



Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

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STAFF REPORT

Application for an Adjustment and Tentative Partition Plat Review

Planning File No. PA-07-17 & AD-06-17

SUMMARY

The application is a request for a Tentative Partition concurrent with an Adjustment to the minimum lot depth standard. The proposal will divide one existing 12,736-square-foot parcel into two 6,368-square-foot parcels. The application also includes a request for an 8.6-foot adjustment to the minimum lot depth on proposed parcel one, from an 80-foot lot depth to a 71.45-foot lot depth. The property address is 3606 Pacific Boulevard SW, and it is zoned RS-6.5, Residential Low-Density.

Land Division criteria contained in Albany Development Code (ADC) 11.180 and Adjustment criteria contained in ADC 2.080 are addressed in this report for the proposed development. These criteria must be satisfied in order to grant approval for this application.

GENERAL INFORMATION

DATE OF REPORT: March 19, 2018

FILES: PA-07-17 and AD-06-17

TYPE OF APPLICATION: Tentative Partition to create a two-lot partition concurrent with an 8.6-foot Adjustment to the minimum lot depth in the RS-6.5.

REVIEW BODY: Staff (Type I-L process)

PROPERTY OWNER/APPLICANT: Colette Marchant, 2747 Newton Street, Philomath, OR 97370; 541-603-6301

SURVEYOR: Bob Cook, Northstar Surveying; 720 NW 4th Street, Corvallis, OR 97330; 541-757-9050; bcook@northstarsurveying.com

ADDRESS/LOCATION: 3606 Pacific Boulevard SW, Albany, OR 97321

MAP/TAX LOTS: Linn County Assessor's Map No. 11S-04W-13DC; Tax Lot 2800

ZONING: RS-6.5 - Residential Single Family

COMPREHENSIVE PLAN DESIGNATION: Residential – Low Density

TOTAL LAND AREA: .29 acres (12,736 square feet)

EXISTING LAND USE: Unimproved

NEIGHBORHOOD: West Albany

SURROUNDING ZONING: North: RS 6.5 (Residential Single Family)
South: RS 6.5
West: RS 6.5
East: LI (Light Industrial)

SURROUNDING USES: North: Single Family Residential
South: Single Family Residential
West: Single Family Residential
East: Self-Serve Storage

PRIOR HISTORY: There are no prior land use cases on file related to the subject property.

STAFF DECISION

The Tentative Partition Plat and Adjustment application referenced above is **APPROVED with CONDITIONS** as described in this staff report.

NOTICE INFORMATION

A Notice of Filing for the partition and adjustment applications were mailed on February 15, 2018, to owners of property located within 100 feet of the subject property. At the time the comment period ended on March 1, 2018, no comments had been received by the Planning Division.

STAFF ANALYSIS:

The Albany Development Code (ADC) contains the following review criteria, which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions where needed to meet the criteria.

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 subject property is located at 3606 Pacific Boulevard SW, as shown in Attachment A.
- 1.2 The property is zoned RS-6.5, Residential Low-Density. The RS-6.5 zone has a minimum lot size of 6,500 square feet for detached, single-family homes, and the minimum required lot dimensions are 50 feet in lot width and 80 feet in lot depth.
- 1.3 The subject parcel is 71.45 feet deep by 180.23 feet wide, with an area of 12,736 square feet. The proposed partition would divide the subject parcel into two 6,368 square foot parcels.
- 1.4 Both parcels qualify for the 10 percent reduction in the average minimum lot size permitted by ADC 3.220(1). The entire lot area of both parcels is within 200 feet of Pacific Boulevard, an arterial street. Additionally, access to both parcels will be provided from 36th Avenue, a local street. A 10 percent reduction to the 6,500 minimum lot size equals 5,850 square feet. Both parcels are proposed to be 6,368 square feet.
- 1.5 Parcel one will have frontage on 36th Avenue. The dimensions of parcel one are proposed to be 89.13 feet in width and 71.45 feet in depth. As proposed, the lot depth will be 8.6 feet less than the minimum 80-foot standard. Therefore, a request for an adjustment is included with this partition application. The adjustment criteria are addressed under ADC 2.080 below. Those findings and conclusions are included here by reference.
- 1.6 Parcel two is a corner lot with frontage on 36th Avenue and Pacific Boulevard. Given that parcel two is a corner lot, either street frontage can be used for measuring lot width and depth. The dimensions of parcel two are proposed to be 71.56 feet by 87.26 feet and 6,368 square feet in size, which meets the minimum lot area and dimensions.
- 1.7 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 land division are addressed below.
- 1.8 ADC 11.090(1) states that lots must be arranged such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all proposed lots in

compliance with the requirements of the Code. The highest elevation on the property is currently 222.96 feet and the lowest is 219.77 feet, according to the applicant's tentative plat (Attachment D). There is a 25-foot special noise corridor setback from Pacific Boulevard, in which habitable portions of structures may not be constructed. No other known conditions or difficulties in obtaining a building permit exist.

- 1.9 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. Neither parcel is proposed to be more than double the minimum area designated by the zoning district; therefore, an urban conversion plan is not required.
- 1.10 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 existing or proposed lots are double-frontage lots. All proposed parcels will have side yards running at a right angle to 36th Avenue in accordance with ADC 11.090(4).
- 1.11 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. 36th Avenue is about 1,250 feet in length from the western termination of the public street to Pacific Boulevard. There are no cross-streets along this stretch of 36th Avenue, and none are likely to be constructed in the future due to existing physical conditions (homes) in the area.
- 1.12 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 parcels front the public street network; therefore, no off-street pedestrian pathways are required.
- 1.13 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 with this development.

CONCLUSIONS

- 1.1 The proposed partition will divide a corner lot into two parcels.
- 1.2 The proposal meets the minimum lot area standard of the underlying zoning district when the provisions for reduction in standard lot size requirements of ADC 3.220 are applied.
- 1.3 The proposal meets the minimum lot dimension standard of the underlying zoning district when an 8.6-foot adjustment to the lot depth standard of ADC 2.080 is applied to proposed parcel one. A request for an adjustment is being processed concurrently with this partition application.
- 1.4 Block length standards are not applicable to this proposal.
- 1.5 This criterion is met.

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 Colette Marchant in its entirety.
- 2.2 The two proposed parcels will not be able to be further divided because there is not sufficient land area remaining in either lot for future land division in the underlying zoning district.

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 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 parcel is located on an existing street system.
- 3.4 The proposed partition divides the subject parcel into two parcels and both parcels will have access from 36th Avenue.
- 3.5 The abutting properties all have street frontage with access to the public street. The proposed land division will not impact adjacent property's existing access.

CONCLUSIONS

- 3.1 The adjoining lands do not rely on the proposed development for access.
- 3.2 Adjoining land can be developed in accordance with this Code with direct access to public streets.
- 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. Parcel one and parcel two are unimproved.
- 4.2 The subject site is located on the southwest corner of 36th Avenue and Pacific Boulevard.
- 4.3 36th Avenue is classified as a local street and is partially constructed to city standards. Improvements include a 22-foot pavement width, but no curb, gutter, or sidewalk. The right-of-way width is 60 feet.
- 4.4 The City Engineer has determined it is not timely to make frontage improvements along 36th Avenue. Therefore, Condition of Approval 1 will include a Petition for Improvements/Waiver of Remonstrance for a future assessment district.
- 4.5 The proposed partition will bring the number of dwellings on 36th Avenue served by one access to thirty-two. Per Appendix D107.1 of the Oregon Fire Code, at least two means of fire apparatus access must be provided for residential developments of one- or two-family dwellings where the number of dwellings exceeds thirty. OAR 918-480-0125 states that the Building Official will select one or more of the standards set forth in the Uniform Alternate Construction Standards for One and Two-Family Dwellings if the Fire Official determines that there is inadequate fire apparatus access. Condition of Approval 2 will ensure that the development of a single-family dwelling on parcel one will be constructed in conformance with OAR 918-480-0125.
- 4.6 Pacific Boulevard is classified as an arterial street and constructed to city standards with curb, gutter, and sidewalk. The right-of-way width is 80 feet. Pavement width is 75 feet and provides for two vehicle travel lane in each direction, a center turn lane, and bike lanes.
- 4.7 A ten-foot property line radius must be dedicated on the south west corner of Pacific Boulevard and 36th Avenue to allow a curb return to be located in public right-of-way.

- 4.8 Access to parcel two is limited to 36th Avenue in accordance with ADC 12.100(6), which restricts access for properties with frontage on more than one street to streets of lower classification. Condition of Approval 3 will ensure that the existing driveway approach to Pacific Boulevard must be removed and replaced with standard curb, gutter, and sidewalk.
- 4.9 Both parcels can be developed in the future with a single-family home. Based upon ITE trip generation rates, single-family homes generate approximately ten vehicle trips per day. The creation of a second lot with this development can, therefore, be expected to ultimately result in the addition of ten new vehicle trips to the public street system.
- 4.10 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

CONCLUSIONS

- 4.1 The proposed development will ultimately result in approximately ten new 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 has frontage on existing streets. Pacific Boulevard is constructed to city standards. 36th Avenue is not fully constructed to city standards. A condition of approval will include a Petition for Improvements/Waiver of Remonstrance for street improvements to 36th Avenue.
- 4.4 In lieu of a secondary fire access, OAR 918-480-0125 the Uniform Alternate Construction Standards for One and Two-Family Dwellings will apply upon future development of parcel one.
- 4.5 Access to parcel two is limited to 36th Avenue in accordance with ADC 12.100(6), which restricts access for properties with frontage on more than one street to streets of lower classification. The existing driveway approach to Pacific Boulevard must be removed and replaced with standard curb, gutter, and sidewalk.
- 4.6 This criterion is met with the following conditions.

CONDITIONS

- Condition 1 Prior to the final plat approval, the applicant shall sign and submit a Petition for Improvements/Waiver of Remonstrance to the Public Works Engineering Department.
 - Condition 2 Prior to the issuance of a building permit on parcel one, building plans will be reviewed and approved by the Building Office for conformance with OAR 918-480-0125.
 - Condition 3 Prior to the final plat approval, the existing driveway approach to Pacific Boulevard must be removed and replaced with standard curb, gutter, and sidewalk. Future access to parcel two is restricted to 36th Avenue.
 - Condition 4 Prior to the final plat approval, a ten-foot property line radius must be dedicated on the south west corner of Pacific Boulevard and 36th Avenue to allow a curb return to be located in public right-of-way.
- 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 a six-inch public sanitary sewer main along the west boundary of the parent parcel. The previous home on the property was connected to the public sewer system.
- 5.2 All property with buildings or structures normally used or inhabited by people, where the property is located within 300 feet of a public sanitary sewer main will be required to have or make a connection to the public sewer system (AMC 10.01.100 (1)).

- 5.3 Sewer service to the eastern lot (Parcel 2) must run through the western lot (Parcel 1). A private utility easement must be granted over Parcel 1 for this future service to Parcel 2.

Water

- 5.4 City utility maps show 16-inch public water mains in Pacific Boulevard and in 36th Avenue. The previous home on the property was connected to the public water system.
- 5.5 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.

Storm Drainage

- 5.6 City utility maps show no storm drainage facilities in 36th Avenue adjacent to the subject property. Thirty-Sixth Avenue is not constructed to city standards. It has no curb or gutter and no discernible ditch exists along the frontage of the subject property. Pacific Boulevard is an ODOT right-of-way and is constructed with curb and gutter, but no piped storm drainage facilities exist adjacent to the subject property.
- 5.7 Due to the lack of drainage facilities in this area, and the grade of the adjacent streets, the applicant has proposed on-site dry wells as a means of collecting roof drainage from future homes on these parcels. This plan has been reviewed and approved by the City's Public Works Department.

CONCLUSION

- 5.1 Public water is available and adequate to serve future development on the proposed lots.
- 5.2 Public sanitary sewer is available and adequate to serve future development on Parcel 1.
- 5.3 Condition of Approval 5 will ensure that public sanitary sewer will be available and adequate to service future development on Parcel 2.
- 5.4 Future development on the proposed lots must make connection to the public sanitary sewer and water systems.
- 5.5 Future development on the proposed parcels must accommodate roof drainage on-site with dry wells as approved by the City's Public Works Department.

CONDITIONS

- Condition 5 Prior to the final plat approval, a private utility easement must be provided over Parcel 1 for future sewer service to Parcel 2.

Criterion (6) Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and utilized.

FINDINGS OF FACT

- 6.1 Article 3: Special Noise Corridor Setback. According ADC 3.320, there is a 25-foot noise corridor setback along Pacific Boulevard. Habitable portions of residential development adjacent to Pacific Boulevard shall maintain the 25-foot setback from the right-of-way in addition to the required setbacks for the RS-6.5 zone district.
- 6.2 Article 4: Airport Approach. According to Figure 4-1 of the ADC, the subject property is not located within the Airport Approach District.
- 6.3 Article 6: Steep Slopes. Comprehensive Plan Plate 7 shows that there are no areas of steep slopes on the subject property. The elevations on the property range from 220 feet to 222 feet (NGVD, 1929). The property slopes generally from the west to the east on the site.
- 6.4 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.

- 6.5 Article 6: Floodplains. Comprehensive Plan Plate 5 shows the subject property is not located in the 100-year floodplain. FEMA/FIRM Community Panel No. 41043C-0526G, dated September 29, 2010, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain.
- 6.6 Article 7: Historic Districts. Comprehensive Plan Plate 9 shows the subject property is not in any historic district. There are no known archaeological sites on the property.

CONCLUSIONS

- 6.1 Habitable portions of residential development shall maintain a 25-foot setback from the Pacific Highway Boulevard right-of-way in addition to other required setbacks for the RS-6.5 zone district.
- 6.2 There are no areas containing steep slopes on the subject property.
- 6.3 There are no floodplains on the subject property, according to FEMA/FIRM Community Panel No. 41043C-0526G, dated September 29, 2010.
- 6.4 The site has no special purpose districts that require conditions of approval to mitigate.
- 6.5 The property is not located within the Airport Approach District.
- 6.6 There are no known historical or archaeological sites on the property.
- 6.7 This criterion is satisfied without conditions.

ADJUSTMENT CRITERIA (ADC 2.080)

- (1) ***The adjustment is not requested to avoid a land use review process or increase density; AND***

FINDINGS & CONCLUSION

- 1.1 The proposed adjustment is being processed concurrently with a two-lot partition application.
- 1.2 The request is for an 8.6-foot adjustment to the minimum lot depth in the RS-6.5 zone for proposed parcel one. The adjustment would allow the lot depth to be reduced from an 80-foot minimum lot depth to a 71.45-foot lot depth.
- 1.3 As presented under partition criterion one under ADC 11.080 above, the proposed partition meets the minimum lot area for a single-family home on each lot. Those findings and conclusions are included here by reference.
- 1.4 Therefore, the proposed adjustment is not requested to avoid a land use review process or increase density.

- (2) ***The need for the adjustment is created by the unusual configuration of the property, to protect natural features, due to the location of an existing structure on the site, or the site is an infill or redevelopment site less than one acre with development on both sides; AND***

FINDINGS & CONCLUSION

- 2.1 The subject parcel is located in an older residential area of the city and has development on both sides. It is 71.45 feet deep by 180.23 feet wide, with an area of 12,736 square feet. The proposed partition would divide the parent parcel into two parcels.
- 2.2 Parcel one will be an interior lot with frontage on 36th Avenue. The dimensions of parcel two are proposed to be 89.13 feet in width by 71.45 feet in depth. The depth of proposed parcel two is limited by the existing shape of the subject property.
- 2.3 Parcel two is a corner lot with frontage on 36th Avenue and Pacific Boulevard. Given that parcel two is a corner lot, either frontage can be used for measuring lot width and depth. The dimensions of parcel two are proposed to be 71.56 feet by 87.26 feet, which meets the minimum lot dimensions.
- 2.4 Therefore, the site is an infill site that is less than one acre and the need for the adjustment is created by the existing shape of the property.

- (3) *The adjustment is the minimum necessary to address the unusual circumstance, generally no more than 10 percent from a numeric standard, and the request is still consistent with the purpose of the zoning district and any applicable overlay districts.*

FINDINGS & CONCLUSION

- 3.1 The subject property is located in the RS-6.5 zoning district, which is intended for residential use.
- 3.2 The subject property is not located in an overlay district.
- 3.3 The request is an 8.6-foot adjustment to the minimum lot depth from an 80-foot lot depth to a 71.45-foot lot depth, which is an eleven percent reduction in the lot depth. The 8.6-foot adjustment is the minimum necessary to meet the lot depth standard in the RS-6.5 zone.
- 3.4 This criterion is met.

OVERALL CONCLUSION

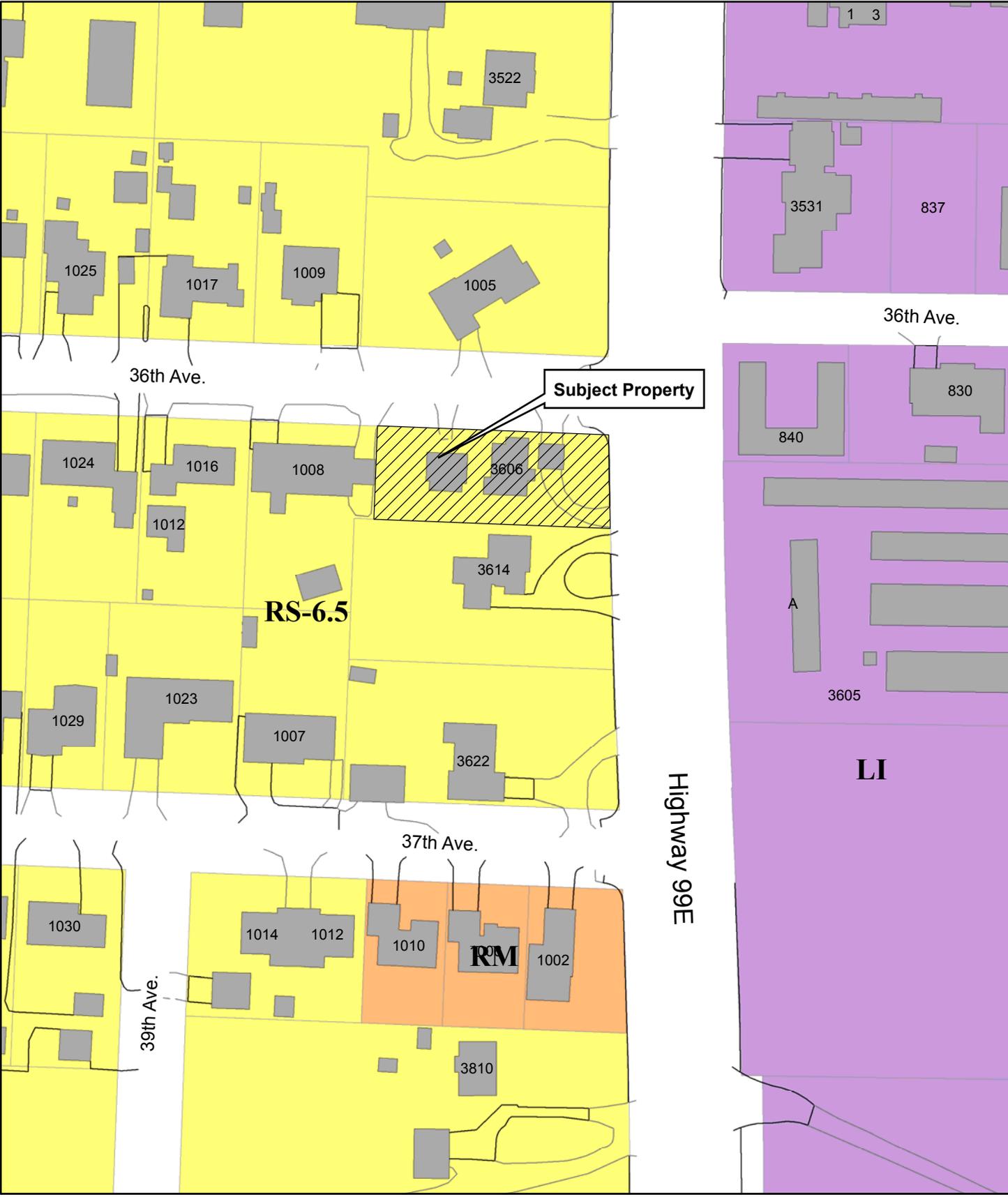
As proposed and conditioned, the application for an adjustment to the minimum lot depth, and the application for a tentative plat to create a two-lot partition meets all applicable review criteria as outlined in this report.

CONDITIONS OF APPROVAL

- Condition 1 Prior to the final plat approval, the applicant shall sign and submit a Petition for Improvements/Waiver of Remonstrance to the Planning Department.
- Condition 2 Prior to the issuance of a building permit on parcel one, building plans will be reviewed and approved by the Building Office for conformance with OAR 918-480-0125.
- Condition 3 Prior to the final plat approval, the existing driveway approach to Pacific Boulevard must be removed and replaced with standard curb, gutter, and sidewalk. Future access to parcel two is restricted to 36th Avenue.
- Condition 4 Prior to the final plat approval, a ten-foot property line radius must be dedicated on the south west corner of Pacific Boulevard and 36th Avenue to allow a curb return to be located in public right-of-way.
- Condition 5 Prior to the final plat approval, a private utility easement must be provided over Parcel 1 for future sewer service to Parcel 2.

ATTACHMENTS

- A) Location Map
B) Proposed Tentative Partition Plat



Location Map: 3606 Pacific Blvd. SW, Albany, OR 97321

The City of Albany logo features a stylized building and the word "Albany". Below it is a scale bar in feet, marked at 0, 20, 40, 80, 120, and 160. A north arrow is also present.

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 independently field verify the

February 16, 2018

Planning Division

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

APPLICATION FOR PARTITION
FOR
COLLETTE MARCHANT
ON A PORTION OF TRACT 28
CALAPOOYA ACRES
TAX LOT 2800, MAP 11-4W-13DC
3606 PACIFIC BLVD SW
ALBANY, OREGON
JANUARY 23, 2018

OWNER: COLLETTE MARCHANT
2747 NEWTON ST.
PHILOMATH, OR 97370

ZONING: RS-6.5
ADJACENT PROPERTY USE IS
RESIDENTIAL RS - 6.5
THERE ARE NO STRUCTURES ON
THIS PROPERTY.

NORTHSTAR SURVEYING, INC.
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