



## 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

RL-05-19

December 3, 2019

### Summary

This application is a request to consolidate two parcels into one parcel by removing the common property line between Lot 1 and Lot 2 of Bryant's Second Addition. A Tentative Replat application is required to adjust or remove property lines on previously platted lots.

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:	Consolidate two parcels into one parcel by removing a common property line between Lot 1 and Lot 2 of Bryant's Second Addition.
Review Body:	Staff (Type I-L review)
Report Prepared by:	Travis North, project planner
Property Owners/Applicant:	CMH Homes Inc., 5000 Clayton Road, Maryville, TN 37804
Address/Location	391 Cleveland Street SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S03W05CC Lot 10100
Zoning:	Residential Medium (RM)
Total Land Area:	.54 acres
Existing Land Use:	Vacant
Neighborhood:	Willamette
Surrounding Zoning:	North: RM (Residential Medium)/Railroad Right of Way East: RM (Residential Medium) South: RM (Residential Medium) West: RM (Residential Medium)
Surrounding Uses:	North: Railroad right of way East: Residential South: Residential West: Residential

Prior History: RL-06-17 & SP-13-17. Replat application to adjust the common property lines between three platted parcels and corresponding site plan review to remove 12 trees with trunk diameters greater than eight inches. The lots were originally platted as a part of the Bryant's Second Addition to the City of Albany on October 30, 1923.

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## Notice Information

A Notice of Filing was mailed to property owners identified within 100 feet of the subject properties on November 15, 2019. At the time the comment period ended on November 29, 2019, the Albany Planning Division had not received any written comments.

## Analysis of Development Code Criteria

Section 11.180 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria 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 and Conclusions

- 1.1 The subject site is located at 391 Cleveland Avenue SE (Attachment A).
- 1.2 As presented on the Tentative Replat (Attachment B), the proposal is to consolidate two parcels into one parcel by removing the common property line between Lot 1 and Lot 2 of Bryant's Second Addition.
- 1.3 Both lots are vacant, therefore, standards related to building setbacks and lot coverage are not applicable.
- 1.4 According to Article 3 of the ADC, Table 1, the minimum lot size for a single-family home in the RM zoning district is 3,500 square feet, with a minimum lot width of 30 feet and minimum lot depth of 60 feet. The applicant's findings (Attachment C) indicate the proposed lot will be 7,447 square feet, with a minimum lot width of 50 feet and minimum lot depth of 100 feet. Therefore, the proposed replat will not create a non-conforming situation.
- 1.5 ADC 11.090(1) states that lot arrangement must be such that there are no foreseeable difficulties, for reason of topography or other conditions, in securing building permits on all lots in compliance with this Code. The proposed replat does not create any foreseeable difficulties in developing the lot, and the applicant provided a site plan that demonstrates the lot can be developed with a single-family manufactured home.
- 1.6 ADC 11.090(2) states that lots must comply with the minimum standards of this Code and lots that are more than double the minimum area as designated by the zoning district must be arranged to allow further subdivision. As noted above, the resultant lot meets the minimum standards of the Code. At 7,447 square feet, the lot is more than double the minimum lot size for a single-family residence. The applicant provided a site plan (Attachment B) that shows the lot will be entirely developed with a single-family manufactured home. Due to the location of the home and configuration of the lot, which

abuts railroad right-of-way to the north, the lot is unlikely to be further subdivided. With that said, nothing about the proposed lot configuration would negate it from being further subdivided, if a future owner so desired. This standard is met, and an urban conversion plan is not required.

- 1.7 ADC 11.090(3) states that double frontage lots shall be avoided. The proposed replat does not create any double frontage lots. Therefore, this standard is met.
- 1.8 ADC 11.090(4) states that side yards of a lot shall run at right angles to the street the property faces. The proposed replat removes a common property line between Lot 1 and Lot 2. No changes are proposed to the perimeter lot line. This standard is not applicable.
- 1.9 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.
- 1.10 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. The subject property connects to a public street. This standard is not applicable.
- 1.11 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.
- 1.12 ADC 11.090(8) regards developments located on a cul-de-sac lot. The proposed lot does not utilize a cul-de-sac. Therefore, this standard is not applicable.
- 1.13 ADC 11.090(9) pertains to flag lots. No flag lot is proposed. Therefore, this standard is not applicable.
- 1.14 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 proposal meets all lot and block length standards.
- 1.3 An urban conversion plan is not required.
- 1.4 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 There is no other remainder of property under the same ownership to consider with this application.

### Conclusions

- 2.1 The above criterion is not applicable.

## 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 Adjoining lands currently have direct access to public streets. This standard is met.

## Conclusions

- 3.1 All of the adjoining land has 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 subject property is located on the east side of the road at 391 Cleveland Street.
- 4.2 Cleveland Street is classified as a local street and is improved to urban standards from this site south to Salem Avenue. Improvements include curb and gutter, isolated sections of public sidewalk, and asphalt pavement. The curb to curb width is 32 feet and provides for on-street parking and a vehicle travel lane in each direction.
- 4.3 The subject property is located at the end of Cleveland Street, which terminates into railroad right-of-way. Urban improvements extend across only the south 10 feet of the site's frontage, with the remainder of the right-of-way to the north remaining undeveloped.
- 4.4 Based on the existing lot and development pattern in the area, it is not possible to construct a turnaround or cul-de-sac bulb at the end of the street.
- 4.5 The proposal will consolidate two lots into a single lot, thereby reducing the number of lots served by Cleveland Street. Because the site is zoned for multifamily development, the lot consolidation will not change the potential development intensity and associated traffic impacts that could result from development of the site.
- 4.6 When this site develops it will be able to extend a driveway from the current end of urban street improvements. The extension of urban street improvements along the full street frontage of the site would serve no purpose because no additional parcels exist to the north that will need access.
- 4.7 Albany's Transportation System Plan (TSP) does not identify any capacity problems adjacent to the development.

## Conclusions

- 4.1 The subject property is served by an improved public street.
- 4.2 Albany's TSP does not identify any safety or congestion issues adjacent to the site.
- 4.3 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

#### *Sanitary Sewer*

- 5.1 City utility maps show an eight-inch public sanitary sewer main along the rear (east) property boundary of the subject properties.
- 5.2 Both of the subject parcels have existing sewer services connected to the public sewer system and the consolidated lot will continue to have direct access to the public sewer system after the proposed replat.
- 5.3 There appears to be no recorded public utility easement over the existing public sanitary sewer main along the east boundary of the site.
- 5.4 ADC 12.370 requires the dedication of public utility easements of at least 20 feet in width, centered over the main, for all public sanitary sewers and appurtenances. Permanent structures are not allowed to encroach on a public utility easement or be placed over a public sewer main.
- 5.5 Because the public sanitary sewer main appears to be centered along the east property boundary, the applicant must provide a 10-foot wide public utility easement along the east property line from the south property line to a point 10 feet north of the existing sewer manhole.

#### *Water*

- 5.6 City utility maps show a four-inch public water main in Cleveland Street approximately 85 feet south of the subject property. A public water main is being extended north in Cleveland Street to provide water service to the subject property.
- 5.7 The lots in question do not currently have access to a public water main. After the public water main extension is accepted by the City, water service will be available to the subject property. The proposed consolidation of the two lots will not adversely impact water service availability to the property.
- 5.8 A building permit for future development on the subject property will not be issued until a public water main is extended to serve the lot.

### Storm Drainage

- 5.9 City utility maps show no piped public storm drainage in Cleveland Street adjacent to the subject property. Cleveland Street is improved with curb and gutter along the southernmost 10 feet of the property. Roof drainage from future development on the site will need to be discharged to the gutter.

### Conclusions

- 5.1 Public sanitary sewer is currently available to the subject property and will continue to be available to serve the consolidated parcel.
- 5.2 Public water is currently not available to the site. A public water main must be constructed before development will be allowed on the parcel. The proposed consolidation of the two subdivision lots will not change the public water needs for future development on the site.

- 5.3 While Cleveland Street is improved along its full length, the street only extends approximately 10 feet along the southern frontage of the subject property. Future development on the site will require that the developer submit a plan showing how roof drainage will be connected to the curb along Cleveland Street.
- 5.4 A public utility easement is needed over the existing public sanitary sewer main along the property's east boundary.
- 5.5 This criterion is met with the following condition.

### Condition

- Condition 1. Before the City will sign the final plat, the applicant must provide a 10-foot wide public utility easement along the east boundary of the subject property, from the south property line to a point 10 feet north of the existing sanitary sewer manhole. The applicant must submit the legal description for this easement to the City's Public Works Department and the City will incorporate the legal description into the City's form for signatures and recording with the county.

### 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:* The subject property is located within the City's Airport Approach Overlay District. No development is proposed with this replat, and there is no remaining land to develop. This standard is not applicable to this application.
- 6.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* According to *Plate 7 of the Comprehensive Plan*, the subject property is not located in the Hillside Development district.
- 6.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* FEMA/FIRM Community Panel No. 41043C0214H, dated December 8, 2016, shows that the entirety of the subject property is located outside the 100-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6:* Wetlands are shown on the subject property on the U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map. The proposed replat is not associated with any form of new development that would impact the wetlands.
- 6.5 *Article 6:* The subject property is not located in the Willamette River Greenway, Open Space Zoning, Riparian, or Habitat overlay district.
- 6.6 *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.

### Conclusions

- 6.1 No development is proposed that would impact special purpose overlay districts.
- 6.2 This criterion is met without conditions.

## Overall Conclusion – Conditions of Approval

As proposed, the application for a tentative replat of Lot 1 and Lot 2 of Bryant's Second Addition satisfies all the applicable review criteria with adherence to the following conditions of approval.

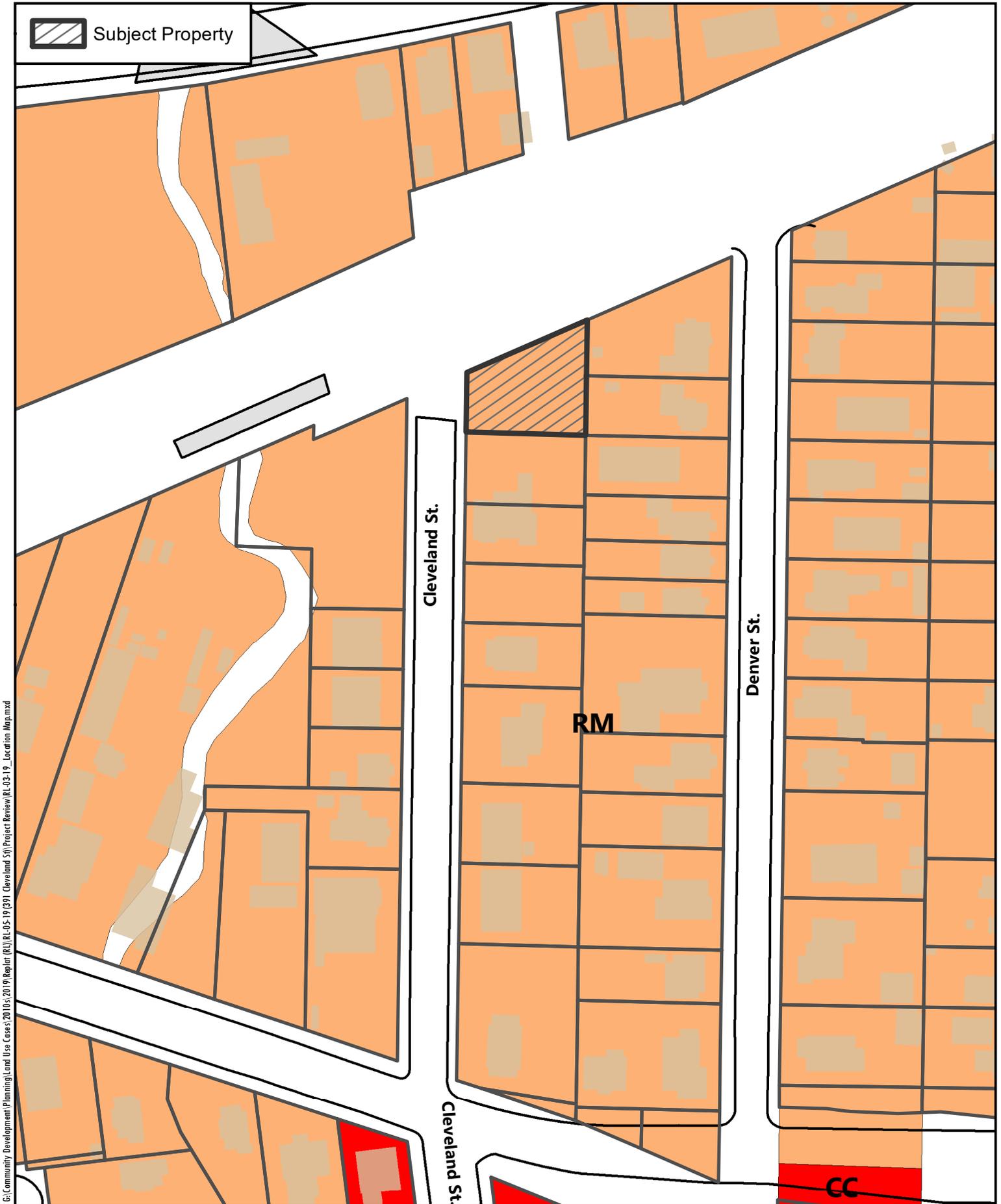
**Condition 1** Before the City will sign the final plat, the applicant must provide a 10-foot wide public utility easement along the east boundary of the subject property, from the south property line to a point 10 feet north of the existing sanitary sewer manhole. The applicant must submit the legal description for this easement to the City's Public Works Department and the City will incorporate the legal description into the City's form for signatures and recording with the county.

## Attachments

- A. Location Map
- B. Tentative Replat
- C. Applicant's Findings

## Acronyms

ADC	Albany Development Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LA	Lot Line Adjustment (File Designation)
LUBA	Land Use Board of Appeals
RL	Replat (File Designation)
SP	Site Plan Review (File Designation)



Subject Property

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0 50 100 200 Feet

Date: 10/24/2019 Map Source: City of Albany

**391 Cleveland Street SE**

Location / Zoning Map



**ONE PARCEL REPLAT OF LOTS 1 AND 2, BRYANT'S SECOND ADDITION**

**FINDINGS OF FACT (10/22/2019)**

***Criterion 1: The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section***

**Fact:** The RM district is intended primarily for medium-density residential urban development. A single family residence is permitted outright within this zone. The minimum size for a detached single family lot in the RM zone is 3,500 square feet; the minimum front setback is 15 feet, (20 feet for garage facing the street); the minimum side yard setback (interior) is 3 feet for a single story structure; the minimum lot width is 30 feet; the minimum lot depth is 60 feet.

**Conclusion:** The proposed 2 lot consolidation replat with a single family residence and attached garage satisfies the above requirements with 7,447 square feet parcel size, 50'-97' (width) x100' (depth), 20' front yard setback and 3' side yards.

***Criterion 2: Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.***

**Fact:** The proposed replat and associated site development with a garage and single family residence will not allow adequate space to further develop.

**Conclusion:** Criterion does not apply in this case

***Criterion 3: Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.***

**Fact:** The property is located at the end of Cleveland Street which terminates at the railroad right of way, as does the subject property. Property immediately adjacent to the east is already fully developed. The only undeveloped land in the vicinity is across Cleveland Street

**Conclusion:** The proposed replat would not hinder any future development access or connection to public utilities.

***Criterion 4: The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.***

**Fact:** Access to the proposed parcels would continue to be along the Cleveland Street frontage.

**Conclusions:** A "street plan" is not being submitted with this replat application.

***Criterion 5: The location and design allows for development to be conveniently served by various public utilities.***

**Fact:** An 8" sanitary sewer line is located along the rear property line. A 4" water main is located within the Cleveland Street right of way and is currently in the process of being extended down the street to the property. The nearest hydrant is approximately 300' south of the south boundary. The existing curb drains the street to an existing catch basin located approximately 140' south of the south line of the property.

**Conclusion:** Adequate public utility infrastructure is, or can be extended within reason, to conveniently serve the new parcel

***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. Refer to Development Code Articles 4, 6 and 7.***

**Fact:** The property is not located within the Airport Approach, Natural Resources, Historic, Steep Slopes and 100 year flood plain areas.

**Conclusion:** This criterion is not pertinent to the property.