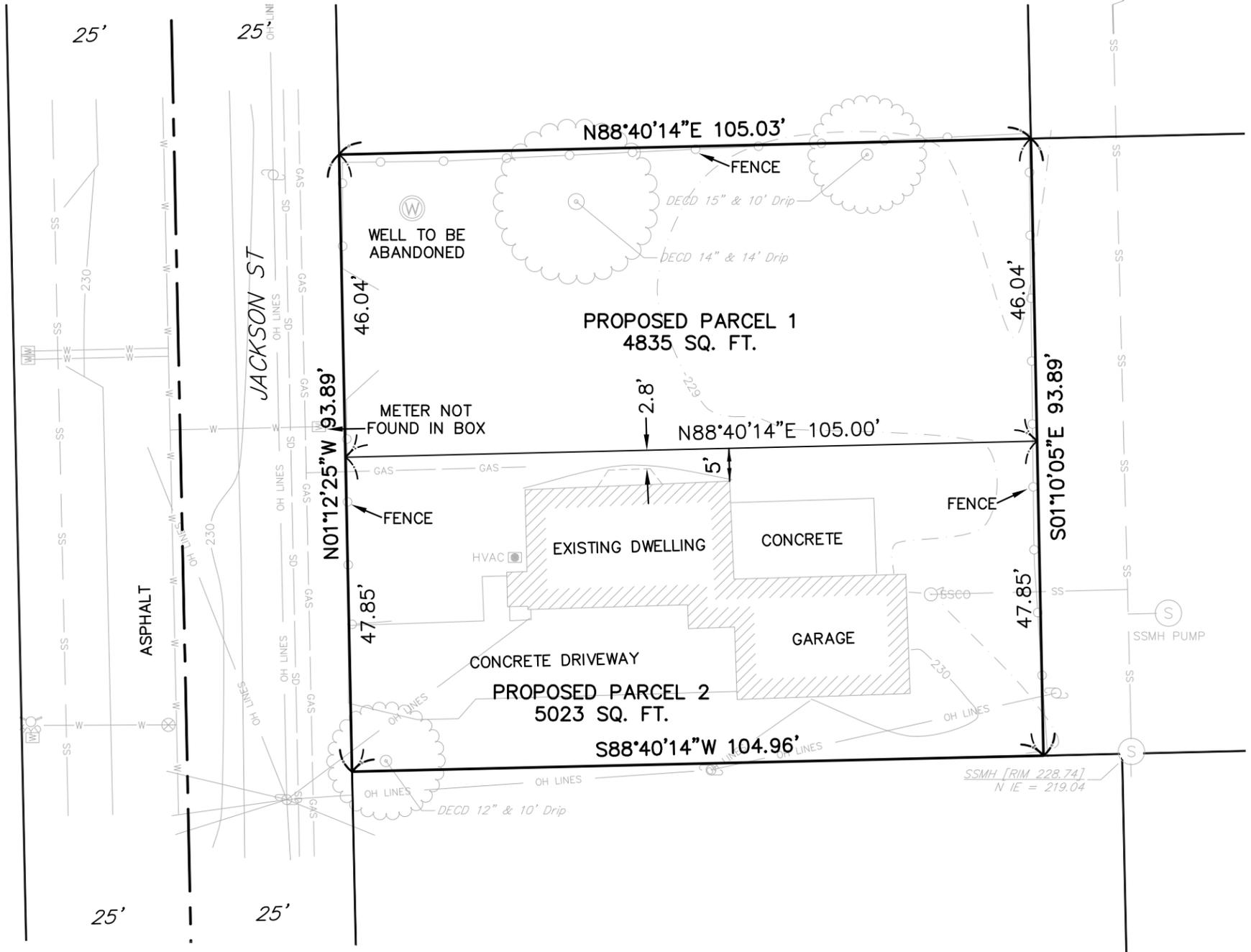
SCALE: 1" = 20'
DATE: 01/04/2019

NOTE:

- 1) SUBJECT PROPERTY IS WITHIN ZONE X PER FEMA FIRM MAP NUMBER 41043C0526G WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2010
- 2) UTILITIES LOCATES ARE BASED ON FIELD OBSERVATIONS TOGETHER WITH CITY OF ALBANY GIS DATA. GAS LOCATES ARE BASED ON NW NATURAL PLAT ID: 2-154-012
- 3) ELEVATIONS ARE BASED ON BRASS CAP "JACK & 25" PER LINN COUNTY. ELEVATION = 225.09' NGVD 29

20TH AVE

SSMH [RIM 229.35]
S IE = 217.27



OWNER:

JACOB MARTIN
7247 PARK TERRACE DR NE
KEIZER, OR 97303

DEED REFERENCE:

DOC. # 2018-18845

SITE ADDRESS:

2015 JACKSON ST
ALBANY, OR 97322

TAX LOT:

3300 11S03W07DC

ZONE:

RM (RESIDENTIAL MEDIUM DENSITY)

TOTAL AREA:

9858 SQ. FT.

SURVEYOR:

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