



## PUBLIC WORKS - COMMUNITY DEVELOPMENT

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

# Staff Report

## Tentative Replat to Combine Two Tax Lots

**RL-01-18**

**June 18, 2018**

### Summary

This Tentative Replat application is a request to remove a common property line between two platted parcels, combining them into one lot. The Tentative Plat map is attached.

### Application Information

|                     |  |
|---------------------|--|
| Review Body:        | Staff (Type I-L review)  |
| Property Owner:     | Chris Erickson; Albany Helping Hands; 619 9 <sup>th</sup> Avenue SE; Albany, OR 97322  |
| Address/Location    | 103 Main Street SE   |
| Map/Tax Lot:        | Linn County Assessor's Map No. 11S03W06DD; Tax Lots 7000 & 7001  |
| Zoning:             | Main Street (MS)   |
| Total Land Area     | 7,391 square feet  |
| Existing Land Use:  | Vacant building and parking lot  |
| Neighborhood:       | Willamette   |
| Surrounding Zoning: | North: Residential Medium Density (RM)<br>East: MS<br>South MS<br>West MS  |
| Surrounding Uses:   | North: Residential – house converted to triplex<br>East: Commercial – tavern and retail<br>South Residential single-family<br>West Commercial – dance studio, offices, vehicle repair shop |
| Prior History:      | SP-53-83 (wine tasting in art gallery); SP-15-95 (church use); CU-12-99 (preschool use); SP-21-04 (shared parking agreement)   |

## Staff Decision

The Tentative Replat application is **Approved** without conditions.

*Appeal of the Decision:* 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.

*Approval Expiration:* The Tentative Plat approval will expire after three years unless the final plat has been submitted to the City for review and approval, or the applicant has not installed and/or bonded for all public improvements related to the project. (ADC 11.060)

## Notice Information

A Notice of Filing was mailed to property owners identified within 300 feet of the subject properties on November 7, 2017 in accordance with ADC 1.350. At the time the comment period ended on February 21, 2018, the Albany Planning Division received six written comments.

According to Oregon Revised Statute (ORS) 92.185(6), a replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter pertaining to the Site Plan Review application for the residential treatment facility (SP-03-18). Note: The Site Plan Review application is being processed separately.

## Analysis of Development Code Criteria

Section 11.180 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application 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.

### 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 and Conclusions

- 1.1 The subject lots are zoned Main Street (MS). The MS zone is a mixed-use zone intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Infill development is encouraged.
- 1.2 The proposed replat will move the common property line between Tax Lots 7000 and 7001, Lot 1 of Hackleman's Third Addition. When combined, the property will be 7,391 square feet.
- 1.3 The property contains a c. 1920s vacant building and parking lot. The building sits on the common property line, which is no longer permitted by the building codes. When the tax lots are combined, the building location will be in compliance with the building code as it will no longer be over a property line.
- 1.4 In the MS zoning district, the minimum lot size is 6,000 square feet for non-residential uses and there are no minimum lot dimensions. Currently the two tax lots 7000 and 7100 do not meet the minimum

lot size for non-residential uses. The consolidated parcel will exceed the MS minimum lot size requirement.

- 1.5 The south end of Tax Lot 7100 is partially encumbered by a city sanitary sewer easement. This replat will not adversely impact setbacks the sewer easement.
- 1.6 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 and Conclusions

- 2.1 The proposed replat will move the common property line between Tax Lots 7000 and 7001, Lot 1 of Hackleman's Third Addition. When reconfigured, Lot 1 will be 7,391 square feet.
- 2.2 All property owned by the applicants is included in the area to be replatted. There is no remainder of property to be considered.
- 2.3 This review criterion does not apply to the replat because there will be no remainder to consider.

## Criterion 3

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

### Findings of Fact and Conclusions

- 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 Adjoining Tax Lot 7200 has frontage on First Avenue and Tax Lot 7700 has frontage on Main Street and Second Avenue.
- 3.3 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic. The subject tax lots and adjoining tax lots have access to public streets. The proposed replat will not interfere with existing access to public street rights-of-way.
- 3.4 Tax Lot 7000 has frontage on Main Street and First Avenue, and Tax Lot 7100 has frontage on Main Street. The replat will not create additional frontage. The consolidated lots will have frontage on Main Street and First Avenue.
- 3.5 Adjoining land can be developed in accordance with the ADC.
- 3.6 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 and Conclusions

- 4.1 The proposed replat does not create additional lots nor leave any remaining amount of land. Both subject tax lots are currently served by Main Street and First Avenue, which are public streets. The lot will continue to be served by these streets and no changes to them are proposed or required.
- 4.2 Albany's Transportation System Plan (TSP) does not identify any capacity problems adjacent to the development. The proposed replat will not result in an increase to the potential intensity of development allowed on the site.
- 4.3 No new streets are proposed with the development.
- 4.4 This review criterion is met without conditions.

## Criterion 5

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

## Findings of Fact and Conclusions

### *Sanitary Sewer*

- 5.1 City utility maps show an eight-inch public sanitary sewer main along the south property line of the subject property. The existing structure on the property is currently connected to the public sewer system.

### *Water*

- 5.2 City utility maps show 12-inch public water mains in First Avenue and Main Street. The existing structure on the property is currently connected to the public water system.

### *Storm Drainage*

- 5.3 City utility maps show that piped public storm drainage facilities near the site consist of catch basins at the intersection of First Avenue and Main Street.

## *Conclusions*

- 5.4 Public utilities are available and adequate to serve development on the property.
- 5.5 The replat will not impact sewer or water connections, or storm water runoff.
- 5.6 This review criterion is satisfied without conditions.

## Criterion 6

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

## Findings of Fact and Conclusions

- 6.1 *Article 4 Airport Approach district:* confirms that the subject lots are not located in the Airport Approach district.
- 6.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* shows that there are no steep slopes on the subject lots.

- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* does not show this property in a 100-year floodplain. FEMA/FIRM Community Panel No. 41043C0214H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6:* The Local Wetlands Inventory shows no wetlands on the property.
- 6.5 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* confirms neither tax lot is in a historic district. There are no known archaeological sites on the property.
- 6.6 The lots are not located in any special purpose districts and there are no special features of this site to consider with this replat application.
- 6.7 This review criterion is met without conditions.

## Overall Conclusion

The application for a Tentative Replat to remove the common property line between Tax Lots 7000 and 7100 satisfies all the applicable review criteria and development standards as outlined in this report without need for conditions. The proposed replat will bring the property into compliance with the MS district's minimum lot size and the existing building will no longer be on a property line.

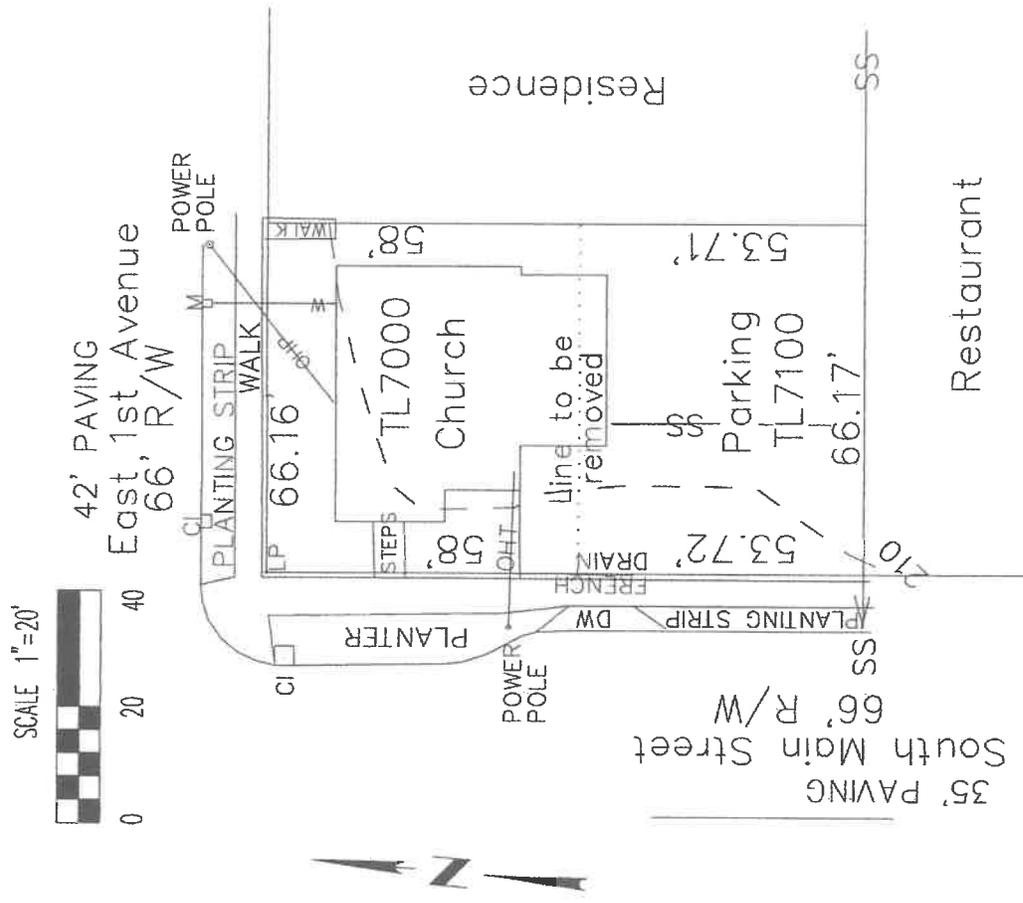
## Attachments

- A. Tentative Plat

# Tentative Replat

Lot 1, Block 4, Hacklemans 3rd Addition  
October 12, 2017

Please go to <http://www.autodwg.com> to register the program, the note will be removed.



Address: 103 Main St. SE, Albany  
 Map: 11S-03W-06DD  
 Tax Lots: 7000 & 7100  
 Owner: Albany Helping Hands  
 619 9th Ave SE,  
 Albany, OR 97322

Surveyor: Norman D. Springer  
 37056 Moss Rock Dr.  
 Corvallis, OR 97330  
 Total area: 7391 S.F.  
 Existing Zone: MS--Main Street  
 Contour from city GIS

- LEGEND
- M WATER METER
  - OHP OVERHEAD POWER
  - DW DRIVEWAY
  - OHT OVERHEAD PHONE
  - W WATERLINE
  - SS SANITARY SEWER
  - CI CURB INLET