



# Community Development Department

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## STAFF REPORT Land Division (Tentative Partition Plat) PA-05-18

### EXECUTIVE SUMMARY

A Tentative Partition Plat is proposed for property located at 3271 NW Ridgeview Lane (Attachment A). The purpose of this Partition is to divide one 0.99-acre (43,124 square-foot) parcel into three lots totaling 0.27 acres (11,819 square feet), 0.29 acres (12,757 square feet), and 0.34 acres (14,922 square feet), respectively. An additional 0.08 acres or 3,485 square feet will be dedicated to the City of Albany as right-of-way along the property's Ridgeview Lane frontage. The existing single-family residence and detached accessory dwelling unit will remain with Parcel 1. The applicant's representative, Troy L. Plum, of TKP Engineering LLC, provided responses to review criteria (Attachments B.1 – B.31), and tentative partition maps (Attachments D.1 – D.3). Because portions of the property have slopes 12 percent or greater, Hillside Development Review was required. A geotechnical evaluation was provided with this application submittal (Attachments C.1 – C.4). The subject property borders the Urban Growth Boundary to the north and east. Properties located to the south and west are partially developed, public utilities are available to serve the new lots, and there are no special purpose districts affecting the subject property. The property is in the Residential Single Family (RS-10) district.

### APPLICANT INFORMATION:

DATE OF REPORT: July 6, 2018

FILE: PA-05-18

TYPE OF APPLICATION: Tentative Plat to create a three-Lot Partition located within the Hillside Development Overlay District.

REVIEW BODY: Planning Commission or Hearings Board (Type III process)

STAFF REPORT PREPARED BY: David Martineau, Project Planner

PROPERTY OWNER/APPLICANT: Christopher J. Allen Living Trust; PO Box 808; Albany, OR 97321

REPRESENTATIVE: Troy L. Plum, PE; TKP Engineering LLC; PO Box 374; Corvallis, OR 97339

ADDRESS/LOCATION: 3271 NW Ridgeview Lane

MAP/TAX LOT: Benton County Assessor's Map No. 10S-04W-25; Tax Lot 800

ZONING: Residential Single Family (RS-10) District

EXISTING LAND USE: One single family residence and a detached accessory dwelling unit that will be retained on Parcel 1. An accessory structure located on future Parcel 3 will be removed.

NEIGHBORHOOD: North Albany

SURROUNDING ZONING: North: Exclusive Farm Use (EFU)  
South: Residential Single Family (RS-10)  
East: EFU  
West: RS-10

SURROUNDING USES: North: Single Family Residence on large lot  
South: Single Family Residences  
East: Single Family Residence on large lot (same as north side)  
West: Single Family Residence, private driveway

PRIOR HISTORY: The subject property was annexed to the City on June 26, 1991 (North Albany Annexation File AN-05-91). No other case history on file.

### **NOTICE INFORMATION**

A Notice of Public Hearing was mailed to property owners identified within 300 feet of the subject property and to the North Albany Neighborhood Association (NANA) on June 25, 2018. The site was posted at 3271 NW Ridgeview Lane by July 9, 2018 in accordance with Section 1.410 of the Albany Development Code. Any comments received following completion of this staff report will be presented separately in advance of the public hearing scheduled for Monday, July 16, 2018, at 5:15 p.m. As of Tuesday, July 3, 2018, staff received no written comments.

### **APPEAL**

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice.

Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the Planning Commission to the City Council by filing a Notice of Appeal and associated filing fee within 10 days from the date the City mails the Notice of Decision.

### **STAFF ANALYSIS**

#### **Tentative Partition Plat**

**File: PA-05-18**

Section 11.180 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. ADC 2.040 states that the City may attach conditions of approval of a land use decision to ensure that the proposal will conform to the applicable review criteria. Code criteria are written in *bold italics* and 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 underlying zoning district of the subject lots is RS-10 (Residential Single Family). The RS-10 zoning district is intended primarily for lower density, single-family, residential development. The average minimum lot size is 10,000 square feet with a minimum lot width of 65 feet and a minimum lot depth of 100 feet. Maximum lot coverage in the RS-10 district is 50 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 that 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. There are no foreseeable difficulties in securing building permits to build on all proposed lots provided applicable conditions of approval are followed.
- 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 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. 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.
- 1.5 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 lots are double-frontage lots.
- 1.6 ADC 11.090(4) states that 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. Proposed Lot 1, the lot where there is an existing residence and accessory dwelling unit, will retain side yards that run at right angles to Ridgeview Lane. The two proposed lots are flag lots. Flag lots are lots located behind another lot and have access to a public street by a narrow strip of land or easement. They will not have side yards that run at right angles to Ridgeview Lane; therefore, this section of the Code is not applicable.
- 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 is not creating any new streets. Therefore, 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. Both lots will have direct access to a public street, and no off-street pedestrian pathways are proposed or required with this partition.
- 1.9 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. The subject site is large enough to be divided into lots that meet minimum dimensional standards. However, due to the presence of the existing house, the only way to configure the site into two new buildable lots without demolishing the existing house is to create flag lots. The minimum width for a flag lot is 22 feet, except when the point of 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. The flag portion for proposed Lots 2 and 3 is 24 feet in width with a 20-foot wide paved access to those lots. This standard is met.
- 1.10 The minimum lot width in the RS-10 zone is 65 feet, and the minimum lot depth is 100 feet. As shown on the applicant's tentative partition plat, each proposed lot will exceed minimum lot area and dimension requirements of the RS-10 zoning district. Proposed Parcel 1 will have 11,819 square feet of area, approximately 117 feet in width and 100 feet in depth, as measured from NW Ridgeview Lane. Proposed Parcel 2 will have 12,757 square feet with a width and depth approximately 88 feet and 119 feet, respectively, excluding the 12-foot wide panhandle on the lot's southwest side. Proposed Parcel 3 will have 14,922 square feet with a width and depth of 87 feet and 132 feet, excluding the 12-foot-wide panhandle on the lot's southwest side.
- 1.11 The RS-10 zone district has a minimum 20-foot front yard setback. The minimum required interior yard setback is five feet for single-story dwellings and eight feet for dwellings with two or more stories. The

required interior yard setback is three feet for accessory structures with walls eight feet or shorter and five feet for accessory structures with walls taller than eight feet.

- 1.12 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.

#### CONCLUSIONS:

- 1.1 There are no foreseeable difficulties in securing building permits to build on all proposed lots provided applicable conditions of approval are followed.
- 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. Both new lots will have direct access to a public street.
- 1.4 The minimum width for a flag lot is 22 feet, except when the point of 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. The flag portion for proposed Lots 2 and 3 is 24 feet in width with a 20-foot-wide paved access to those lots.
- 1.5 As shown on the applicant's tentative partition plat, each proposed lot will exceed minimum lot area and dimension requirements of the RS-10 zoning district.
- 1.6 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.7 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 three proposed parcels. There is an existing single-family residence and a detached accessory dwelling unit on the property that will be located within Parcel 1.
- 2.2 ADC 3.190, Table 1, shows that the minimum lot size requirement in the RS-10 zoning district is 10,000 square feet, minimum lot width is 65 feet, and depth is 100 feet. Section 3.200 of the Development Code states that up to 50 percent of the total number of detached single family lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after accounting for all density bonuses.
- 2.3 Parcel 1. The area of Parcel 1 is shown to be 11,819 square feet (0.27 acres).
- 2.4 Parcel 2. The area of Parcel 2 is shown to be 12,757 square feet (0.29 acres).
- 2.5 Parcel 3. The area of Parcel 3 is shown to be 14,922 square feet (0.34 acres).
- 2.6 The average lot size for all lots in this proposed partition is 13,166 square feet. This exceeds the minimum lot size standard of 10,000 square feet in the RS-10 district.

- 2.7 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 remainder to consider. All the land area within the parent property will be allocated to the three proposed parcels.
- 2.2 This criterion is satisfied.

***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 of the subject property has access to NW Ridgeview Lane. Properties located east and south of the subject property also has access to NW Ridgeview Lane; and the property to the west has access to Ridgeview or Valley View Drive.
- 3.5 All of the adjoining properties are developed and have independent access to a public street, and the proposed Partition will not impact the access of adjoining properties.

CONCLUSIONS:

- 3.1 All of 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 1 parcel of land into three parcels. Parcel 1 will contain an existing single-family home, and Parcels 2 and 3 will be vacant.
- 4.2 The development is located on the east side of Ridgeview Lane about 650 feet north of Valley View Drive.
- 4.3 Ridgeview Lane is classified as local street and is not constructed to city standards. Public street right of way ends at the south boundary of this site, and the street functions as a shared private driveway across the frontage of the site and to the north. The street is constructed to rural county standards and does not have curb, gutter, or sidewalk. The right-of-way width is 25 feet, all of which was dedicated by the parcels along the east side of the road. Pavement width is 10 feet and provides for a single vehicle lane shared by each direction.

- 4.4 Parcels 2 and 3 can each be developed in the future with a single-family home. Based upon ITE trip generation rates, this development can be expected to ultimately result in the addition of 19 new vehicle trips per day to the public street system. Of those trips, two would occur during the peak PM traffic hour.
- 4.5 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.6 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.
- 4.7 The City's standard design for a local street has a right-of-way width of 54 feet, and a curb-to-curb width of 30 feet.

#### CONCLUSIONS:

- 4.1 The proposed development will ultimately result in approximately 19 new vehicle trips per day on the public street system, of which two will occur during the peak PM traffic hour.
- 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 not constructed to city standards. While dedication of this site's share of the ultimate street right of way width of 54 feet can occur now, the resulting right of way width of 27 feet is insufficient to allow for construction of even partial width street improvements. For that reason, the City Engineer has determined that it is not timely for this development to improve its street frontage to city standards and that an improvement assurance should instead be provided.

#### CONDITIONS:

1. Prior to recordation of the final plat map, the applicant shall dedicate 27 feet of public right-of-way along the west boundary of the parcels abutting Ridgeview Lane.
2. 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 Ridgeview Lane.

***Criterion (5) The location and design allows 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 along the southern half of the subject property's western boundary. The existing dwellings on the property are currently connected to the public sewer system through a single service lateral.
- 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 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 ADC 12.490 states that sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 5.5 Because the subject property lies at the extreme northern edge of the urban growth boundary, no public sanitary sewer extension will be required with this development.
- 5.6 Two sewer service laterals have previously been installed for the subject property to serve future development on the site. These services lie within the proposed shared access and utility easement along the south boundary of the site. An additional sewer service lateral must be installed before development can occur on the third parcel.

#### Water.

- 5.7 City utility maps show a six-inch public water main along the west boundary of the subject property. The existing dwellings on the property are currently connected to the public water system through a single water service/meter.
- 5.8 No recorded public utility easement has been found for the existing public water main that lies along the west boundary of the subject property. The applicant is proposing to dedicate 25 feet of public right-of-way along the parcel's west boundary. It is unclear whether this 25-foot right-of-way dedication will cover all the existing public water main in that area.
- 5.9 Public utility easements of at least 15 feet in width, centered over the main, are required for all public water lines and appurtenances (ADC 12.370). It is possible that the northernmost portion of the public water main within the property will not lie within the proposed 25-foot right-of-way. It is also possible that the existing water service/meter serving the two existing dwellings on the site will not lie within the proposed right-of-way dedication. The applicant must identify the precise locations of these public utilities, and if they lie outside of the boundaries of the proposed right-of-way, additional public utility easements will be necessary over these facilities [*Note: a condition of approval, Condition 1, will require dedication of 27 feet of public right-of-way, half the width of the City's standard design for a local street, which has a right-of-way width of 54 feet*].
- 5.10 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.
- 5.11 Future development on each of the two new parcels must be connected to the public water system. The applicant is proposing to have two new water services installed to serve the additional two parcels created by this partition.

#### Storm Drainage.

- 5.12 City utility maps show no piped public storm drainage facilities in this area. There is a shallow ditch along the north side of an adjacent driveway south of the subject property.
- 5.13 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.

- 5.14 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.
- 5.15 The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards. In most circumstances, detention will be required unless it can be satisfactorily demonstrated by the applicant that there is no adverse impact.
- 5.16 The applicant's preliminary proposal shows the construction of a shared private drainage system including storm water detention and storm water quality facilities. The applicant has submitted a drainage report showing calculations for the proposed detention and water quality features. The City's Engineering Division has reviewed the drainage report and has found it to be adequate.
- 5.17 AMC 12.45.030 states that 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. The subject property is slightly less than one acre in size.
- 5.18 AMC 12.45.040 states that a development may be exempted from the requirement of AMC 12.45.030 when the development is for the construction of not more than three single-family or duplex dwelling(s) on an existing lot(s) of record.
- 5.19 Based on City of Albany codes, no storm water quality facilities are required for the proposed development. However, it is acceptable for the applicant to construct these features as proposed.

#### CONCLUSIONS:

- 5.1 Public sanitary sewer and water facilities are adequate to accommodate the proposed development.
- 5.2 Any new construction on the proposed parcels must be connected to the public sanitary sewer and water systems.
- 5.3 The applicant has proposed a shared private storm drainage collection system for this development. While the proposed storm water quality facilities are not required by City of Albany Codes, review of the applicant's plan has determined that the proposal is acceptable.
- 5.4 All public water system facilities and appurtenances that lie outside of a public right-of-way must be protected by public utility easements.

#### CONDITION:

3. Before the City will sign the final partition plat, the applicant must show that the existing and proposed public water system facilities (mains, services, meters, etc.) either lie within the proposed right-of-way dedication, or additional public utility easements shall be provided as needed to cover these facilities.

**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

### Hillside Development

- 6.1 *Comprehensive Plan Plate 7: Slopes*, shows that portions of the property that will be divided have steep slopes of 12 percent or greater. The elevations on the property range from 379 feet to 354 feet. The property slopes generally from the northwest corner at the highest point downward toward the southeast corner of the site. The City's contour map shows that the center of the property has slopes that average 12 to 25 percent. According to Section 6.180 of the Albany Development Code, Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater.
- 6.2 ADC 6.170 through 6.230 includes Hillside Development standards. ADC 6.180 states that the Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan. The Hillside Development standards apply to the proposed partition.
- 6.3 ADC 6.170 states the purpose of the Hillside Development district is to regulate the development of potentially hazardous terrain, minimize public and private losses due to earth movement hazards in specified areas, and minimize erosion and related environmental damage.
- 6.4 ADC 6.190 states that Hillside Development is reviewed as part of the land division application process as a Type III procedure. The Type III process requires a public hearing (ADC 1.360). A public hearing on this application will be held on July 16, 2018.
- 6.5 ADC 6.200 requires the applicant to submit a geologic and soils report prepared and stamped by a certified engineering geologist or a licensed civil engineer, licensed in the specialty of geotechnical engineering with the State of Oregon. The applicant submitted the "Preliminary Geotechnical Evaluation," prepared by Mel McCracken, of FEI Testing and Inspection, Inc., dated April 20, 2018. The Geotechnical Investigation is stamped by Melvin J. McCracken, a registered professional engineer with a specialty in geotechnical engineering (Attachment C).
- 6.6 ADC 6.200 states the report must identify the following:

**(1) *All geologic and soils hazards and certify that the site, and each individual lot if a land division is proposed, are suitable for the proposed development.***

According to the geotechnical engineer, there are no existing geologic or soils hazards that would preclude proposed development at the site. The subject property has an upper stratus of "high plastic clay soils" that have moderate shrink/swell potential with seasonal variations in moisture content. The Geotechnical Evaluation concludes that each of the three proposed lots are suitable for the proposed single-family residential development if site drainage and high plastic clay soils are addressed.

**(2) *Area(s) suitable for building and describe how slopes will be stabilized.***

According to the report, the existing native slopes are in a stable configuration. The proposed development will result in minor grading. Cuts into the slope for individual lot development may require retaining walls to retain the cut slopes. Alternatively, shallow cuts (less than four feet) may be practical using cut slopes with 3(horizontal):1(vertical) or shallower slope configurations. The variation in elevation across the proposed structures may allow use of stepped foundations that are excavated into the existing slope. The geotechnical engineer states that drainage improvements will be required in conjunction with the proposed development, especially during wet weather months. He advises that new residential structures include

perimeter foundation drains as well as foundation drains for any retaining walls constructed at the site. Crawl spaces and roof drains should be connected to the storm drainage system.

**(3) *Suitable building footprint(s) for development on each lot.***

The geotechnical engineer states that there are no geotechnical issues that would preclude development of any portions of the property. He assumed that typical residential setbacks from the property boundaries would apply to the proposed lots.

**(4) *Any requirements that must be met from the time construction begins to the time construction is completed.***

According to the report, all foundations should be constructed on full bench cuts into the slope. The foundation soils and temporary cut slopes should be evaluated at the time of construction by a geotechnical engineer. The design and construction will also need to accommodate drainage for the sloping terrain and foundation drains for the new structure. Temporary or permanent fill placement on the site should be minimized to the extent practical. The geotechnical engineer recommends that fill depths no greater than two feet be allowed over the existing grades without further geotechnical evaluation.

**(5) *Any requirements that must be met after construction is completed (e.g., maintenance requirements for continued slope stabilization).***

The report assumes that structures will have drainage systems that discharge to the storm system. Additionally, required excavations and backfilling will be mulched or vegetated at the time of construction to minimize surface erosion. Therefore, the geotechnical engineer does not believe that there are any unusual geotechnical requirements that must be met following the completion of construction. He did state, however, that the development will require that organic soils and high plastic clay be properly mitigated, which will result in slightly deeper footing embedment than typical residential construction as well as placement and compaction of crushed rock beneath residential foundations.

- 6.7 ADC 6.210 requires that “In all slope areas, impervious surface drainage from roofs, driveways, and parking areas must be directed to a City storm drain or other City-approved drainage system. Development activities must not block the flow of stormwater in natural drainageways without prior approval from the Public Works Director.” Storm drainage is addressed under Review Criterion (5) of this staff report.
- 6.8 Grading Permit. Albany Municipal Code (AMC) 12.35.010 requires that a grading permit be obtained from the City of Albany Public Works Department if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent. This requirement will be included as a condition of approval of the partition.
- 6.9 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C-0211H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain.
- 6.10 Article 6 Wetlands. *Comprehensive Plan Plate 6:* does not show wetlands on the property. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map dated 1994, does not show wetlands on the property.
- 6.11 Article 4 Airport Approach district. According to Figure 4-1 of the Albany Development Code, the subject property is not located within the Airport Approach District.
- 6.12 Article 7: Historic Districts. *Comprehensive Plan Plate 9: Historic Districts* shows the property is not in a historic district. There are no known archaeological sites on the property.

- 6.13 Setbacks for Properties Abutting Designated Farmlands. According to ADC 3.275, for properties adjacent to designated and zoned productive farmland outside the Urban Growth Boundary, the habitable portion of new residential dwelling units shall be setback 125 feet from the property line on land zoned Exclusive Farm Use (EFU). This requirement does not apply to the residential development if the adjacent EFU-zoned property is a golf course, contains locally significant wetlands adjacent to the residential development, residential land uses on five acres or less, or where the separation cannot be achieved due to lot size constraints or other physical factors beyond the control of the property owner. The abutting 10.37-acre property to the north and east is zoned EFU; however, the property contains a 4,258-square-foot residence and a 5,850-square-foot detached accessory building. According to Benton County Assessor's records, the property class is residential, and it is not being used for productive farming.

## CONCLUSIONS

- 6.1 Portions of the property have steep slopes of 12 to 25 percent. ADC Section 6.180 states that the Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan. The Hillside Development standards apply to the proposed partition.
- 6.2 The applicant submitted the "Preliminary Geotechnical Evaluation," prepared by Mel McCracken, of FEI Testing and Inspection, Inc., dated April 20, 2018.
- 6.3 A condition of approval of the subdivision will require that the recommendations contained in the geotechnical report are followed for subdivision construction.
- 6.4 There are no regulatory floodplains on the subject property, according to FEMA/FIRM Community Panel No. 41043C-0211H, dated December 8, 2016.
- 6.5 The property is not located within the Airport Approach District.
- 6.6 There are no known wetlands, historical or archaeological sites on the property.
- 6.7 The subject property abuts EFU-zoned property to the north and east; however, the property is not being used as productive farmland.
- 6.8 This criterion is met with the following conditions:

## CONDITIONS

4. At the time of issuance of building permits or prior to setback and footing inspections, the developer shall provide a letter of approval to [specialinspections@cityofalbany.net](mailto:specialinspections@cityofalbany.net) from a qualified engineer registered in Oregon which stipulates that the "excavated site" complies with the recommendations in the "Preliminary Geotechnical Evaluation," prepared by Mel McCracken, of FEI Testing and Inspection, Inc., dated April 20, 2018.
5. All recommendations of the geotechnical report shall be followed during all phases of subdivision construction.
6. Prior to any ground disturbing activity, a grading permit shall be obtained from the City of Albany Public Works Department if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent.

## OVERALL CONCLUSIONS

This report evaluates the applicant's land division application to create a three-lot Partition located within the Hillside Development Overlay District. 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 are satisfied.

### STAFF RECOMMENDATION

Based on the analysis in this report, staff recommends the Planning Commission pursue Option 2 and approve the application with the conditions of approval provided below.

#### **Motion:**

Based on the staff recommendation, the following motion is suggested:

*I move that the Planning Commission approve land use application PA-05-18, as conditioned in the July 5, 2018, staff report to the Planning Commission. This motion is based on the findings and conclusions in the staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.*

#### **Conditions of Approval:**

##### General

- Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval, and shall comply with all applicable state, federal and local laws.
1. **Ridgeview Lane.** Prior to recordation of the final plat map, the applicant shall dedicate 27 feet of public right-of-way along the west boundary of the site along Ridgeview Lane.
  2. **Ridgeview Lane.** 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 Ridgeview Lane.
  3. **Utility Easements.** Before the City will sign the final partition plat, the applicant must show that the existing and proposed public water system facilities (mains, services, meters, etc.) either lie within the proposed right-of-way dedication, or additional public utility easements shall be provided as needed to cover these facilities.
  4. **Geotechnical Evaluation.** At the time of issuance of building permits or prior to setback and footing inspections, the developer shall provide a letter of approval to [specialinspections@cityofalbany.net](mailto:specialinspections@cityofalbany.net) from a qualified engineer registered in Oregon which stipulates that the “excavated site” complies with the recommendations in the “Preliminary Geotechnical Evaluation,” prepared by Mel McCracken, of FEI Testing and Inspection, Inc., dated April 20, 2018.
  5. **Geotechnical Evaluation.** All recommendations of the geotechnical report shall be followed during all phases of subdivision construction.
  6. **Grading Permit.** Prior to any ground disturbing activity, a grading permit shall be obtained from the City of Albany Public Works Department if more than 50 cubic yards of material are to be excavated or filled on slopes steeper than 12 percent.

## ATTACHMENTS

- A. Location Map
- B. Tentative Plat & Hillside Review Narrative
  - B.1 – B.31 Review Criteria Responses
- C. Preliminary Geotechnical Evaluation by Melvin J. McCracken, dated April 20, 2018
  - C.1 – C.4 Report
- D. Tentative Plat Maps prepared by TKP Engineering, Inc., dated March 21, 2018
  - D.1 Cover Sheet
  - D.2 Existing and Proposed Development
  - D.3 Tentative Plat and Grading Plan

## ACRONYMS

ADC	Albany Development Code
AMC	Albany Municipal Code
EFU	Exclusive Farm Use Zoning Designation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ITE	Institute of Transportation Engineers
PA	Partition File Designation
RS-10	Single Family Residential Zoning District-10,000 sq. ft.
TSP	Transportation System Plan