

# 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-02-18

#### SUMMARY

The application is for a tentative partition plat to divide one parcel into two lots. The subject property is owned by R & D Gray Inc. in its entirety. The proposed partition is located on a corner lot at 705 3<sup>rd</sup> Avenue SE, Linn County Assessor's Map No. 11S-03W-06DC, Tax Lot 08700 (Attachment A).

The subject property is a 7,458-square-foot parcel located in the Mixed Use Residential (MUR) zone. The two existing residences on the property are proposed to be demolished to make way for two new single-family homes, each to be constructed on separate lots after the partition is completed. The tentative partition plan is illustrated in Attachment C.

Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

#### GENERAL INFORMATION

DATE OF REPORT: April 24, 2018  
FILE: PA-02-18  
TYPE OF APPLICATION: Tentative Plat to Create a Two-Lot Partition.  
REVIEW BODY: Staff (Type I-L process)  
PROPERTY OWNER/  
APPLICANT: R & D Gray Inc.; Attn: Randy Gray; 30787 SW Larson Drive, Lebanon, OR 97355  
ADDRESS/LOCATION: 705 3<sup>rd</sup> Avenue SE and 221 Thurston Street SE  
MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-06DC; Tax Lot 08700  
ZONING DISTRICTS: MUR - Mixed Use Residential  
  
COMPREHENSIVE PLAN  
DESIGNATION: Village Center  
LAND AREA: 7,458 square feet  
EXISTING LAND USE: Two Single-Family Homes  
SURROUNDING ZONING: North: MUR - Mixed Use Residential  
South: HM – Hackleman-Monteith  
East: MUR  
West: HM  
SURROUNDING USES: North: Garage  
South: 3<sup>rd</sup> Avenue and Single-family Residential  
East: Single-family Residential  
West: Thurston Street and Single-family Residential  
PRIOR HISTORY: There are no land use permits on file.

## **STAFF DECISION**

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

## **NOTICE INFORMATION**

A Notice of Filing for this application was mailed on February 20, 2018, to owners of property located within 100 feet of the subject property. At the time the comment period ended on March 6, 2018, no comments had been received by the Planning Division.

## **STAFF ANALYSIS**

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. The tentative partition plan is presented in Attachment C. The two existing residences on the property are proposed to be demolished to make way for two new single-family homes, each to be constructed on separate lots after the partition is completed.
- 1.2 The subject property is a corner lot, located at 705 3<sup>rd</sup> Avenue SE, and identified on the Linn County Assessor's Map as 11S-03W-06DC, Tax Lot 8700 (Attachment A).
- 1.3 The subject property is in the Mixed Use Residential (MUR) zone. In the MUR zone, there is no minimum lot size or minimum dimensions for single-family detached homes.
- 1.4 The Linn County Assessor Map shows that the subject property is 7,326 square feet in size, 66 feet by 111 feet (Attachment D).
- 1.5 Past surveys show the subject property is Hackleman's Addition Block 119, Lot 8, which is 7,458 square feet in size, 66 feet by 113 feet (Attachment E & F).
- 1.6 The partition plan proposes to create two lots that are each 3,729 square feet in size, 56.50 feet wide by 66 feet in depth, consistent with the dimensions of past surveys.
- 1.7 At the time of building permit, setback, lot coverage, and height standards will be applied to ensure the construction of new dwellings meets all other applicable development standards of the MUR zone.

## **LOT AND BLOCK ARRANGEMENT REVIEW CRITERIA**

Criterion one (1) above requires applications for single-family residential land division to comply with the lot and block standards of ADC 11.090. These standards are provided below and must be met for the application to be approved.

*ADC 11.090 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**

- 1.1 The proposal creates two parcels; however, no new streets and blocks are created with this proposal. The proposed two parcels have frontage on a public street right-of-way.

1.2 As discussed under criterion one of ADC 11.180 above, the proposed lots comply with the minimum requirements of the underlying zoning district; those findings are included here by reference. The lots' sizes and dimensions will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for the lots within the proposed partition. 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 so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat.***

FINDINGS

2.1 As discussed under criterion one of ADC 11.180 above, the proposed lots meet the minimum lot standards for the underlying zoning district. Given the size of the lots, an urban conversion plan is not required. This criterion is met.

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

FINDINGS

3.1 There are no lots proposed to have double frontages; therefore, this criterion is not applicable.

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

FINDINGS

4.1 The proposed lots have side yards running at a right angle to the public street. This criterion is met.

- (5) ***Block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves.***

FINDINGS

5.1 The proposed partition does not create any new streets.

5.2 The proposed partition will create two new lots from a parent parcel that is located within an existing developed area. The existing block pattern has an average block length of 600 feet or less, which meets this standard. This criterion is met.

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

FINDINGS

6.1 The proposed partition does not create any new off-site pedestrian pathways, and none are required for the proposed partition; therefore, this criterion is not applicable.

- (7) ***The recommended minimum distance between arterial street intersections is 1800 feet. In order to provide for adequate street connectivity and respect the needs for access management along arterial streets, the***

***Community Development Director/City Engineer may require either a right-in/right-out public street connection or public access connection to the arterial in lieu of a full public street connection. When a right-in/right-out street connection is provided, turning movements shall be defined and limited by raised medians to preclude inappropriate turning movements.***

**FINDINGS**

7.1 The proposed partition does not create any new streets or any new arterial intersections; therefore, this criterion is not applicable.

**(8) *The minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.***

**FINDINGS**

8.1 There are no cul-de-sacs proposed for the development; therefore, this criterion is not applicable.

**(9) *Flag lots are allowed only when absolutely 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.***

**FINDINGS**

9.1 The proposed partition does not create any flag lots. This criterion is not applicable.

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

**FINDINGS**

10.1 The proposed partition does not create any new streets; therefore, this criterion is not applicable.

**CRITERION 1 CONCLUSIONS**

- 1.1 The proposed partition plan proposes to create two lots that are each 3,729 square feet in size, 56.50 feet wide by 66 feet in depth, consistent with the dimensions of past surveys and consistent with the requirements of the underlying zoning district.
- 1.2 The proposal meets all applicable lot and block standards under 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 is owned by R & D Gray Inc. in its entirety.
- 2.2 The proposed two-lot partition will create two new lots from a parent parcel.
- 2.3 The proposed tentative partition plat is illustrated on Attachment C.

**CRITERON 2 CONCLUSIONS**

- 2.1 The site is currently owned by a single property owner.
- 2.2 There is no other remainder of property under the same ownership to consider with this application.
- 2.3 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 3<sup>rd</sup> Avenue and Thurston Street.
- 3.4 Adjoining properties have access to public streets through the existing transportation system, and the proposed partition will not remove that access.
- 3.5 The development will have adequate access to and from the already existing street system that is in place due to an existing development.

**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 development will divide one parcel of land into two parcels. Both parcels were previously developed with single family homes.
- 4.2 The development is located on the northeast corner of 3rd Avenue and Thurston Street.
- 4.3 Third Avenue is classified as a local street and is constructed to city standards. Improvements include: curb, gutter, and sidewalk; a vehicle travel lane in each direction; and on street parking.
- 4.4 Thurston Street is classified as local street and is not constructed to city standards. The street lacks curb, gutter, and sidewalk. A 12-foot wide paved area exists along the east side of the right of way and provides driveway access to this site and the adjoining parcel to the north.
- 4.5 Albany has identified Thurston Street as the location for a future “esplanade” construction project that would restore an open water course that is currently conveyed in an underground pipe. The precise timing and construction design of the project has yet to be determined.
- 4.6 Both parcels being created can be developed with a single-family home. Because the site was previously occupied with two single family homes, no increase in trip generation will result from the development.
- 4.7 Albany’s Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.8 Section 12.060 of the Development Code requires that public streets within and adjacent to a development be improved to city standards. When the City Engineer determines that improvement of the street is not timely, the City may accept a Petition for Improvement/Waiver of Remonstrance for participation in a future assessment district.

**CRITERION 4 CONCLUSIONS**

- 4.1 The proposed development will result in additional vehicle trips on the public street system.
- 4.2 Albany’s Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.3 The development’s frontage on 3rd Avenue is constructed to city standards.

- 4.4 The development frontage Thurston Street is not constructed to city standards. Because the street has been identified as the site of a future street project, the City Engineer has determined that it is not timely for this development to improve its frontage to city standards and that an improvement assurance should instead be provided.
- 4.4 This criterion can be met with the following condition.

#### CONDITION

1. Prior to recordation of the partition plat, the applicant shall provide a Petition for Improvement – Waiver of Remonstrance for participation in an assessment district for the improvement of Thurston Street.

***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 eight-inch public sanitary sewer mains in Thurston Street and 3rd Avenue. The existing houses on the site are currently connected to the public sewer system through separate private sewer laterals.
- 5.2 The applicant is proposing to demolish the two existing houses and build new houses on the proposed lots. The new houses can reconnect to the existing sewer laterals. Sewer system development charge credits will be available for the new houses.

##### Water

- 5.3 City utility maps show a six-inch public water line in 3rd Avenue and an eight-inch main in Thurston Street. The existing houses on the site are connected to the public water system through separate water services/meters.
- 5.4 The applicant is proposing to demolish the two existing houses and build new houses on the proposed lots. The new houses can reconnect to the existing water services. Water system development charge credits will be available for the new houses.

##### Storm Drainage

- 5.5 City utility maps show a 66-inch storm drainage main in Thurston Street under the shallow concrete ditch that runs down the center of the street. Third Avenue is improved to city standards with curb and gutter along the property's frontage.
- 5.6 The applicant is proposing to demolish the two existing houses and build new houses on the proposed lots. The proposed new house fronting 3rd Avenue can discharge roof drains to the curb adjacent to 3rd Avenue. It is unclear where the roof drains for the northern house discharge. When building permits for a new house on the northern lot are obtained, the applicant must show how the roof drainage will be discharged to an approved location.
- 5.7 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to or from adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 5.8 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 location acceptable to the City Engineer and/or the Building Official.

## CRITERION 5 CONCLUSIONS

- 5.1 The existing houses on the site are currently served by public sanitary sewer and water through separate, private services. These existing private services may be reused for the proposed new houses on the two lots.
- 5.2 System development charge credits for sewer and water will be available for the new houses.
- 5.3 Roof drainage from a new house on the northern lot must be discharged to a location acceptable to the City Engineer and the Building Official.
- 5.4 This criterion is met without conditions.

***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: Shows that the subject property is located out of the Airport Approach District.
- 6.2 Article 6 Steep Slopes, Comprehensive Plan Plate 7: Shows that there are no areas of steep slopes on the subject property.
- 6.3 Article 6 Floodplains, Comprehensive Plan Plate 5: The applicable Flood Insurance Rate Map (FIRM) for the subject site is map #41043C0213H, dated December 8, 2016. Based on this FIRM, the subject property is located out of the Special Flood Hazard Area (SFHA), in zone X and outside of the 500-year floodplain.
- 6.4 Article 6 Wetlands, Comprehensive Plan Plate 6: Comprehensive Plan Plate 6 shows no wetlands appearing on the Local Wetland Inventory on the subject property.
- 6.5 Article 7 Historic Districts, Comprehensive Plan Plate 9: Does not show the subject site 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 CONCLUSION

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.

## CONDITION OF APPROVAL

### Transportation

1. Prior to recordation of the partition plat, the applicant shall provide a Petition for Improvement – Waiver of Remonstrance for participation in an assessment district for the improvement of Thurston Street.

## ATTACHMENTS

- A. Location Map
- B. Applicant's Findings
- C. Tentative Partition Plan
- D. Assessor Map Image
- E. Survey 2104
- F. Survey 6511

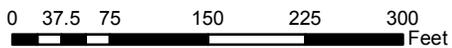




**Location Map: 705 3rd Avenue SE**



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you



February 15, 2018

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

**Findings of Fact, To-Lot Partition PA-02-18, 705 3<sup>rd</sup> Ave. SE**

1. Criterion:

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

Fact:

The proposed partition divides the land into two lots, so there is no remainder. None of the lots are large enough to divide further at the current category. The owner owns the parcel adjacent to the proposed lot to divide but it is not large enough to divide any further.

Conclusion:

There is no remainder of land to consider with this application.

2. Criterion:

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

Fact:

The proposed partition divides the land into two lots meeting the underlying district and applicable lot and block standards for MUR zoning.

Conclusion:

The proposed partition meets development standards for MUR zoning.

3. Criterion:

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

Fact:

The adjoining land is developed and provides access that will allow its development in accordance with MUR zoning.

Conclusion:

The proposed partition meets the development standards for MUR zoning.

4. Criterion:

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

Fact:

The existing street plan affords the best economic, safe and efficient circulation of traffic.

Conclusion:

The proposed partition has no effect on the currently established streets.

5. Criterion:

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

Fact:

The proposed partition currently is serviced by water, sewer, electric, gas and telecom communications.

Conclusion:

The proposed partition meets the development standards to be served by utilities.

6. Criterion:

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.

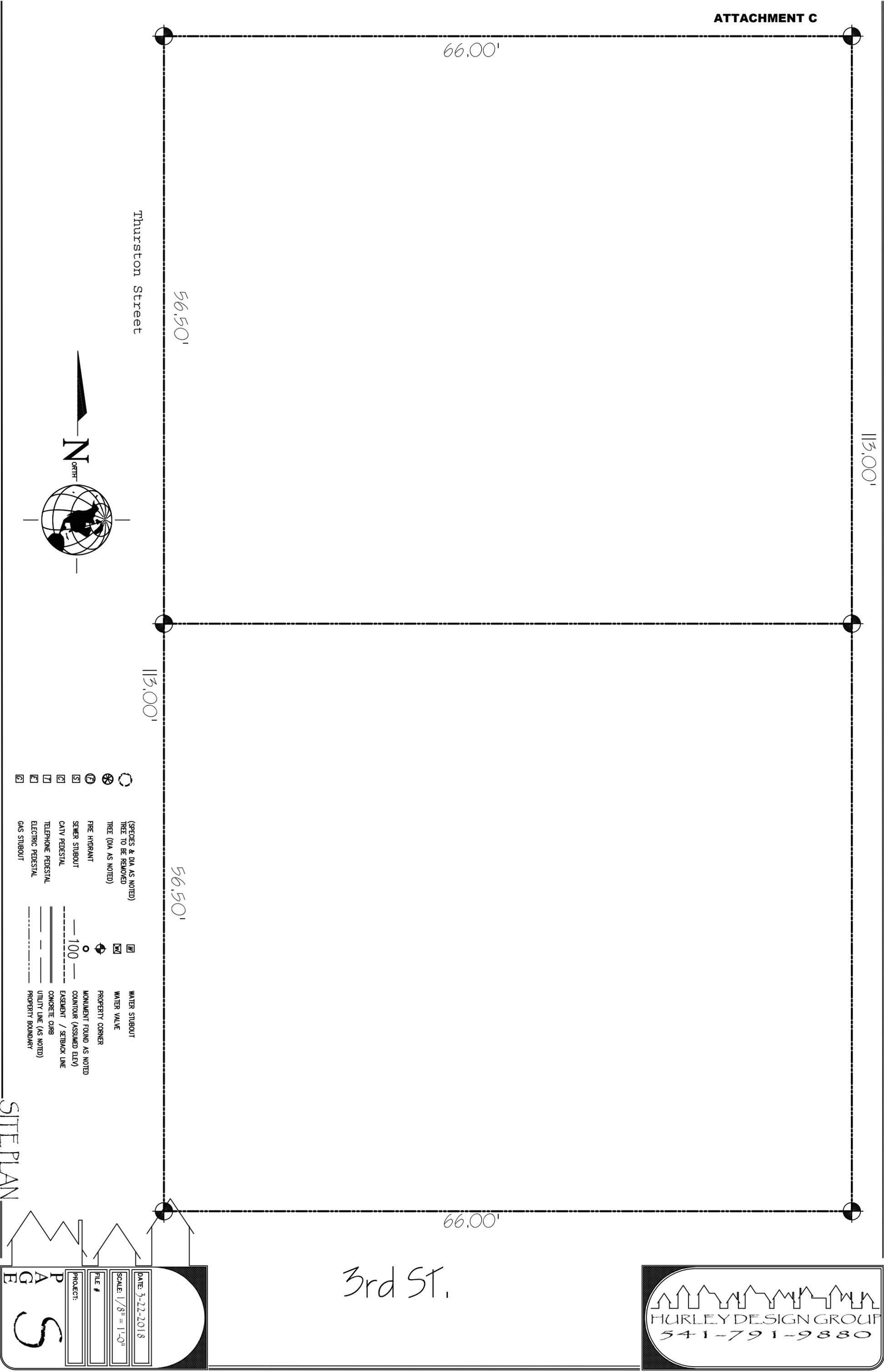
Fact:

The proposed partition complies with regulations described in Articles 4 and 7.

Conclusion:

The proposed partition complies with regulations described in Articles 4 and 7.





SITE PLAN

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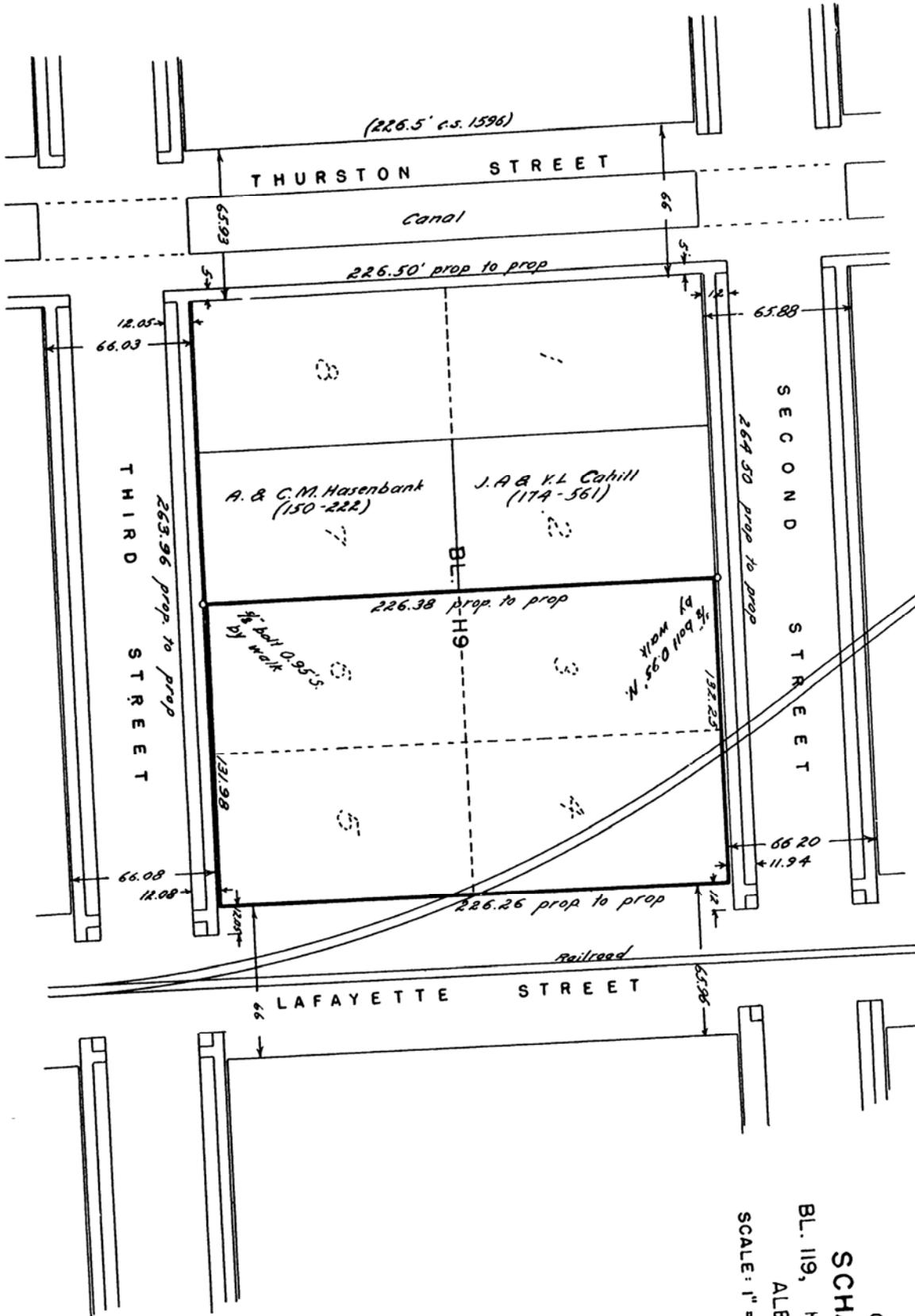
DATE: 3-22-2018  
 SCALE: 1/8" = 1'-0"  
 PROJECT: \_\_\_\_\_  
 FILE #: \_\_\_\_\_

3rd St.

**HURLEY DESIGN GROUP**  
 541-791-9880







C. S. 2104  
**SCHARPF BROS.**  
 BL. 119, HACKLEMANS ADD.  
 ALBANY, OREGON  
 SCALE: 1" = 50'  
 MAY, 1946  
 WALTER W. LARSEN  
 COUNTY SURVEYOR

