



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Tentative Partition Plat

PA-02-20

March 4, 2020

### Summary

A Tentative Partition Plat is proposed for property located at 2130 and 2134 Marion Street SE, in the Residential Medium Density (RM) zoning district (Attachment A). The purpose of this partition is to divide one .23-acre (10,011 square foot) parcel into two parcels totaling 0.12 acres (5,356 square feet) and 0.11 acres (4,655 square feet), respectively. Both parcels are developed with single-family residential development (Attachment B). The applicant's representative, Kyle Latimer, Udell Engineering and Land Surveying, LLC, provided responses to review criteria (Attachment C), and a tentative partition plat (Attachment B).

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

### Application Information

Proposal:	Tentative Partition Plat to divide one parcel into two
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Laura LaRoque
Property Owner/Applicant:	David and Charlotte Bridges 2130 Marion Street SE, Albany, OR 97322
Representative:	Kyle Latimer; Udell Engineering and Land Surveying, LLC 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2130 & 2134 Marion Street SE, Albany, OR 97322
Map/Tax Lot:	Linn County Tax Assessor's Map No(s). 11S-03W-18BA; Tax Lot 101
Zoning:	Residential Medium (RM) District
Overlay Districts:	None
Total Land Area:	0.23 acres
Existing Land Use:	Residential Single-Family (Two Single-Family Dwellings)
Neighborhood:	Sunrise
Surrounding Zoning:	North: Residential Medium (RM) District East: Residential Single Family (RS-6.5) District (across Marion Street)

[cd.cityofalbany.net](http://cd.cityofalbany.net)



	South	RM
	West	RM
Surrounding Uses:	North:	Single-Family Residential
	East:	Single-Family Residential (across Marion Street)
	South	Multi-Family Residential
	West	Single Family Residential
Prior History:	PA-04-94/CS 21256:	Partition to divide a 4.39-acre parcel into two parcels containing approximately 10,018 square feet (Parcel A) and 4.17 acres (Parcel B).
	SP-10-99/B-0148-99:	Site Plan Review to convert an existing garage into a single-family detached residence.

## Staff Decision

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

## Appeals

The City's decision may be appealed to the 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 18, 2020 in accordance with ADC 1.330. At the time the comment period ended on March 3, 2020, the Albany Planning Division had received no written comments.

## Analysis of Development Code Criteria

The ADC includes the following review criteria for a tentative plat (ADC 11.180), which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### Tentative Plat Review Criteria

#### Criterion 1

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

#### Findings of Fact

- 1.1 The underlying zoning district of the subject lots is Residential Medium Density (RM). The RM zoning district is intended primarily for medium-density residential urban development. The average minimum

lot size for single-family, detached residences is 3,500 square feet and 4,800 square feet for duplexes, with a minimum lot width of 30 feet and a minimum lot depth of 60 feet. Maximum lot coverage in the RM district is 70 percent. Lot coverage for single-family detached development only includes the area of the lot covered by buildings or structures.

- 1.2 In any single-family residential land division, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed partition are addressed below.
- 1.3 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code.

The minimum lot width in the RM zone is 30 feet (for detached single-family dwellings), and the minimum lot depth is 60 feet. As shown on the applicant's tentative partition plat, proposed Parcel 1 will have 5,356 square feet of area, 53.5 feet in width and 100.10 feet in depth, as measured from Marion Street. Proposed Parcel 2 will have 4,655 square feet of area with a width of 46.50 feet and a depth of 100.11 feet, as measured from Marion Street.

The RM zone district has a minimum 15-foot building front setback and minimum 20-foot garage or carport setback. The minimum required interior yard setback is three feet for single-story dwellings and five feet for dwellings with two or more stories.

The subject property is developed with two detached, single-story, single-family residential dwelling units. Proposed Parcel 1 will consist of a single-story, single-family residential dwelling unit that is approximately 20 foot from the front (east) property line, and 7.73 feet, 30 feet, and 16 feet from the interior property lines. Proposed Parcel 2 will consist of a single-story, single-family residential dwelling unit with attached garage that is approximately 20 feet from the front (east) property line, and 10 feet, 20 feet, and 5.27 feet from the interior property lines. Lot coverage for Parcel 1 and 2 will be 23 percent and 33 percent, respectively.

- 1.4 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. Given the size of the lots, an urban conversion plan is not required. This criterion is met.
- 1.5 ADC 11.090(3) states that double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. None of the proposed parcels are double-frontage lots. This standard is not applicable.
- 1.6 ADC 11.090(4) states that side yards of lots shall run at right angles to the street the property faces. Both parcels will have side yards running at a right angle to Marion Street. Therefore, this standard is met.
- 1.7 According to ADC 11.090(5), block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through-streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree

- groves. The proposed partition does not create any new streets, and therefore, does not create any new blocks. This standard is not applicable.
- 1.8 ADC 11.090(6) states that 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. All lots will have direct access to a public street, and no off-street pedestrian pathways are proposed or required with this partition. Therefore, this standard is not applicable.
  - 1.9 ADC 11.090 (7) and (8) regards standards for access to arterial streets and standards related to cul-de-sacs. No new streets are proposed with this development. Therefore, these standards are not applicable.
  - 1.10 ADC 11.090(9) states that flag lots are discouraged and allowed only when absolutely necessary to provide adequate access to buildable sites, and only where the dedication and improvement of a public street cannot be provided. No flag lots are proposed; therefore, this criterion is not applicable.
  - 1.11 ADC 11.090(10) requires street intersections to be constructed so there is not less than a twenty-foot radius along the curb line. This standard ensures all public improvements, including accessibility ramps, can be contained in the public right-of-way at the corresponding street corners. Both parcels will have access to an existing public street and therefore no new intersections are proposed. This standard is not applicable.

## Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.
- 1.2 None of the proposed lots will be more than double the minimum area designated by the zoning district; therefore, an urban conversion plan will not be required.
- 1.3 No new streets or off-street pedestrian pathways are being created. All new lots will have direct access to a public street.
- 1.4 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, flag lots, or double-frontage lots.
- 1.5 This criterion is satisfied without conditions.

## Criterion 2

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

## Findings of Fact

- 2.1 The tentative plat shows all the land within the subject property will be allocated into two proposed parcels. There is no development on the property currently.
- 2.2 ADC 3.190, Table 1, shows that the average minimum lot size requirement in the RM zoning district is 3,500 square feet for detached single family uses and 4,800 square feet for duplexes, minimum lot width is 30 feet, and depth is 60 feet.
- 2.3 Parcel 1. The area of Parcel 1 is shown to be 5,356 square feet (0.12 acres).
- 2.4 Parcel 2. The area of Parcel 2 is shown to be 4,655 square feet (0.11 acres).

- 2.5 All of the property proposed in this partition is under the same ownership. There is no remainder of land to consider.

## Conclusions

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

## Criterion 3

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

### Findings of Fact

- 3.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.3 ADC 12.110 states that new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
- 3.4 Adjoining land to the north and south of the subject property has access to Marion Street. Adjoining land to the west of the subject property have access to Twenty-First Place. Properties to the east across Marion Street, have access to Marion Street.
- 3.5 All of the adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.

## Conclusions

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

## Criterion 4

**The 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 .23-acre parcel of land into two parcels (see Attachment B). The resulting parcels are developed with single-family homes.
- 4.2 The development is located at 2130 and 2134 Marion Street (see Attachment A).
- 4.3 Marion Street is classified as a major collector and is constructed to City standards. Improvements include curb, gutter, and sidewalk; a vehicle travel lane in each direction; and on-street bike lanes.
- 4.4 No new streets are proposed.
- 4.5 Access to Marion Street will be via existing driveways. Driveways for one- and two-family dwellings

must have a minimum width of 10 feet and a maximum of 24 feet, and a minimum separation of 5 feet [ADC 12.100(1)]. Parcel 1 has a 66-foot-long variable width driveway that ranges from 12 feet to 17.5 feet. Parcel 2 has a 37-foot-wide driveway that varies in depth from 20 feet to 30 feet. The driveways comply with the paving standard of ADC 12.100(1).

- 4.6 Both parcels are developed with single-family dwellings. Based upon ITE trip generation rates, single-family dwelling units generate 10 vehicle trips per day, with one trip during the peak p.m. traffic hour. The development contributes 20 vehicle trips to the public street system, of which two occur during the peak p.m. traffic hour. Because both parcels are currently developed, no new vehicle trips are expected to result from the partition.
- 4.7 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.8 This criterion is satisfied without conditions.

## Conclusions

- 4.1 The existing development contributes 20 vehicle trips, and two peak p.m. vehicle trips to the street network.
- 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 has frontage on an existing street that is constructed to City standards.
- 4.4 Access will be provided to Parcels 1 and 2 via paved driveways.

## 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 Marion Street. The existing dwellings on the subject property are connected to the public sewer system through a single service lateral along the frontage of proposed Parcel 1.
- 5.2 Albany Municipal Code (AMC) 10.01.010 (1) states that the objective of the 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 Each separate parcel must be served by a distinct sewer lateral connection to the public sewer main. This will require that a new sewer service lateral be installed for Parcel 2 along its Marion Street frontage. The applicant must obtain an Encroachment Permit from the City's Public Works Department before doing this work.

### *Water*

- 5.4 City utility maps show a 12-inch public water main in Marion Street. The existing dwellings on the subject property are connected to the public water system through a single water service adjacent to the frontage of proposed Parcel 1.
- 5.5 Each separate parcel must be served by a distinct water service connection to the public water main. This will require that a new water service be installed for Parcel 2 along its Marion Street frontage. The applicant must obtain a water service installation permit from the City's Public Works Department before the City will install the service.

### *Storm Drainage*

- 5.6 City utility maps show a 24-inch public storm drainage main in Marion Street. Each of the existing dwellings on the subject property have their roof drains connected to the gutter through weep holes in the curb adjacent to the respective houses.

### *Stormwater Quality*

- 5.7 AMC 12.45.030 Permit required. A post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).
- 5.8 The subject property is less than one acre in size. Because the site is smaller than one acre, a stormwater quality permit will not be required for this project.

### **Conclusions**

- 5.1 Public utilities (sanitary sewer, water, and storm drainage) are adequate to serve the proposed use.
- 5.2 Each individual lot must be served by separate sewer and water service connections to those public utilities.
- 5.3 Because the subject property is less than one acre, no stormwater quality facilities will be required for this project.
- 5.4 This review criterion will be met when the following condition is met.

### **Conditions**

- Condition 1** Before the City will sign the final partition plat, the applicant must have separate sanitary sewer and water services installed for the existing house on Parcel 2, and the private plumbing between the two houses must be abandoned.

### **Criterion 6**

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

### **Findings of Fact**

- 6.1 Article 4: Airport Approach district. According to Figure 4-1 of the ADC, the subject property is not located within the Airport Approach District.

- 6.2 Article 6: Steep Slopes. Comprehensive Plan Plate 7 shows that there are not areas of steep slopes on the subject property. Contours on the applicant's tentative plat show that the elevation of the property averages about 226 feet.
- 6.3 Article 6: Floodplains. Comprehensive Plan Plate 5. Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map FIRM# 41043C0526G, dated September 29, 2010 show 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 does not show any wetlands on the property. The National Wetlands Inventory (NWI) does not show wetlands on the property. This property is not included in a local wetlands inventory.
- 6.5 Historic and Archaeological Resources. Comprehensive Plan Plate 9 shows the property is not in a historic district. There are no known archaeological sites on the property.

## Conclusions

- 6.1 There are no special features of this site to be considered. This review criterion is not applicable.

## Overall Conclusion

This report evaluates the applicant's land division application to create a two-lot partition. The proposal was evaluated against applicable Tentative Plat Review criteria in ADC Section 11.180. In summary, analysis in this report finds that all applicable criteria for a Tentative Plat Review with the following condition.

## Condition of Approval

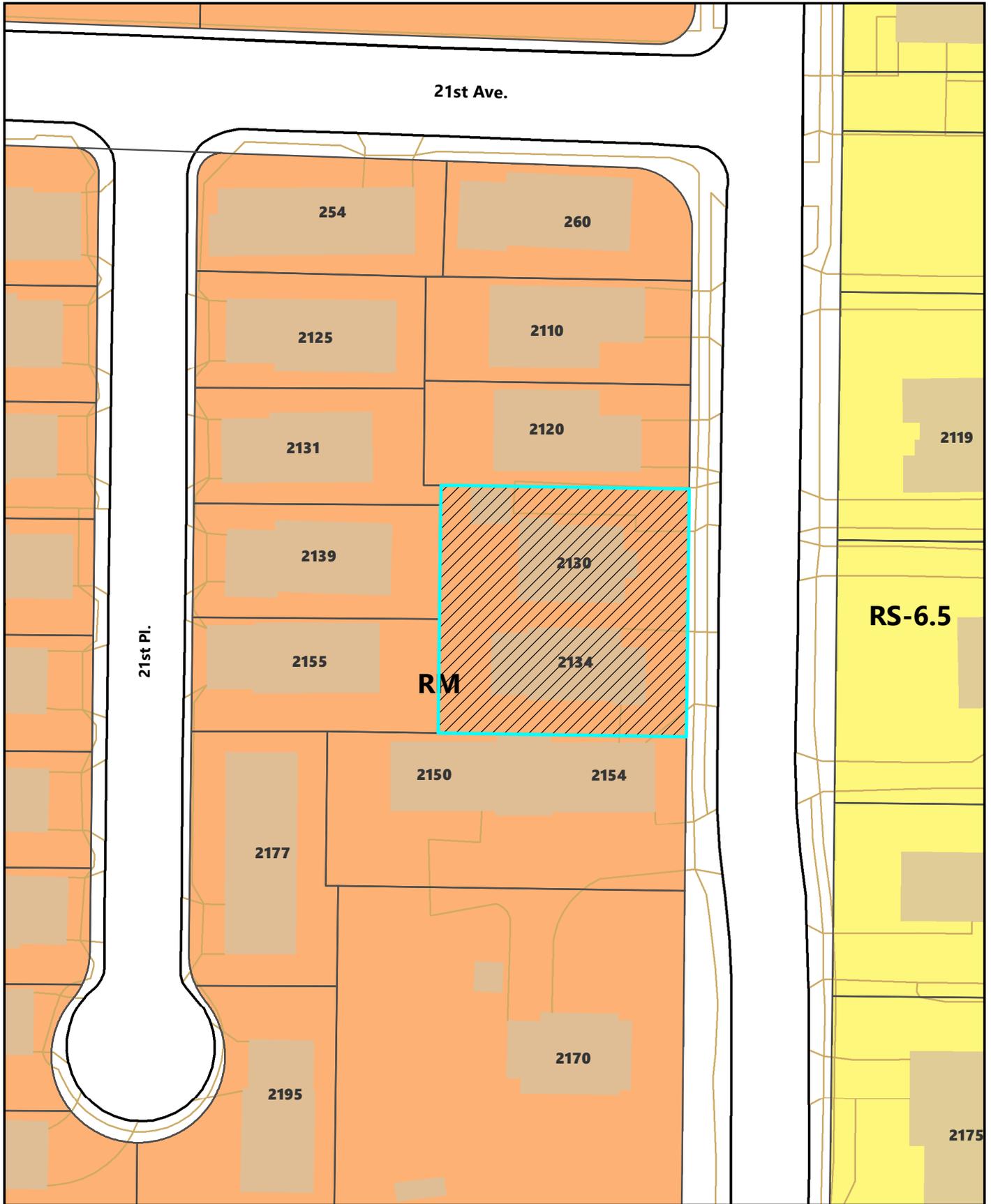
- Condition 1** Before the City will sign the final partition plat, the applicant must have separate sanitary sewer and water services installed for the existing house on Parcel 2, and the private plumbing between the two houses must be abandoned.

## Attachments

- A. Location Map
- B. Tentative Partition Plat
- C. Applicant's Finding of Fact

## Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NWI	National Wetland Inventory
ORD	Ordinance
PA	Partition File Designation
RM	Residential Medium Density District
SFHA	Special Flood Hazard Area

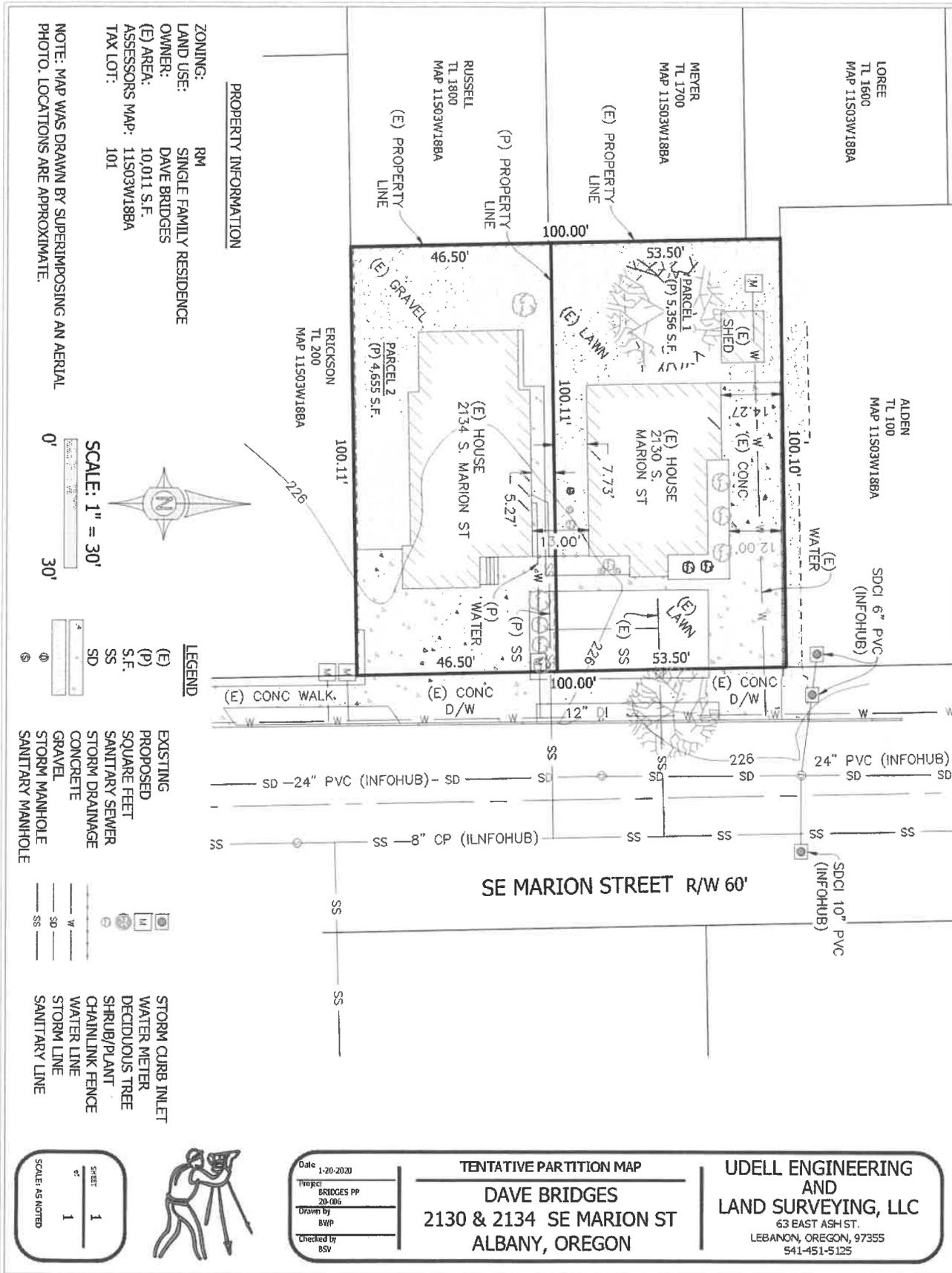


N  
0 25 50 100  
Feet

Date: 12/3/2019 Map Source: City of Albany

**2130 - 2134 Marion St. SE**

Location / Zoning Map



**PROPERTY INFORMATION**

ZONING: RM  
 LAND USE: SINGLE FAMILY RESIDENCE  
 OWNER: DAVE BRIDGES  
 (E) AREA: 10,011 S.F.  
 ASSESSORS MAP: 11503W188A  
 TAX LOT: 101

NOTE: MAP WAS DRAWN BY SUPERIMPOSING AN AERIAL PHOTO. LOCATIONS ARE APPROXIMATE.

SCALE: 1" = 30'



**LEGEND**

(E) EXISTING  
 (P) PROPOSED  
 S.F. SQUARE FEET  
 SD SANITARY SEWER  
 SS STORM SEWER  
 W WATER  
 CONC CONCRETE  
 GRV GRAVEL  
 SHR SHRUB/PLANT  
 FENCE FENCE  
 CHAINLINK CHAINLINK FENCE  
 WATER WATER LINE  
 STORM STORM LINE  
 SANITARY SANITARY LINE

EXISTING  
 PROPOSED  
 SQUARE FEET  
 SANITARY SEWER  
 STORM DRAINAGE  
 CONCRETE  
 GRAVEL  
 STORM MANHOLE  
 SANITARY MANHOLE

DATE: 1-20-2020  
 PROJECT: BRIDGES PP 20-006  
 DRAWN BY: BWP  
 CHECKED BY: BSV



**TENTATIVE PARTITION MAP**

**DAVE BRIDGES**  
 2130 & 2134 SE MARION ST  
 ALBANY, OREGON

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON, 97355  
 541-451-5125

**LAND PARTITION APPLICATION  
FOR  
DAVE BRIDGES**

**APPLICANT:** Dave Bridges

**PROPERTY**

**OWNER:** Dave Bridges  
2130 Marion St  
Albany, Oregon 97322

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

**PROPERTY LOCATION:** 11S-03W-18BA, Tax Lot: 101  
2130 & 2134 Marion Street SE.  
Albany, OR 97322

**TYPE OF APPLICATION:** LAND PARTITION

**Overview of Proposal**

The proposal is to partition the land described as parcel 1 from partition plat 1995-34, into 2 parcels as shown on the partition map. Parcel 1 currently contains 10,011 Sq. Ft., the proposed 2 parcels will contain 5,356 & 4,655 Sq. Ft.

**Review Criteria:**

**Criterion 1: Proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.**

Finding of fact: The required minimum lot size is 3,500 ft<sup>2</sup>, the proposed parcel sizes are 4,655 ft<sup>2</sup> and 5,356 ft<sup>2</sup>. The required minimum parcel width is 30 feet, the proposed parcel widths are 46.5 feet and 53.5 feet. The required minimum parcel depth is 60 feet, the proposed parcel depths are 100.10 feet and 100.11 feet. The required minimum interior setback for a one-story single-family home is 3 feet. Each proposed parcel contains an existing single-story single-family house, the proposed interior setbacks are 5.27 feet and 7.73 feet. The required minimum building separation is 12 feet. The existing separation 13 feet. The maximum allowed lot coverage is 70%. Proposed parcel 1 has 23% lot coverage. Proposed parcel 2 has 33% lot coverage.

Conclusion: The two proposed parcels will meet current zoning standards for the Residential-Medium-Density Zone.

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

Finding of fact: The proposed parcels are not large enough to be further divided.

Conclusion: There will be no remainder that can be further developed.

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

Finding of fact: Adjoining land is either already developed or is Marion Street SE.

Conclusion: The proposed partition will not affect development of adjoining lands.

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

Finding of fact: Adequate public access already exists, so no street plan is required for this proposed partition.

Conclusion: This criterion does not apply to this proposed partition.

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

Finding of fact: This proposed land partition is either already serviced by public utilities (water, storm, and sanitary sewer) or will be served from Marion Street SE.

Conclusion: The conditions necessary to satisfy the intent of the Development Code have been met per this proposed land partition.

**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.**

Finding of fact: The Development Code Articles 4, 6 and 7 are not applicable to this proposed land partition.

Conclusion: This criterion does not apply to this proposed partition.