



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Tentative Partition Plat

RL-01-23

February 22, 2023

### Summary

This proposal is a request to adjust existing platted lot lines between two properties. The subject properties include Linn County Assessor's Map No. 11S-03W-03B Tax Lot 2500 (Property A) and 373 Timber Ridge Street NE/Linn County Assessor's Map No. 11S-03W-03B Tax Lot 2500 (Property B). The applicant is proposing to transfer 0.51 acres from Property B to Property A. Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

### Application Information

Proposal:	Adjust existing platted lot lines between two properties.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Liz Olmstead, project planner
Applicant:	Rick Barnett, Parks & Facilities Maintenance Manager; City of Albany; PO Box 490; Albany, OR 97321
Property Owners:	1) Andy Gardner, Greater Albany Public School District; 718 7 <sup>th</sup> Avenue SW; Albany, OR 97321 2) City of Albany; PO Box 490; Albany, OR 97321
Surveyor:	Jason Cota; K&D Engineering Inc. 276 NW Hickory Street, Albany, OR 97321
Address/Location:	373 Timber Ridge Street NE Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-03B Tax Lots 102 & 2500
Zoning:	Residential Single-Family (RS-5) District
Comprehensive Plan:	Residential – Low Density
Overlay Districts:	None in the vicinity of this replat
Total Land Area:	1.34 acres; 20.28 acres (21.62 acres total)
Existing Land Use:	Vacant (future park) & Educational Institution
Neighborhood:	East Albany
Surrounding Zoning:	North: Residential Single Family (RS-5) East: Open Space (OS) & Residential Single Family (RS-6.5) South: Open Space (OS) & Mixed-Use Commercial (MUC) West: Residential Medium Density (RM)
Surrounding Uses:	North: Educational Institution East: Open Space & Single-Family Residences

South: Vacant  
West: Multi-Dwelling Unit

Prior History: File SD-06-17 to divide approximately 75 acres into five lots, one tract and five parcels.

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## Staff Decision

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

## Appeals

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)].

## Notice Information

A notice of filing was mailed to property owners identified within 100 feet of the subject properties on February 6, 2023, in accordance with ADC 1.220. At the time the comment period ended on February 21, 2023, the Albany Planning Division had 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 The subject site includes two properties: Linn County Assessor's Map No. 11S-03W-03B Tax Lot 2500 (Lot 5 of the Timber Ridge Subdivision) and 373 Timber Ridge Street NE/Linn County Assessor's Map No. 11S-03W-03B Tax Lot 102 (Parcel 2 of Partition Plat 2008-02 (Attachment A).
- 1.2 The underlying zoning district of the subject lots is Residential Single-Family (RS-5). The RS-5 district is intended primarily for low- to moderate-density residential development.
- 1.3 As presented on the tentative replat (Attachment B), the proposal is to move a portion of the southern property line of Tax Lot 2500 (Property A) approximately 193 feet to the south, transferring 0.51 acres from Tax Lot 102 (Property B) to Tax Lot 2500 (Property A).
- 1.4 According to Article 3 of the ADC, Table 3.190-1, there is no minimum property size; however, there is a minimum lot width of 30 feet for Educational Institutions and Parks. According to Linn County's Assessor Records, Tax Lot 2500 (Property A) consists of 1.34 acres and Tax Lot 102 (Property B) consists of 20.28 acres.
- 1.5 According to ADC 3.190, Table 3.190-1, the minimum setback standards in the RS-5 zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 3-foot side (one story), 6-foot side, two plus stories, or zero for zero lot line dwellings. The maximum height is 30 feet and maximum lot coverage is 60%.
- 1.6 According to ADC 3.330, the minimum setback for any new construction of an educational institution is 25 feet from any property line adjoining or directly across public right-of-way from any residential district. All other setbacks of the district where the property is located continue to apply.
- 1.7 Property A is proposed to be 1.85 acres and is unimproved and planned for future development of a park. There is no minimum lot size for parks, and the proposed lot is approximately 245 feet wide.

- Parks are not subject to Lot and Block Arrangement standards. No development is proposed at this time, therefore development standards such as setbacks, height restrictions, lot coverage standards, and landscaping will be reviewed at the time of development. Therefore, proposed Parcel A will meet the development standards of the underlying zone.
- 1.8 Property B is proposed to be 19.77 acres and is improved with an Educational Institution (Timber Ridge School). There is no minimum property size for Educational Institutions and the proposed lot width is approximately 1,060 feet. The existing front setback is 140 feet from the property line along Timber Ridge Street NE and lot coverage is less than 25 percent of the lot area. The Educational Institution is not new construction; therefore ADC 3.330 does not apply. An existing accessory building is located adjacent to the adjusted property line with a setback of approximately 30 feet, complying with the minimum interior lot line standard of 3 feet. Educational Institutions are not subject to Lot and Block Arrangement standards. No other development standards are affected by this proposal. Therefore, proposed Property B will meet the development standards of the underlying zone.
  - 1.9 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. Proposed Property A is unimproved, and proposed Property B is developed with an Educational Institution. Both properties are greater than the minimum lot size in the RS-5 zone, therefore, the proposed replat will not increase or create any foreseeable difficulties in further developing the site in accordance with ADC standards.
  - 1.10 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. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. There is no minimum property size requirement for Parks and Educational Institutions in the RS-5 zone. Proposed Property A is unimproved and will therefore allow further subdivision, and proposed Property B was more than double the minimum area designed by the zoning district prior to the proposed replat and is developed with an existing Educational Institution.
  - 1.11 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. The proposed replat does not result in double frontage lots.
  - 1.12 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. The reconfigured property line will result in side yards that will run at right angles to the street frontage. This standard is met.
  - 1.13 ADC 11.090(5) lists dimensional requirements when street blocks are created as part of the land division. The proposed replat does not create any new streets or blocks. This standard is not applicable.
  - 1.14 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. Each property has access to a public street. This standard is met.
  - 1.15 ADC 11.090(7) provides recommendations for the minimum distance between arterial street intersections. No new streets or intersections are proposed; therefore, this standard is not applicable.
  - 1.16 ADC 11.090(8) regards developments located on a cul-de-sac lot. The proposed lots do not utilize a cul-de-sac; therefore, this standard is not applicable.
  - 1.17 ADC 11.090(9) pertains to flag lots. No flag lot is proposed; therefore, this standard is not applicable.
  - 1.18 ADC 11.090(10) regards street intersections and minimum curb radius. No street intersections are created or impacted by the proposed replat; therefore, this standard is not applicable.

## Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.

- 1.2 The proposed replat does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.3 The proposal meets the underlying development and lot and block standards of the RS-5 zoning district.
- 1.4 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 proposed replat will move a portion of the common property line between the subject properties approximately 193 feet to the south, transferring 0.51 acres from Tax Lot 102 (Property B) to Tax Lot 2500 (Property A). The properties are under different ownership, and there is no remainder of property to be considered.

### Conclusion

- 2.1 The above criterion is satisfied, as the properties are under different ownership and there will be no remainder of property 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

- 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 new streets may be required to be located where the City Engineer determines additional access is needed to relieve, or avoid, access deficiencies on adjacent or nearby properties.
- 3.4 The subject properties and all adjoining lots have access to public streets. No new streets are proposed by this application.

### Conclusions

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

## Criterion 4

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

### Findings of Fact

- 4.1 ADC 12.060 requires public street adjoining new development be improved to City standards. Both parcels have frontage on Timber Ridge Street NE which has an improved road frontage.
- 4.2 No new or interior streets are proposed with the development.

### Conclusions

- 4.1 Both parcels have frontage on Timber Ridge Street NE. Timber Ridge Street NE is improved to City standards.
- 4.2 This criterion is satisfied 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 a 12-inch public sanitary sewer main in Timber Ridge Street NE. Proposed Property B is currently connected to the public sanitary sewer system. Proposed Property A is not currently connected to the sanitary sewer system.
- 5.2 ADC 12.470 requires all new development to extend and/or connect to the public sanitary system if the property is within 300 feet of a public sewer line. Proposed Property A shall connect to the public sanitary sewer system at the time of development.

#### *Water*

- 5.4 City utility maps show a 12-inch public water main in Timber Ridge Street NE. Proposed Property B is currently connected to the public water system. Proposed Property A is not currently connected to the 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. Proposed Property A shall connect to the public water system at the time of development.

#### *Storm Drainage*

- 5.6 City utility maps show a 12-inch piped public storm drainage facilities in Timber Ridge Street NE. Stormwater Quality facilities are located along the frontage of Proposed Property A. Proposed Property B is currently connected to public storm drainage system. Proposed property A is not currently connected to public storm drainage system.

#### *Stormwater Quality*

- 5.7 City utility maps show a 12-inch public storm drainage main in First Avenue NE. Columbus Street NE, Water Avenue NE, and First Avenue NE have curb and gutter.

## Conclusions

- 5.1 Public sanitary sewer, water and storm drainage are available to serve the adjusted lots.
- 5.2 Future development on proposed Property A will require connections to the City's public utility systems (water, sewer, storm).

## Criterion 6

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

### Findings of Fact

- 6.1 Article 4: Airport Approach District. Figure 4.410-1 of the ADC shows the subject property is located within the Airport Approach district. Compliance with this district is subject to review pursuant to 4.4.20 at time of development.
- 6.2 Article 6 Floodplain Overlay District: Comprehensive Plan Plate 5: Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0218G, dated September 29, 2010) the subject property is located outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District: The northeast corner of proposed Property B is located within a Riparian Corridor Overlay District. The Riparian Corridor is located adjacent to a Significant

Wetland, 50 feet upland from the edge of the wetland. Proposed Property B is developed with an Educational Institution and no new development will result as part of this proposal.

- 6.5 Article 6 Significant Wetlands Overlay District: The northeast corner of proposed Property B is located within the Significant Wetlands Overlay. Proposed Property B is developed with an Educational Institution and no new development will result as part of this proposal.

The subject properties also contain inventoried local wetlands on a large portion of proposed Property A and the western and northern portions of proposed Property B.

A wetland delineation has been submitted for review with the Conditional Use application for construction of a new park on proposed Property A (CU-03-23), and proposed Property B is developed with an Educational Institution and no new development will result as part of this proposal.

- 6.6 Article 6 Habitat Assessment Overlay District: The subject properties are not located within the Habitat Assessment Overlay District.
- 6.7 Historic and Archaeological Resources. According to Chapter 11, Plate 9 of the Comprehensive Plan, the subject properties are not located within a Historic District and there are no known archeological sites on the subject properties.

## Conclusions

- 3.1 The subject property is not located in the Floodplain District, Hillside Development Overlay District, or the Habitat Assessment Overlay District.
- 3.2 The subject property is located within the Airport Approach district. Compliance with this district is subject to review pursuant to 4.4.20 at time of development.
- 3.3 The northeast corner of proposed Property B is located within the Significant Wetlands Overlay District and the Riparian Corridor Overlay District. As no development is proposed on Property B, the location of the Significant Wetland and Riparian Corridor Overlay Districts have no bearing on the proposed replat.
- 3.4 The subject properties contain inventoried local wetlands on a large portion of proposed Parcel A and the western and northern portions of proposed Property B. A wetland delineation has been submitted for review with the Conditional Use application for construction of a new park on proposed Property A (CU-03-23), and proposed Parcel B is developed with an Educational Institution and no new development will result as part of this proposal.
- 3.5 This criterion is met without conditions.

## Overall Conclusion

As proposed, the application for tentative replat to adjust the property line between two properties satisfies all applicable review criteria as outlined in this report.

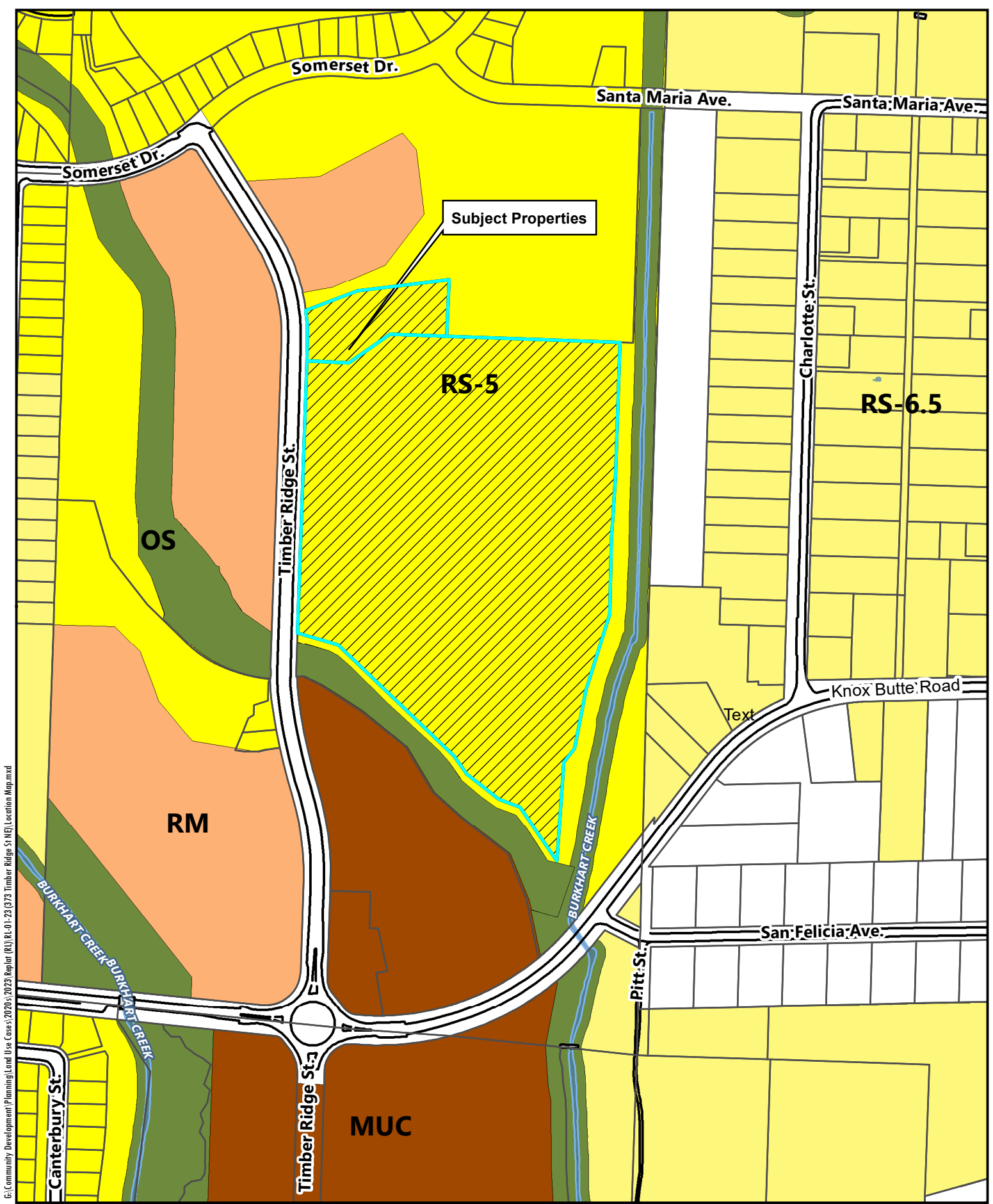
## Attachments

- A. Location Map
- B. Proposed Tentative Replat

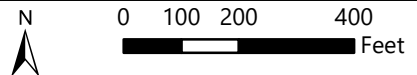
## Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
RS-5	Residential Single Family
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NWI	National Wetland Inventory
ORD	Ordinance
RL	Replat File Designation
SFHA	Special Flood Hazard Area





G:\Community Development\Planning\Land Use Cases\2023\Regul (R)\R1-01-23\673 Timber Ridge St NE\Location Map.mxd



**373 Timber Ridge Street NE**

Date: 1/11/2023 Map Source: City of Albany

Location Map

**PROPERTY STATISTICS:**

**PROPERTY "A":**  
 TAX LOT 2500 (MAP 115-3W-03B)  
 ADDRESS UNASSIGNED  
 ALBANY, OR 97321  
 PLAN ZONE = R5 5, RESIDENTIAL SINGLE FAMILY  
 ORIGINAL AREA = 1.34 ACRES  
 ADJUSTED AREA = 1.85 ACRES

**PROPERTY "B":**  
 TAX LOT 102 (MAP 115-3W-03B)  
 373 TIMBER RIDGE ST. NE  
 ALBANY, OR 97321  
 PLAN ZONE = R5 5, RESIDENTIAL SINGLE FAMILY  
 ORIGINAL AREA = 20.28 ACRES  
 ADJUSTED AREA = 19.77 ACRES

**OWNER / APPLICANT:**  
 TAX LOT 2500, MAP 115-3W-03B  
 CITY OF ALBANY  
 333 BROADALBIN SW  
 ALBANY, OR. 97321  
 SITE ADDRESS:  
 UNASSIGNED

**OWNER:**  
 TAX LOT 102, MAP 115-3W-03B  
 GREATER ALBANY PUBLIC SCHOOL DIST.  
 718 7TH AVE. SW  
 ALBANY, OR. 97321  
 SITE ADDRESS:  
 373 TIMBER RIDGE ST NE  
 ALBANY, OR 97322

**ENGINEER:**  
 K+D ENGINEERING INC.  
 276 HICKORY ST. NW  
 ALBANY, OR 97321  
 541-928-2583

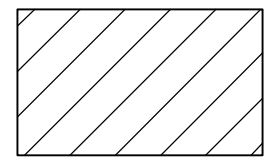




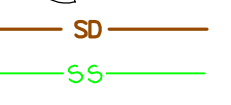

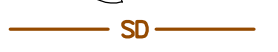

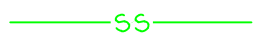

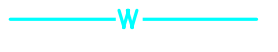



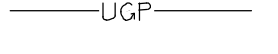

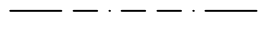
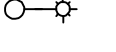
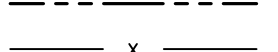

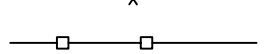
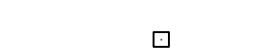


**TENTATIVE PROPERTY LINE ADJUSTMENT THROUGH REPLAT**

**FOR CITY OF ALBANY**

LOCATED IN  
 TAX LOTS 2500 AND 102,  
 MAP 115-3W-03B  
 IN THE  
 CITY OF ALBANY, LINN COUNTY, OREGON

DECEMBER 15, 2023

**LEGEND:**

- |   |   |   |                                |
|---|---|---|--------------------------------|
|   | AREA TO BE TRANSFERRED FROM PROPERTY "B" TO PROPERTY "A" - 0.51 ACRES |  | EXISTING TALL SHRUB            |
|  | SLOPE OF LAND ARROW   |  | EXISTING CONIFER TREE          |
|  | EXISTING STREET SIGN  |  | EXISTING DECIDUOUS TREE        |
|  | EXISTING WATER METER  |  | EXISTING STORM DRAINAGE        |
|  | EXISTING UTILITY PEDESTAL   |  | EXISTING SANITARY SEWER        |
|  | EXISTING UTILITY POLE   |  | EXISTING DOMESTIC WATER        |
|  | EXISTING STORM DRAIN CATCH BASIN                                      |  | EXISTING NATURAL GAS           |
|  | EXISTING FIRE HYDRANT   |  | EXISTING UNDERGROUND POWER     |
|  | EXISTING MAN HOLE   |  | EXISTING RIPARIAN CORRIDOR     |
|  | EXISTING UTILITY POLE W/LIGHT   |  | EXISTING SIGNIFICANT WETLANDS  |
|  | FOUND SURVEY MONUMENT   |  | EXISTING FENCE                 |
|   |   |  | EXISTING HANDRAIL              |
|   |   |  | EXISTING WETLAND FLAGGING      |
|   |   |  | EXISTING WETLAND SAMPLE POINTS |

**SITE ZONING:**

PLAN ZONE = R5 5, RESIDENTIAL SINGLE FAMILY

**TOTAL + NET AREA:**

TOTAL AREA = 21.62 ACRES  
 NET AREA = 21.62 ACRES

**PROPERTY USE:**

PROPERTY "A"  
 TAX LOT 2500 = VACANT  
 PROPERTY "B"  
 TAX LOT 102 = EDUCATIONAL

