Staff Report
Land Division – Tentative Partition Plat

PA-06-20
November 18, 2020

Application Information
Proposal: Tentative Partition Plat to divide one parcel into three parcels
Review Body: Staff (Type I-L review)
Property Owner/Applicant: James Thompson
PO Box 2752 Albany, Oregon 97321
Engineer: Udell Engineering and Land Surveying, LLC
63 E Ash Street Lebanon, Oregon 97355
Address/Location 1745 Jefferson Street SE Albany, Oregon 97322
Map/Tax Lot: Linn County Tax Assessor’s Map No. 11S-03W-07DC; Tax Lot 1301
Zoning: Residential Medium Density (RM)
Existing Land Use: Vacant
Parcel Size: 12,558-square-feet (0.29 acres)
Neighborhood: Sunrise
Prior History: Prior land use history could not be located.

Summary
A Tentative Partition Plat is proposed for the property addressed 1745 Jefferson Street and identified as Linn County Tax Assessor’s Map No. 11S-03W-07DC; Tax Lot 1301. The property is located south of the intersection between Queen Avenue and Jefferson Street. The proposal will divide a 0.28-acre (12,558-square-feet) parcel of land into three parcels. As shown on the applicant’s Tentative Partition Plat (Attachment B), Parcel 3 will be 4,600-square-feet and is vacant. Parcels 1 and 2 are proposed to be 4,048-square-feet.
Land Division criteria contained in Albany Development Code (ADC or Development Code) 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 partition plat application referenced above is APPROVED with CONDITIONS as described in this staff report.

Notice Information
A Notice of Filing was mailed to property owners identified within 100 feet of the subject properties on June 25, 2020, in accordance with ADC 1.330. At the time the comment period ended on September 17, 2020, the Albany Planning Division received no 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 A Tentative Partition Plat is proposed for the property addressed 1745 Jefferson Street SE and identified as Linn County Tax Assessor’s Map No. 11S-03W-07DC; Tax Lot 1301 (Attachment A).
1.2 The subject lot is located in the Residential Medium Density (RM) zoning district.
1.3 The proposal will divide a 0.29-acre (12,558-square-feet) parcel into two parcels. As proposed, Parcel 1 will be 4,600-square-feet, Parcel 2 will be 4,048-square-feet, and Parcel 3 will be 4,048-square-feet. The existing lot is occupied by a shop.
1.4 The minimum lot size for the RM zone for a detached single-family residence is 3,500-square-feet. As shown in the applicant’s tentative partition plat, both lots meet the minimum lot size. Likewise, the RM zone requires a minimum lot width of 30 feet and a minimum lot depth of 60 feet. Both proposed parcels meet this standard.
1.5 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 Development Code. Standards relevant to this proposed partition are addressed below.
   a. 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 Development Code.
      As discussed under finding 1.3, above, the proposed parcels comply with the minimum requirements of the underlying zoning. The parcels’ 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 parcels within the proposed partition. This criterion is met.
   b. 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. All proposed parcels are
less than double the minimum lot size for the RM zoning district. Therefore, this standard is not applicable.

c. ADC 11.090(3) states 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.

d. ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All the of the proposed side yards are perpendicular to Jefferson Street. Therefore, this standard is met.

e. 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.

f. ADC 11.090(6) states 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.

g. ADC 11.090 (7) and (8) regards standards for access to arterial streets and standards related to cul-de-sacs. Access to an arterial street is not proposed and the application does not involve a cul-de-sac. Therefore, these standards are not applicable.

h. ADC 11.090(9) states flag lots are discouraged and allowed only when necessary to provide adequate access to buildable sites, and only where the dedication and improvement of a public street cannot be provided. This proposal does not include a flag lot; therefore, this standard is not applicable.

Conclusions
1.1 The proposal meets the standards of the underlying zoning district.
1.2 There are no foreseeable difficulties in securing building permits to build on the proposed lots.
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 proposal will divide a single 12,558-square-foot lot into three parcels. Parcel 3 would be 4,600-square-feet. Proposed Parcels 1 and 2 would be 4,048-square-feet.
2.2 The proposed partition would divide the entire parcel owned at this location by James Thompson.
2.3 None of the lots can be further divided.

Conclusions
2.1 The site is currently owned by a single property owner. There is no other remainder of property under the same ownership to consider with this application.
2.2 This criterion is met without conditions.
Criterion 3
Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Findings of Fact
3.1 This review criterion has been interpreted by the City Council to require only adjoining land either have access, or be provided access, to public streets.

3.2 ADC 12.060 requires development must have frontage on or approved access to a public street currently open to traffic. As shown on Attachment B, all parcels will have access to, and frontage along, a public street currently open to traffic.

3.3 Adjoining properties have access to public streets through the existing transportation system and the proposed partition will not remove that access.

Conclusions
3.1 The subject property has adequate access to and from the existing street system.

3.2 Adjoining lands currently have direct access to public streets and the proposed partition will not impact that access.

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 a vacant parcel of land into three parcels. Each parcel could eventually be developed with a single-family home.

4.2 The development is located at 1745 Jefferson Street SE.

4.3 Jefferson Street is classified as a local road and, with the exception of sidewalk, is constructed to city standards. The right-of-way width is 60 feet. The curb to curb width is 32 feet and provides for a vehicle travel lane in each direction and on street parking along both sides of the road.

4.4 The vacant parcels being created with this partition can be developed in the future with single-family homes. Based upon Institute of Transportation Engineers (ITE) trip generation rates, single-family homes generate approximately 9.44 vehicle trips per day and one trip during the PM peak traffic hour. When fully developed the site is expected to generate about 28 new vehicle trips per day, of which three will 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 12.290 of the Development Code requires new development include the installation of sidewalk along public street frontages. Sidewalk can be deferred to home construction on individual lots.

Conclusions
4.1 With the exception of sidewalk, the development’s frontage on Jefferson Street is constructed to City standards.

4.2 The proposed development will ultimately result in about 28 new vehicle trips per day and three PM peak hour trips on the public street system.

4.3 Albany’s Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
4.4 ADC 12.290 requires new developments include the installation of public sidewalk along the public street frontages. Construction of sidewalk can be deferred to individual lot development.

4.5 This criterion is met without conditions.

**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 Jefferson Street, an 8-inch main along the north boundary of the subject property, and an 8-inch main along the south boundary. There is a 4.5-foot public utility easement over the northernmost strip of the subject property, and a 17.5-foot public utility easement over the southernmost strip. No permanent structures are allowed within a public utility easement.

5.2 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.

5.3 AMC 10.01.010 (1) states the objective of the Albany Municipal Code (AMC) requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.

5.4 Each of the proposed lots must be served by separate and distinct sewer service laterals. If a lateral does not exist to one or more of the proposed lots the applicant must install a lateral at the time of development of each lot.

5.5 AMC 10.01.120 (1) states no unauthorized person is allowed to make connection to any public sewer or appurtenance without first obtaining an encroachment permit. Before making a connection to or working on public sanitary sewers the applicant must obtain an encroachment permit from the City’s Public Works Department. Connection details must adhere to City standards and be approved by the City Engineer.

**Water**

5.6 City utility maps show a 4-inch public water main in Jefferson Street. There is no evidence the subject property has ever been connected to the public water system or has paid an assessment or connection charge for the existing water main along its frontage.

5.7 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.

5.8 Each of the proposed lots must be served by separate and distinct water services. City personnel install water services 2-inches and smaller. The developer must obtain a water service installation permit at the time of development of each lot.

5.9 A Connection Charge shall be due and payable when accessing the City’s water distribution facilities 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 water facilities has not been paid by the property owner or predecessor thereof (AMC 15.30.010).

5.10 If the water distribution facility 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 City signing the final plat (AMC 15.30.020).
**Storm Drainage**

5.11 City utility maps show no piped public storm drainage facilities adjacent to the subject property. Jefferson Street is improved with curb and gutter. Typically, single-family houses and duplexes connect roof drains to the gutter through weep holes in the curb.

5.12 It is the property owner’s responsibility to ensure 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 include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. 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.

5.13 ADC 12.530 states 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.

**Conclusions**

5.1 Public utilities are in place and are adequate to serve the proposed lots.

5.2 Individual sewer service laterals must be installed (if a lateral does not currently exist to a proposed lot) at the time of development of each of the lots.

5.3 A water connection charge must be paid for the subject property’s Jefferson Street frontage before the City will sign the final partition plat.

5.4 Individual water services must be installed to each of the proposed lots at the time of development of each of the lots.

**Conditions**

Condition 1 Before the City will sign the final partition plat, the applicant must pay a water connection charge for the existing public water main along the property’s Jefferson Street frontage.

**Overall Conclusion**

As proposed and conditioned, the application for Tentative Partition Plat for a three-lot partition satisfies all applicable review criteria as outlined in this report.

**STAFF DECISION**

**APPROVAL with CONDITIONS** of the Tentative Partition Plat application. The approval is subject to the following conditions.

**Conditions of Approval**

Condition 1 Before the City will sign the final partition plat, the applicant must pay a water connection charge for the existing public water main along the property’s Jefferson Street frontage.
Attachments
A. Location Map
B. Proposed Tentative Partition Plat
C. Applicant’s Findings Narrative

Acronyms
ADC Albany Development Code
AMC Albany Municipal Code
FEMA Federal Emergency Management Agency
FIRM Flood Insurance Rate Map
ITE Institute of Transportation Engineers (Trip Generation)
PA Partition
RM Residential Medium Density District
RS-6.5 Single Family Residential District (Average Minimum Lot Size of 6,500 square feet)
TSP Transportation System Plan
TENTATIVE PARTITION
FOR
Jim Thompson

LAND DIVISION – TENTATIVE PARTITION

APPLICANT: Jim Thompson
PO Box 2752
Albany, OR 97322
541-979-1956
Leethompson_assoc@comcast.net

PROPERTY OWNERS: Same as applicant

ENGINEER/SURVEYOR: Udell Engineering and Land Surveying, LLC
Kyle Latimer
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Lebanon, OR 97355
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kyle@udelleng.com

PROPERTY LOCATION: 1745 Jefferson St. SE Albany, Oregon 97322
Assessor’s Map 11S-03W-07DC, Tax lot 1301

Findings of fact:

Criterion 1: The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section. Describe how the proposal will be consistent with Lot and Block standards obtained in ADC 11.090.

Fact: There are no new lots or blocks being proposed with this tentative replat.

Conclusion: The proposed partition will created 3 parcels with a proposed area of 4,048 square feet for parcels 1 and 2 and 4,600 square feet for parcel 3.
2. **Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.** Can the proposed land area be further divided?

**Fact:** the proposed is to partition the land described in Linn county deed document no. 2020-05461.

**Conclusion:** The proposed parcels 1 and 2 will be of 4,048 square feet and parcel 3 will be of 4600 square feet per City of Albany zoning districts for RM the minimum lot size is 3,500 square feet. There will be no remainder property to divide.

If yes, submit a separate expanded plat map, called an "Urban Conversion Plan," that shows how the property can be further divided, and how access and utilities complying with the various regulations of the ADC can be provided. An Urban Conversion Plan is used only to evaluate the current request against the review criteria and does not convey any approval rights.

3. **Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.** Assess each adjoining parcel/lot for further development potential. For example, will any adjoining lot depend upon the application’s property for access? If so, the application may need to provide a street stub.

**Fact:** The proposed partition is bound on the west by a public street. The neighbor properties to the east, south, and west has been already developed and have access onto Jefferson street, Thurston street, and Queen avenue.

**Conclusion:** Adjacent properties to the proposed partition have access to City of Albany public streets.

4. **The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.** Describe how the plan makes the best use of existing and proposed streets for access to the proposed parcels/LOTS, including for pedestrians and bicycles.

**Fact:** No street plans are being submitted with the proposed partition.

**Conclusion:** The proposed partition will have access on the west from Jefferson St.

5. **The location and design allows for development to be conveniently served by various public utilities.** Indicate the location and size of each of the nearest public facilities for water, sewer, and storm drainage, and explain how the project will connect to those facilities. If public facilities are not available, how will the property be served?

**Fact:** An 4” water pipe, gas line, and an 6” to 8” sewer line exist along Jefferson St. sewer laterals exist running east and west on the north and south portion of the proposed partition.
Conclusion: Existing utilities will be available on the west side of the proposed partition as well as a sewer line on the north and south portion of the proposed partition.

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

Fact: Proposed partition is not in Airport Approach vicinity area, Fema floodplain, wetlands, or historic district.

Conclusion: The proposed partition of tax lot 1301, assessor’s map 11S03W07DC is not a part of the Airport Approach vicinity area, FEMA floodplain, wetlands, or historic district special purpose districts per City of Albany ADC articles 4, 6, and 7.