



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Site Plan Review & Tentative Partition

SP-32-19; PA-08-19

April 17, 2020

### Application Information

Proposal:	Three lot partition and construction of two attached single-family residence.
Review Body:	Staff (Type I-L review)
Property Owner/Applicant:	Richard Hall 22265 SW Taylors Drive, Tualatin, OR 97062
Representative:	David Dodson – Willamette Valley Planning LLC 545 NW Elizabeth Drive, Corvallis, OR 97330  Jason Kota K&D Engineering Inc. 276 NW Hickory Street Albany, OR 97321
Address/Location	908 Water Avenue NE, Albany, OR 97321
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-06DA; Tax Lot 200
Zoning:	Waterfront (WF)
Overlay:	None
Total Land Area:	.17 acres
Existing Land Use:	Single Family
Neighborhood:	Willamette
Surrounding Zoning:	North: Waterfront (WF) East: Waterfront (WF) South: Mixed Use Residential (MUR) West: Waterfront (WF)
Surrounding Uses:	North: Vacant (Across Water Avenue) East: Vacant South: Single-Family Residential West: Single-Family Residential (Across Madison Street)
Prior History:	No prior land use cases could be found

## Summary

The application is for a Site Plan Review and Tentative Partition to divide a property occupied by a single-family residence into three separate parcels and develop the two new parcels with attached single-family residences. As proposed, the partition will divide a 7,392 parcel into three separate lots. Parcel 1 is proposed to be 3,329 square feet, Parcel 2 is proposed to be 1,859 square feet, Parcel 3 is proposed to be 2,256 square feet. The proposed development will include two attached single-family residences. Each residence will be roughly 1,335 square feet in size.

The subject property is located at the corner of Water Avenue and Madison Street (Attachment A). The parcel is situated within the Waterfront (WF) zoning district.

Site Plan Review criteria found in section 2.450 of the Albany Development Code (ADC) and the Single-Family Design Standards found in ADC 8.100-8.160 are addressed in this report. Likewise, the land division criteria found in ADC 11.180 are also addressed in this report. These criteria must be satisfied in order to grant approval for this application.

## Staff Decision

The application for Site Plan Review and Land Division referenced above is **Approved with Conditions** as described in this staff report.

## Notice Information

A Notice of Filing was mailed to property owners located within 300 feet of the subject property on February 25, 2020. Property owners were given 14 days to respond to the notice. At the time the comment period ended on March 10, 2020, the planning division had received one comment. Neighboring property owner Bob Gately expressed concerns over parking and potential tenant noise.

Parking requirements are addressed in Criterion 4 of this staff report. The parking standards for the WF zoning district do not require off-street parking for this development.

Off-site environmental impacts are addressed in Criterion 5 of this staff report. The Environmental standards in Article 9 of the ADC apply to the impact of nonresidential uses on neighboring residential properties. The proposal is for two single family residential dwellings; therefore, the environmental standards do not apply. However, these dwellings will be required to meet the residential building code standards in terms of insulation. Noise complaints are handled by the Albany Police Department.

## Analysis of Development Code Criteria

Section 2.450 of the ADC includes the following review criteria, which must be met for this application to be approved. Development 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

### Public utilities can accommodate the proposed development.

#### Findings of Fact

##### *Sanitary Sewer*

- 1.1 Albany Municipal Code (AMC) 10.01.010 (1) states that the objective of the 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.
- 1.2 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.
- 1.3 Each separate parcel must be served by a distinct sewer lateral connection to the public sewer main. This will require that Parcels 1 and 2 have laterals that cross other lots. These laterals must be protected by private utility easements.
- 1.4 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.
- 1.5 The applicant is showing a 10-foot public utility easement over the southernmost portion of the subject property.

##### *Water*

- 1.6 City utility maps show 12-inch public water mains in Water Avenue and in Madison Street. The existing house on the subject property is currently connected to the public water system through a service/meter from the main in Water Avenue.
- 1.7 ADC 12.420 states that no new development is allowed on private well systems, except for construction of one single-family dwelling on an existing lot of record.
- 1.8 Each separate parcel must be served by a distinct water service connection to the public water main. Water services for Parcels 2 and 3 will be tapped from the main in Madison Street.

##### *Storm Drainage*

- 1.9 City utility maps show a 15-inch public storm drainage main in Madison Street. Madison Street and Water Avenue are improved with curb and gutter.
- 1.10 It is the property owner's responsibility to ensure that 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 that include piping will require the applicant to obtain a plumbing permit from the building division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. 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.

- 1.11 Roof drains from future houses on the proposed lots can be connected to the adjacent gutters through weep holes cut into the curbs.

## Conclusions

- 1.1 Public utilities (sanitary sewer, water, and storm drainage) are adequate to serve the proposed use.
- 1.2 Each individual lot must be served by separate sewer and water service connections to those public utilities.
- 1.3 Because the subject property is less than one acre, no stormwater quality facilities will be required for this project.
- 1.4 There appears to be no recorded public utility easement over the existing public sewer main along the property's south boundary. The applicant is proposing to dedicate a 10-foot wide public utility easement along the southernmost portion of the subject property.
- 1.5 Private utility easements must be granted for future sewer laterals that will cross adjacent lots.

## Conditions of Approval

**Condition 1** Before the City will issue building permits, the applicant must dedicate a 10-foot public utility easement along the southernmost boundary of the subject property. This easement may be shown on the partition plat map.

**Condition 2** Prior to issuance of building permits, the applicant must provide private utility easements over the areas that will contain future private sewer service lines for Lots 2 and 3

## Criterion 2

**The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the AMC.**

## Findings of Fact

- 2.1 Section 12.45.030 of the AMC states that a post-construction Stormwater Quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).

## Conclusions

- 2.1 The subject property is less than one acre, no stormwater quality facilities will be required for this project.
- 2.2 This criterion is met without conditions.

## Criterion 3

**The transportation system can safely and adequately accommodate the proposed development.**

## Findings of Fact

- 3.1 The project is located on the southeast corner of Water Avenue and Madison Street. The project involves a partition that will result in three parcels; Parcel 1 will have an existing single-family home, and Parcels 2 and 3 will be developed with an attached single-family home on each lot. Parcels 2 and 3 both have frontage on Madison Street.

- 3.2 Water Avenue and Madison Street are both classified as local streets and are constructed to City standards. Improvements include curb, gutter and sidewalk; a vehicle travel lane in each direction; and on street parking.
- 3.3 The applicant did not submit a Traffic Impact Analysis (TIA) with the application. Albany guidelines call for submittal of a trip generation analysis for project that generate more than 50 new peak hour trips, and a full TIA for projects that generated more than 100 peak hour trips.
- 3.4 Based on the Institute of Transportation Engineers (ITE) trip generation rates for single family homes, the two attached single-family homes that could be constructed with this development will generate about 19 vehicle trips per day. Of those, about two will occur during the peak p.m. traffic hour.
- 3.5 Albany's Transportation System Plan (TSP) was developed with the assumption of this site developing in accordance with its underlying multifamily zone designation and does not show any capacity or safety issues occurring along the frontage of the site.

## Conclusions

- 3.1 The site's frontages on Water Avenue and Madison Street are improved to City standards.
- 3.2 The proposed development will add about 19 weekday trips and 2 p.m. peak hour trips to the street system. The development will not generate enough vehicle trips to meet the City's threshold for submittal of a TIA.

## Criterion 4

**Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.**

## Findings of Fact

- 4.1 The site plan submitted by the applicant proposes construction of a new driveway connection to Madison Street for the existing single-family home of Parcel 1 of the partition application. That driveway will provide for the two on- site parking spaces for that lot.
- 4.2 This application proposes to develop Parcels 2 and 3 of the partition with attached two-bedroom single family homes. No driveway(s) or on-site parking is proposed for either parcel.
- 4.3 ADC 9.030(7) allows attached single family homes in the WF zoning district to provide one parking space. ADC 9.025(4) allows abutting on street parking spaces to count towards required parking spaces in the WF zoning district.
- 4.4 Parcels 2 and 3 both have sufficient street frontage on Madison Street to provide for a single parking space.

## Conclusions

- 4.1 The attached single-family homes planned for construction on Parcels 2 and 3 each require one parking space. Based on ADC 9.025(4) both parcels have sufficient frontage on Madison Street to provide for an on-street parking space meeting the requirement.

## Criterion 5

**The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.**

### Findings of Fact

- 5.1 Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses, and with the natural environment. Site Plan Review is not intended to evaluate the proposed use or structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. Where conflicts are identified, mitigation can be required through conditions of approval.
- 5.2 Design and Operating Characteristics: Currently, the subject-property is occupied by an existing single-family residence. The applicant is proposing to divide the property into three parcels and develop two attached single-family residences on proposed Parcels 2 and 3. Attached single-family residences are allowed in the WF zone through a Site Plan Review (Attachment B.1).
- 5.3 Surrounding Development and Land Use: The subject property is situated within the WF zoning district. Surrounding properties to the north, east and west are also situated within the WF zone. Properties to the south are situated within the Mixed Use Residential (MUR) zoning district. Most abutting and surrounding properties are occupied by residential uses. The subject parcel abuts public right of way, including Water Avenue to the north and Madison Avenue to the west.
- 5.4 Lot Size, Dimensional Requirements and Lot Coverage: Per ADC 5.090, Table 5-2, the WF zoning district does not require a minimum lot width, or depth, and has a maximum lot coverage of 100 percent. In accordance with Table 5-2 properties within the WF zone have minimum lot size based on specific uses. A property occupied by an existing single-family residence in the WF zone has no minimum required lot size. Properties with an attached single-family residence are required to have a minimum lot size of 1,600 square feet. The proposed tentative partition (Attachment B.3) indicates that all parcels are greater than 1,600 square feet. This standard is met.
- 5.5 Building Height: Per ADC 4.090, Table 4-2, the maximum building height in the WF zoning district is 55 feet. Therefore, the proposed building height of 25 feet meets this standard.
- 5.6 Setbacks: Per ADC 5.090, Table 5-2 residential structures without a garage in the WF zone require a zero foot minimum front setback and a 15-foot maximum front setback. All two-story residential structures must meet a minimum five-foot interior setback. In accordance with ADC 5.160, attached single family residences are allowed a zero-foot interior setback where the units adjoin. The proposal meets all required setbacks in the WF zone.
- 5.7 Landscaping: Per ADC 5.090, Table 5-2, no landscaping is required within the WF zoning district. According to ADC 9.140 residential landscaping requirements apply to residential zoning districts and non-residential landscaping requirements apply to commercial and industrial zoning districts. The subject property is situated within a mixed-use zoning district. Therefore, no landscaping is required.
- 5.8 Environmental Standards: ADC 9.440 - 9.500 include environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste related to nonresidential uses. The proposal is for a land partition followed by single-family residential uses. Therefore, these standards do not apply.

- 5.9 Design Standards: The proposed development is subject to the Single-Family Design Standards found in ADC 8.100-8.160. An assessment of the proposal's conformance with these standards can be found after the conclusion of Criterion 8.

## Conclusions

- 5.1 The subject property and most surrounding properties are located in the WF zoning district.
- 5.2 Surrounding properties are occupied by a single-family residential use similar to the proposed attached single-family residences.
- 5.3 The proposed land use is attached single family residence which is allowed through Site Plan Review approval in the WF zoning district.
- 5.4 The proposal meets the standards for building height, lot coverage, setbacks, and landscape requirements.
- 5.5 The proposal conforms with the applicable environmental standards.
- 5.6 Landscaping is not required.
- 5.7 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, use, setbacks, and landscaping 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

- 6.1 *Article 4 Airport Approach district*: According to Figure 4-1 of the ADC, the subject property is not located within the Airport Approach District.
- 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. 41043C0213H, dated September 29, 2010, shows that the entirety of the subject property is located outside the 100-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6*: does not show any wetlands on the subject site. The National Wetlands Inventory map does not show wetlands on the property.
- 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*: shows the subject property is not in a historic district. There are no known archaeological sites on the property.

## Conclusions

- 6.1 The subject property is not located in a special purpose district.

6.2 This review criterion is not applicable to this proposal.

## Criterion 7

**The site is in compliance with prior land use approvals.**

### Findings of Fact and Conclusions

7.1 There is no record of prior land use approvals on the subject property.

7.2 This criterion is not applicable.

## Criterion 8

**Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.**

### Findings of Fact and Conclusions

8.1 The site is not considered nonconforming.

8.2 This criterion is not applicable.

## Single Family Residential Design Standards (ADC 8.100-8.160)

In addition to the review criteria above, the following design standards must be met.

### *Relationship to Historic Overlay Districts (ADC 8.120).*

Applicable only for residential property inside the Monteith or Hackleman Historic Overlay Districts, see Article 7 for additional historic review criteria. Because the subject property is not located in a historic district, this standard is not applicable.

### *Home Orientation (ADC 8.130).*

- (1) *At least one main entrance of each new home shall be within eight feet of the longest street-facing wall of the dwelling unit (excluding the garage); and either:*
  - (a) *Face the street (see Figure 8-1);*
  - (b) *Be at an angle of up to 45 degrees from the street; or*
  - (c) *Open onto a porch (see Figure 8-2). The porch must:*
    - i. *Be at least 25 square feet in area;*
    - ii. *Have at least one entrance facing the street; and*
    - iii. *Have a roof that is:*
      - No more than 12 feet above the floor of the porch; and*
      - At least 30 percent solid. This standard may be met by covering 30 percent of the porch area with a solid roof, or by covering the entire area with a trellis or other open material if no more than 70 percent of the area of the material is open.*

## Findings of Fact

The applicant's site plan (Attachment B.2) and elevation drawings (Attachment B.3) indicate that the entrance for each proposed residence will face Madison Street and open onto a 65-square-foot porch area that is at least 50 percent covered by solid roofing. Elevation plans show that the roofing will be less than 12 feet from the porch floor and the site plan indicates the doors will be inset five feet from the longest street facing wall.

### Street-Facing Windows (ADC 8.133).

*At least 15 percent of the area of each façade that faces a street lot line a street lot line, excluding the area of any street-facing garage doors for motor vehicle ingress/egress, must be windows or main entrance doors.*

- (1) *Windows in garage doors for motor vehicle ingress/egress do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.*
- (2) *For a pedestrian door to count toward meeting this standard, it must be the main entrance and face the street.*
- (3) *For a corner lot, only one side of the unit must meet this standard.*

### Findings of Fact

Findings and elevation drawing submitted by the applicant indicate 19 percent of each façade will be window or main entrance area.

### Additional Standards for Infill and Redevelopment (ADC 8.140).

*These standards apply to every new house, manufactured home, duplex, and attached house sited as infill development, except in the HD, DMU, CB, and WF zones.*

### Findings of Fact

The subject property is located within the WF zoning district. Therefore, this standard is not applicable.

### Parking and Access in the DMU (ADC 8.360).

*Parking and Access in the DMU, CB, HD, and WF Zoning Districts. These standards are intended to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways, parking, and garages; and to preserve on-street parking. See Article 12 for additional access standards.*

- (1) *Driveway standards.*
  - (a) *Development sites abutting an alley: Vehicle access shall be via the alley rather than the public street.*
  - (b) *Development sites that do not abut an alley: Vehicle access shall meet i or ii, below.*
    - i. *Provide vehicle access from not more than one driveway to each public street abutting the development site.*
    - ii. *Provide vehicle access to properties within the development site from shared or paired driveways with a minimum spacing between driveways of 25 feet (see Figure 8-5). The distance between driveways is measured along the front property line.*
- (2) *Conditional review option. Developments that do not meet the standards of (1)(a) or (b), above, may be reviewed through a Conditional Use process, pursuant to ADC 2.230-2.265.*
- (3) *Parking location. Parking between the building façade and the front lot line is not permitted, except in driveways serving individual units (including shared or paired driveways), where permitted under (1), above.*
- (4) *Garages. When parking is provided in a garage attached to the primary structure, and garage doors for motor vehicle ingress/egress face a street, the following standards must be met. A garage door is considered to be facing a street where the opening is parallel to, or within 45 degrees of, a front lot line.*
  - (a) *No more than one street-facing garage door for motor vehicle ingress/egress is permitted per dwelling unit. Each street-facing garage door for motor vehicle ingress/egress may not exceed 12 feet in width.*
  - (b) *See ADC Table 5-2 for garage setback standards.*

- (5) *The standards of ADC Section 12.230 regarding design requirements abutting arterials do not apply. However, the standards of ADC 12.100 regarding limiting the location, width, and number of accesses to arterials do apply.*

## Findings of Fact

This proposal does not include designated off-street parking, a driveway, or a garage. Therefore, this standard is not applicable.

### *Façade design and articulation in the DMU, CB, HD and WF Zoning Districts (ADC 8.160).*

- (1) *In order to promote buildings that provide visual interest and façade details that give a sense of quality and permanence, the front façade shall include a minimum of two of the architectural features listed below for each dwelling unit. For a corner lot, only one front façade of the dwelling unit(s) must meet these standards. Lots with frontage on First or Second Avenue shall meet this standard on the First or Second Avenue frontage.*
- (a) *Porch: must meet the standards in ADC 8.130(1)(c).*
  - (b) *Dormer: minimum width of four feet, inset at least three feet from all side walls.*
  - (c) *Balcony: facing the street and accessible from an interior room, with a minimum depth of three feet.*
  - (d) *Eaves: overhang of not less than 12 inches.*
  - (e) *Offset: offset in facade or roof of at least two feet that extends for at least four feet.*
  - (f) *Bay window: projects from front elevation by 12 to 24 inches.*
  - (g) *Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-f.*
- (2) *To provide privacy for ground floor residential uses, for residential buildings within 5 feet of the front lot line, street-facing ground floor windows shall be separated from the front lot line with a landscaped buffer at least three feet deep extending the for at least the width of the window(s). The landscaped buffer shall meet at least one of the following standards.*
- (a) *For every three linear feet of width, provide at least one three-gallon shrub, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*
  - (b) *For every two linear feet of width, provide at least 1 one-gallon shrub or perennial that typically achieves a mature height of at least 3 feet, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*
  - (c) *Other suitable landscaping that provides both privacy and visual interest and includes living plants, shrubs, and/or trees.*

## Findings of Fact

The proposal specifies three architectural features for each structure including: a porch, eaves extending no less than 12 inches, and a five-foot offset along each facade; therefore, this standard is met. The structures will be setback 10 feet from the front property line, therefore the requirement in ADC 8.160(2) for a landscaped privacy buffer does not apply.

## Single Family Design Standard Conclusions

DS.1 The proposed attached single-family residences meet all applicable design criteria without conditions.

## Tentative Plat Review Criteria

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

- 1.1 A Tentative Partition Plat for Lot 1 of block 125 of Hackleman's Second Addition commonly known as 908 Water Avenue NE (Attachment A). The property is identified as Linn County Tax Assessor's Map No. 11S-03W-06DA; Tax Lot 00200.
- 1.2 The proposal will divide a 7,392 square foot lot into three parcels as shown in Attachment B.3. As proposed, Parcel 1 will be 3,329 square feet, Parcel 2 will be 1,859 square feet and Parcel 3 will be 2,256 square feet.
- 1.3 The subject property is situated within the mixed-use WF zoning district. The WF zone is intended primarily for a mixture of housing, office, and retail uses. There is no minimum lot size for legally established existing single-family residences. The minimum lot size for attached single-family residences is 1,600 square feet. The WF zoning district has no minimum lot width or depth.  
  
As shown in the applicant's tentative subdivision plat and noted above, the average minimum lot size is above the 1,600 square foot minimum for the proposed and existing uses. Therefore, all the proposed lots meet the minimum standards of the underlying WF zoning district.
- 1.4 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 are in compliance with the minimum requirements of the underlying zoning. The parcel's 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. Proposed Parcels 2 and 3 are less than double the minimum lot size for the WF zoning district. Parcel 1 is proposed to be 3,329 which is more than double the minimum 1,600 square feet required for the attached single-family residential use in the WF zone. The property is proposed to be less than double the minimum size for almost all other uses in the WF zone. Parcel 1 is occupied by an existing single-family residence and will maintain direct access to Water Avenue and Madison Street. Parcel 1 will be configured in a way that will not inhibit future development potential or require opening of future streets. This standard is met
  - c. 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 proposed parcels are double-frontage lots. This standard is not applicable.

- d. ADC 11.090(4) states that side yards of lots shall run at right angles to the street the property faces. All the proposed lot lines are perpendicular to the existing public right of way. 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 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. 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 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. The minimum width for a flag lot is 22 feet, except when the point of access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet. The proposed land division does not include a flag lot. This standard is not applicable.
- i. ADC 11.090(10) requires street intersections to be constructed so there is not less than a twenty-foot radius along the curb line. This standard ensures all public improvements, including accessibility ramps, can be contained in the public right-of-way at the corresponding street corners. All parcels will have access to an existing public street; therefore, no new intersections are proposed. 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 All three lots will have direct access to a public street
- 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 Development Code.**

## Findings of Fact

- 2.1 The proposal will divide a single 7,329 square foot parcel into three new parcels. Parcel 1 will be 3,329 square feet; Parcel 2 will be 1,859 square feet, and Parcel 3 will be 2,256 square feet.
- 2.2 The WF zoning district has a minimum lot size of 1,600 square feet specifically for multifamily and attached single-family homes. Most allowed uses in the WF zoning district require a minimum lot size of 5,000 square feet.
- 2.3 Parcel 1 is proposed to be more than double the 1,600 square foot minimum lot size for an attached single-family dwelling in the WF zone.

- 2.4 As proposed in the tentative plat, Parcel 1 will be situated on the corner of Water Avenue and Madison Street. Direct access to both public streets will be maintained.
- 2.5 The WF zoning district does not require a minimum lot width or depth and allows for 100 percent lot coverage.
- 2.6 Richard Hall is the owner of the entire parcel the proposed partition would divide.

### Conclusions

- 2.1 No new streets would be required.
- 2.2 The current proposal would not limit future development potential.
- 2.3 This review criterion is satisfied without conditions.

### Criterion 3

**Adjoining land can be developed, or is provided access that will allow its development, in accordance with this Development 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 says that new streets may be required to be located where the city engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.  
  
Property to the north: The adjoining property to the north, across Water Avenue has access to Water Avenue NE.  
  
Property to the south: The adjoining property to the south has access to Madison Street NE.  
  
Properties to the east: The adjoining properties to the east, across Madison Street NE have access to Madison Street NE and Water Avenue NE.  
  
Property to the west: The property to the west has access to Water Avenue NE.

### 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 The development will divide one parcel of land into three parcels. Parcel 1 is developed with a single-family home. Parcels 2 and 3 are vacant and are planned to be developed with attached single-family homes.
- 4.2 The development is located on the southeast corner of Water Avenue and Madison Street.
- 4.3 Water Avenue and Madison Street are both classified as local streets and are constructed to City

standards. Improvements include curb and gutter, sidewalk, a vehicle travel lane in each direction, and on street parking.

- 4.4 The proposed partition will allow for construction of two more single-family homes on the site than could be constructed under current conditions. Based upon ITE trip generation rates the construction of two single family homes would result in the addition of 19 new vehicle trips per day on the public street system. Two of those trips would occur during the peak p.m. traffic hour.
- 4.5 Albany's TSP 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 the potential for 19 new vehicle trips per day on the public street system, two of which would occur during the peak p.m. traffic hour.
- 4.2 Albany's TSP does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.3 The development has frontage on existing streets constructed to City standards.
- 4.4 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 eight-inch public sanitary sewer main along the south boundary of the subject property. This public sewer main was constructed in 1891 and there appears to be no recorded public utility easement over the main.
- 5.2 AMC 10.01.010 (1) states that the objective of the 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.
- 5.3 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.
- 5.4 Each separate parcel must be served by a distinct sewer lateral connection to the public sewer main. This will require that Parcels 2 and 3 have laterals that cross other lots. These laterals must be protected by private utility easements.
- 5.5 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.
- 5.6 The applicant is showing a 10-foot public utility easement over the southernmost portion of the subject property.

### Water Supply

- 5.7 City utility maps show 12-inch public water mains in Water Avenue and in Madison Street. The existing house on the subject property is currently connected to the public water system through a service/meter from the main in Water Avenue.
- 5.8 ADC 12.420 states that no new development is allowed on private well systems, except for construction of one single-family dwelling on an existing lot of record.
- 5.9 Each separate parcel must be served by a distinct water service connection to the public water main. Water services for Parcels 2 and 3 will be tapped from the main in Madison Street.

### Storm Drainage

- 5.10 City utility maps show a 15-inch public storm drainage main in Madison Street. Madison Street and Water Avenue are improved with curb and gutter.

It is the property owner's responsibility to ensure that 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 that include piping will require the applicant to obtain a plumbing permit from the building division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. 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.

- 5.11 Roof drains from future houses on the proposed lots can be connected to the adjacent gutters through weep holes cut into the curbs.

### Conclusions

- 5.1 Public utilities (sanitary sewer, water, and storm drainage) are adequate to serve the proposed use.
- 5.2 Each individual lot must be served by separate sewer and water service connections to those public utilities
- 5.3 Because the subject property is less than one-acre, no stormwater quality facilities will be required for this project.
- 5.4 There appears to be no recorded public utility easement over the existing public sewer main along the property's south boundary. The applicant is proposing to dedicate a 10-foot wide public utility easement along the southernmost portion of the subject property.
- 5.5 Private utility easements must be granted for future sewer laterals that will cross adjacent lots.

### Conditions

- Condition 3** Before the City will sign the final partition plat, the applicant must dedicate a 10-foot public utility easement along the southernmost boundary of the subject property. This easement may be shown on the partition plat map.
- Condition 4** Before the City will sign the final partition plat, the applicant must provide private utility easements over the areas that will contain future private sewer service lines for Lots 2 and 3

## 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:* According to Figure 4-1 of the ADC, the subject property is not located within the Airport Approach District.
- 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. 41043C0213H, dated September 29, 2010, shows that the entirety of the subject property is located outside the 100-year floodplain.
- 6.4 *Article 6 Wetlands, Comprehensive Plan Plate 6:* does not show any wetlands on the subject site. The National Wetlands Inventory map does not show wetlands on the property.
- 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:* shows the subject property is not in a historic district. There are no known archaeological sites on the property.

### Conclusions

- 6.1 There are no special features of this site to be considered.
- 6.2 This review criterion is not applicable.

## Overall Conclusion

As proposed and conditioned, the application for Site Plan Review and Tentative Partition to divide a property occupied by a single-family residence into three separate parcels and develop the two additional parcels with attached single-family residences meets all applicable review criteria as outlined in this report.

## Conditions of Approval

- Condition 1** Before the City will issue building permits, the applicant must dedicate a 10-foot public utility easement along the southernmost boundary of the subject property. This easement may be shown on the partition plat map.
- Condition 2** Prior to issuance of building permits, the applicant must provide private utility easements over the areas that will contain future private sewer service lines for Lots 2 and 3.
- Condition 3** Before the City will sign the final partition plat, the applicant must dedicate a 10-foot public utility easement along the southernmost boundary of the subject property. This easement may be shown on the partition plat map.
- Condition 4** Before the City will sign the final partition plat, the applicant must provide private utility easements over the areas that will contain future private sewer service lines for Lots 2 and 3.

## Attachments

- A Location Map
- B Applicant's Submittals
  - 1. Site Plan Set
  - 2. Elevation Drawings
  - 3. Tentative Partition
  - 4. Application Narrative/Written Findings
- C Public Testimony

## Acronyms

ADA	American Disabilities Act (Accessible Parking standards)
ADC	Albany Development Code
AMC	Albany Municipal Code
DEQ	Oregon Department of Environmental Quality
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ITE	Institute of Transportation Engineers (Trip Generation)
PA	Partition
SP	Site Plan Review
TSP	Transportation System Plan
WF	Waterfront (Zoning District)

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# Legend

-  908 Water Ave
-  Albany Parcels



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0 65 130 Feet

Date: 1/8/2020 Map Source: City of Albany

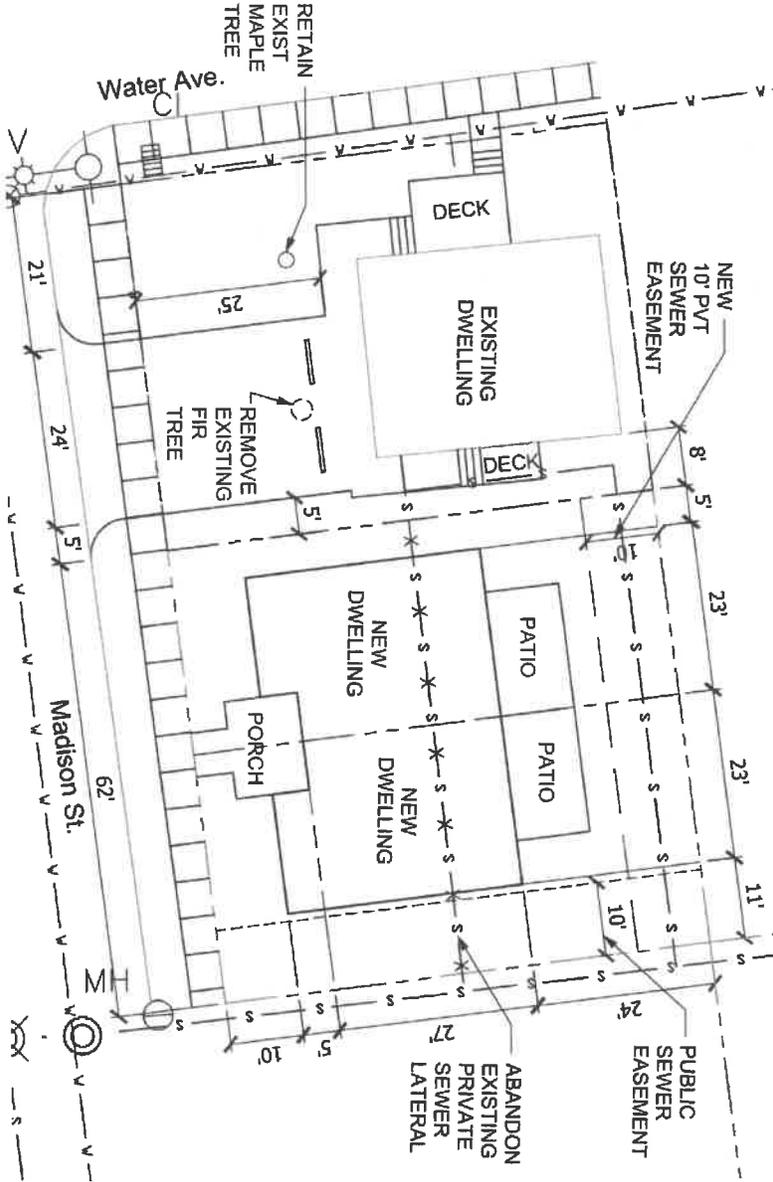
## 908 Water Ave

### Location / Zoning Map

# ATTACHMENT E



SCALE: 1" = 20'



WILLAMETTE VALLEY PLANNING, LLC  
 545 N.W. ELIZABETH DRIVE  
 CORVALLIS, OR 97330  
 541-231-6111

## Proposed Site Plan Improvements

908 Water Avenue NE  
 Map 11S-3W-6DA, Tax Lot 200

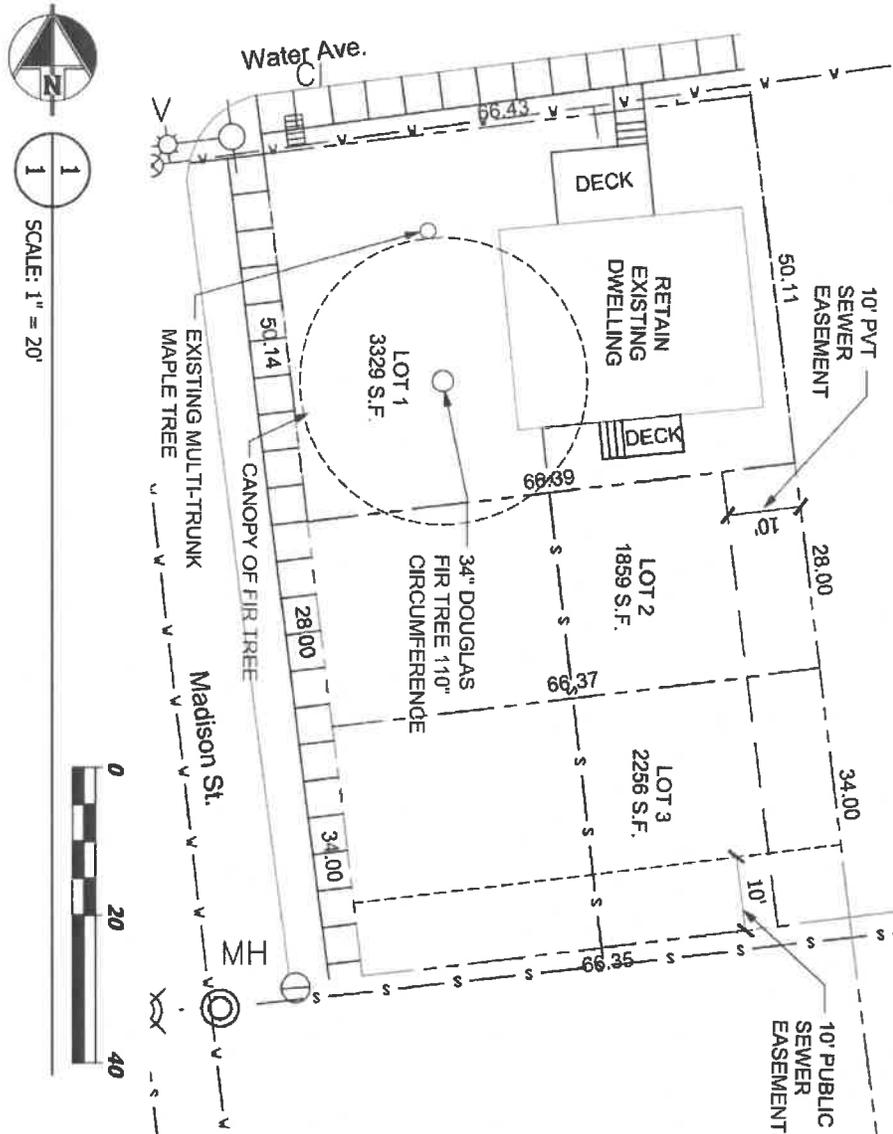
Designed: DD
Drafted: CCB
Checked: DD
Date: November 11, 2015
Revision:

# ATTACHMENT D

**Owner of 908 Water Avenue NE:**  
 Richard B. Hall  
 22265 SW Taylors Drive  
 Tualatin, OR 97062

**Land Use Planning Consultant:**  
 David Dodson, AICP  
 Willamette Valley Planning LLC  
 545 NW Elizabeth Drive  
 Corvallis, OR 97330

**Surveyor:**  
 Jason Cota  
 K & D Engineering  
 276 Hickory Street NW  
 Albany, OR 97321



**WILLAMETTE VALLEY PLANNING, LLC**  
 545 N.W. ELIZABETH DRIVE  
 CORVALLIS, OR 97330  
 541-251-6111

## Proposed Tentative Subdivision Replat

908 Water Avenue NE  
 Map 11S-3W-6DA, Tax Lot 200

Designed: DD
Drafted: GCB
Checked: DD
Date: November 11, 2015
Revision:



WEST BUILDING ELEVATION (FRONT)

# Site Plan Review Application for Madison Street Residences

908 Water Avenue NE, Albany, Oregon

Prepared December 21, 2019

## Applicant's Request

The subject property consists of Lot 1 from Block 125 of Hackleman's Addition. The applicant is requesting approval of a Site Plan Review for construction of two new attached single-family dwellings.

## Existing Conditions

The lot, at 908 Water Avenue contains a recently remodeled three-bedroom single-family home with a gravel driveway off Madison Street NE with room for at least two vehicles to park.

## Application Information

OWNER/APPLICANT:	Richard B. Hall, 22265 SW Taylors Drive, Tualatin, OR 97062
PLANNER:	David Dodson, Willamette Valley Planning LLC, 545 NW Elizabeth Drive, Corvallis, OR 97330
ENG. / SURVEYOR:	Jason Kota, K&D Engineering, 276 NW Hickory Street, Albany, OR 97321
ADDRESS/MAP/TAX LOT:	908 Water Avenue NE, Albany / Linn Co Map 11S-3W-6DA, TL 200
ZONING:	(WF) Waterfront
TOTAL LAND AREA:	7,392 square foot lot
EXISTING LAND USE:	An existing single-family dwelling and gravel driveway
SURROUNDING ZONING:	North: (WF) Waterfront East: (WF) Waterfront South: (MUR) Mixed Use Residential West: (WF) Waterfront
SURROUNDING USES:	North: Multi-family residential East: Vacant lot and brewery South: Single-family residential West: Single-family residential

## Attachments

- A) Aerial of Subject Property and Surrounding Area
- B) Enlargement of Linn County Tax Assessor's Map 11S-3W-6DA
- C) Existing Block Improvements and Public Utilities

- D) Proposed Tentative Subdivision Replat
- E) Proposed Site Plan Improvements
- F) Attached Single-family First Floor Plan
- G) Attached Single-family Second Floor Plan
- H) Attached Single-family West Building Elevation
- I) Attached Single-family East Building Elevation
- J) Attached Single-family South Building Elevation
- K) Attached Single-family North Building Elevation

### **Site Plan Review Criteria and Development Standards**

The applicable Site Plan Review criteria of ADC 2.450 are presented below in *bold italics* and are followed by findings and conclusions explaining how the proposed Site Plan complies with each of the following review criteria.

#### ***Criterion (1) Public utilities can accommodate the proposed development.***

##### FINDINGS OF FACT

##### Sanitary Sewer

- 1.1 City utility maps show a public sanitary sewer line along the southern property line. The applicant isn't aware of any public utility easement over this sewer line.
- 1.2 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)).
- 1.3 New development must be connected to the public sanitary sewer system through separate sewer laterals.
- 1.4 ADC 12.360 – 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.

##### Water

- 1.5 City utility maps show a public water line along Madison Street and Water Avenue.
- 1.6 The existing single-family dwelling along Water Avenue is served by an existing water meter. New development on Lots 2 and 3 must be connected to the public water system through separate water services.

##### Storm Drainage

- 1.7 Future development on Lots 2 and 3 will be required to connect roof drains to the curb along Madison Street.

##### CONCLUSIONS

- 1.1 Public utilities (sanitary sewer, water, and storm drainage) are available and adequate to serve the proposed development.
- 1.2 A 10-foot public sewer easement will be provided along the southern boundary of Lot 3 where no public easement exists, (Attachment D). When the replat is recorded, a 10-foot private sanitary

sewer easement will be established along the eastern boundary of Lots 2 and 3 to allow Lots 1 and 2 to run sewer laterals to the public sewer line.

- 1.3 It is anticipated that future development on Lots 2 and 3 will connect roof drains to the curb along Madison Street. The new driveway approach and two parking stalls will be designed to sheet drain toward the curb in Madison Street.

***Criterion (2) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.***

FINDINGS OF FACT

- 2.1 Section 12.45.030 of the Albany Municipal Code states that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development (Ord. 5841 § 3, 2014).
- 2.2 The subject site is an existing lot with approximately 7,392 square feet or 0.17 acres.

CONCLUSIONS

- 2.1 Because of its size, the proposed development is exempt from the City's Storm Water Quality requirements.

***Criterion (3) The transportation system can safely and adequately accommodate the proposed development.***

FINDINGS OF FACT

- 3.1 The proposed project site is located at 908 Water Avenue NE, and the applicant proposes to construct two new single family attached dwellings, each with two bedrooms.
- 3.2 The abutting street, Madison Street, is classified as a local street and is improved to city standards along the frontage of the site. Improvements include curb, gutter, and sidewalk; a vehicle travel lane in each direction; and on street parking on both sides of the street.
- 3.3 Based on the ITE trip generation rate for code 210 single-family detached uses, the development will generate 20 vehicle trips per day and 2 PM peak hour vehicle trips per day. The 9<sup>th</sup> Addition of the ITE Manual included a separate code for single-family attached uses, however the 10<sup>th</sup> Addition no longer includes a comparable use classification, so the applicant selected the closest category.
- 3.4 Albany's Transportation System Plan (TSP) does not identify any capacity issues occurring along the frontage of this site. This development is occurring consistent with the land use assumptions used as the basis for the TSP.

CONCLUSIONS

- 3.1 The public street system adjoining the site is improved to city standards.
- 3.2 Albany's Transportation System Plan (TSP) does not identify any capacity issues occurring along the frontage of this site.

- 3.3 The development is projected to generate 2 PM peak hour vehicle trips per day. The addition of those trips to the street system is not expected to result in capacity or safety problems.

***Criterion (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.***

FINDINGS OF FACT

- 4.1 Per ADC 9.020, Table 9-1, 2 on-site vehicle parking spaces are required for the existing single-family unit. Parking for this dwelling will be provided by a new curb cut along Madison Street. The 24-foot wide driveway with a minimum stall depth of 20-feet will provide two on-site parking spaces for the existing 3-bedroom dwelling. Construction of these new parking spaces will require removal of an existing fir tree. A tree removal permit is being submitted under separate cover.
- 4.2 Per ADC 12.100(2) driveways for single family dwellings must have a minimum width of 10-feet and a maximum width of 24-feet.
- 4.3 Per ADC 12.100(3) new driveways must be located as far as practical from a street intersection, and in no instance shall the distance be less than 20-feet from a collector and 10-feet from a local street, as measured from the nearest curb return radius. Water Avenue and Madison Street are both designated as local streets in the City's TSP.
- 4.4 An existing curb cut and driveway approach on the site's south boundary along Madison Street will be removed. This curb cut will be replaced with standard curb and gutter.
- 4.5 On-site parking for the two proposed attached single-family dwellings will be provided on the public street. Per ADC 9.030(7)(b) single family attached dwellings with two bedrooms are allowed a reduction to provide one parking space per unit. Per ADC 9.025(4) allows on street parking spaces abutting the development to be counted towards meeting the on-site parking requirements. With removal of the existing curb cut along Madison Street, the two new dwellings will have 62-feet of frontage, enough to accommodate two vehicles. Therefore, the applicant requests consideration of the reduced parking minimums in the WF zone as well as allowing on-street parking to be counted towards meeting the parking requirements.
- 4.6 The applicant initially designed the project with two tandem parking spaces per unit. This resulted in no habitable ground floor area, resulting in a tall and narrow 3-story structure. The applicant then attempted to design the project with a single parking space in front of each unit, however this posed challenges with complying with the minimum front yard setback of 15-feet, as the city's parking standard requires the building to be setback a minimum of 20-feet. After further review, the applicant determined that to achieve the purpose of the WF zone of promoting a pedestrian friendly environment, the most desirable solution was to place the parking on the abutting street and have a porch and front window facing the street and public sidewalk.

CONCLUSIONS

- 4.1 Parking for the existing single-family dwelling will be achieved by providing two new parking spaces with a new curb cut and 24-foot wide driveway along Madison Street.
- 4.2 The existing curb cut along Madison Street will be removed and replaced with standard curb and gutter.
- 4.3 The proposed modifications to the site's access to Madison Street comply with ADC 12.100 in terms of size, location, and spacing.

***Criterion (5) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.***

#### FINDINGS OF FACT

- 5.1 Surrounding Development. The subject lot is located at the southeast corner of the intersection of Water Avenue and Madison Street. There are four existing single-family homes along the south side of the block. At the northeast corner of the block is a brewery and restaurant. Between the brewery and the subject site is a vacant lot with an existing garage, (Attachment C). The parcels to the north, east and west are all zoned Waterfront (WF) while the parcels to the south are zoned Mixed Use Residential (MUR).
- 5.2 General Mixed Use Zones & Operating Characteristics. The proposed development is single-family development because each of the new units is on its own lot. Single-family attached development is permitted in the WF zone per ADC 5.060, Table 5-1, with approval of a Site Plan Review permit. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. Site Plan Review focuses on the layout of a proposed development, including building placement, setbacks and parking areas. Where conflicts are identified, mitigation can be required through conditions of approval.
- 5.3 Proposed Development. The applicant proposes to develop two attached single-family dwellings on their own individual lots abutting Madison Street. Creation of the two new lots is part of a Tentative Partition Plat that is being submitted concurrent with this application. Each two-story dwelling will contain two bedrooms, (Attachment E).
- 5.4 WF Zone Setbacks. ADC 5.090, Table 5-2, the maximum front yard setback for residential development is 15-feet and interior setbacks for two story buildings is 5-feet. The recessed portion of the front porch facade will be setback 15-feet and all interior setbacks are a minimum of 5-feet, (Attachment E).
- 5.5 Lot Coverage. ADC 5.090, Table 5-2, the maximum lot coverage is 100%. Neither of the proposed structures exceed the allowable lot coverage.
- 5.6 Building Height. ADC 5.090, Table 5-2, shows that the maximum height in the WF zoning district is 55-feet. The proposed building will be a maximum of 27 feet high at the peak of the roof.
- 5.7 Signs. There are no signs proposed with the development.
- 5.8 Environmental Standards. ADC 9.440 - 9.500 include environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. No adverse environmental impacts are expected from this development.

#### CONCLUSIONS

- 5.1 The design and operating characteristics of the proposed development provides a compatible transition between the 1.5 and 2-story single-family development to the south and west and the large brewery and restaurant to the east. Any adverse impacts associated with the proposed development can be mitigated through compliance with applicable development standards.
- 5.2 The applicant's submittal shows that the proposed development meets the standards for building height, lot coverage, setbacks, parking, and environmental standards.

**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. According to Figure 4-1 of the Albany Development Code, the subject property is not located within the Airport Approach District.
- 6.2 Article 6: Hillside Development. *Comprehensive Plan Plate 7: Slopes*, shows that there are no areas of steep slopes on the subject property.
- 6.3 ADC 6.170 through 6.230 includes Hillside Development standards. ADC 6.180 says that the Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan.
- 6.4 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property.
- 6.5 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.
- 6.6 Article 7: Historic Districts. *Comprehensive Plan Plate 9: Historic Districts* shows the property is not in a historic district. There are no known archaeological sites on the property.

CONCLUSIONS

- 6.1 The property is not located within the Airport Approach District.
- 6.2 There are no areas containing steep slopes on the subject property.
- 6.3 There are no floodplains on the subject property.
- 6.4 The site has no special purpose districts that require conditions of approval to mitigate.
- 6.5 There are no known historical or archaeological sites on the property.

**Criterion (7) *The site is in compliance with prior land use approvals.***

FINDINGS OF FACT

- 7.1 The subject site is not subject to compliance with any prior land use approvals.

CONCLUSIONS

- 7.1 This criterion is satisfied.

**Criterion (8) *Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370.***

FINDINGS OF FACT

- 8.1 The subject site does not include improvements that are considered nonconforming.

CONCLUSION

- 8.1 This criterion is not applicable.

## **Design Standards - Multiple Family Development (ADC 8.120-8.160)**

**Relationship to Historic Overlay Districts (ADC 8.120).** *Applicable only for residential property inside the Monteith or Hackleman Historic Overlay Districts, see Article 7 for additional historic review criteria.*

**FINDINGS OF FACT.** The proposed project is outside the Monteith and Hackleman Historic Districts.

### **Home Orientation (ADC 8.130).**

- 1) *At least one main entrance of each new home shall be within eight feet of the longest street-facing wall of the dwelling unit (excluding the garage); and shall face the street.*
- 2) *In the DMU, CB, HD, and WF zoning districts, in order to provide a transition between public space (the sidewalk) and private space (the home) while maintaining a visual and physical connection to the street, entrances to individual dwelling units must be set back at least five feet from the front lot line. The entrance must be covered for a depth of at least three feet.*

**FINDINGS OF FACT.** The proposed single-family attached units have their main entrances facing the street. Each entrance is setback from the front lot line 15-feet and is covered for a depth of 5-feet.

**Street Facing Windows (ADC 8.133).** *At least 15 percent of the area of each facade that faces a street lot line, excluding the area of any street-facing garage doors for motor vehicle ingress/egress, must be windows or main entrance doors.*

- 1) *Windows in garage doors for motor vehicle ingress/egress do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.*
- 2) *For a pedestrian door to count toward meeting this standard, it must be the main entrance and face the street.*
- 3) *For a corner lot, only one side of the unit must meet this standard.*

**FINDINGS OF FACT.** The west facade (both units) is 1,039 square feet and the windows and main entry doors make up 200 square feet, or 19 percent of the facade that faces the street.

**Additional Standards for Infill and Redevelopment (ADC 8.140).** *These standards apply to every new house, manufactured home, duplex, and attached house sited as infill development, except in the HD, DMU, CB, and WF zones. For the purpose of this section, “infill development” means a dwelling that is proposed on land that is zoned for residential use where at least 75 percent of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home, duplex, and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.*

**FINDINGS OF FACT.** Not applicable, as this standard does not apply to infill development in the WF zone.

**Parking and Access in the DMU, CB, HD, and WF Zoning Districts (ADC 8.150).** *These standards are intended to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways, parking, and garages; and to preserve on-street parking. See Article 12 for additional access standards.*

(1) *Driveway standards.*

(a) *Development sites abutting an alley: Vehicle access shall be via the alley rather than the public street.*

(b) *Development sites that do not abut an alley: Vehicle access shall meet i or ii, below.*

iv. *Provide vehicle access from not more than one driveway to each public street abutting the development site.*

v. *Provide vehicle access to properties within the development site from shared or paired driveways with a minimum spacing between driveways of 25 feet (see Figure 8-5). The distance between driveways is measured along the front property line.*

**FINDINGS OF FACT.** The site does not abut an alley and vehicle access along Madison Street is from one driveway. There is no driveway access from Water Avenue.

**Facade design and articulation in the DMU, CB, HD, and WF Zoning Districts (ADC 8.160)**

(1) *In order to promote buildings that provide visual interest and facade details that give a sense of quality and permanence, the front facade shall include a minimum of two of the architectural features listed below for each dwelling unit. For a corner lot, only one front facade of the dwelling unit(s) must meet these standards. Lots with frontage on First or Second Avenue shall meet this standard on the First or Second Avenue frontage.*

(a) *Porch: must meet the standards in ADC 8.130(1)(c).*

(b) *Dormer: minimum width of four feet, inset at least three feet from all side walls.*

(c) *Balcony: facing the street and accessible from an interior room, with a minimum depth of three feet.*

(d) *Eaves: overhang of not less than 12 inches.*

(e) *Offset: offset in facade or roof of at least two feet that extends for at least four feet.*

(f) *Bay window: projects from front elevation by 12 to 24 inches.*

(g) *Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-f.*

(2) *To provide privacy for ground floor residential uses, for residential buildings within 5 feet of the front lot line, street-facing ground floor windows shall be separated from the front lot line with a landscaped buffer at least three feet deep extending the for at least the width of the window(s). The landscaped buffer shall meet at least one of the following standards.*

(a) *For every three linear feet of width, provide at least one three-gallon shrub, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*

(b) *For every two linear feet of width, provide at least 1 one-gallon shrub or perennial that typically achieves*

*a mature height of at least 3 feet, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*

- (c) Other suitable landscaping that provides both privacy and visual interest and includes living plants, shrubs, and/or trees.*

**FINDINGS OF FACT.** The street facing facade complies with the following 3 standards from above; (a) a 65 square foot porch (6.5' x 10') for each unit with the main building entrance facing the street and is 50% covered by a solid roof and (d) eave overhangs no less than 12 inches and (e) front porch offset of 5-feet that extends 6.5-feet. The building facade is setback 10-feet from the front property line, therefore the privacy criteria for ground floor residential uses is not applicable.

### **Summary and Conclusions**

The applicant finds this request satisfies all the applicable review criteria and design standards for Site Plan Review. The creation of two new single-family attached dwellings is consistent with the purpose of the Riverfront Zone by encouraging pedestrian friendly infill development and will help address needed housing in Albany.

# Tentative Partition Plat Application for Madison Street Residences

908 Water Avenue NE, Albany, Oregon

Prepared December 21, 2019

## **Applicant's Request**

The subject property consists of Lot 1 from Block 125 of Hackleman's Addition. The applicant is requesting approval of a Tentative Partition Plat to partition the existing lot into 3 lots, (Attachment D).

## **Existing Conditions**

The lot, at 908 Water Avenue contains a recently remodeled three-bedroom single-family home with a gravel driveway off Madison Street NE with room for at least two vehicles to park.

## **Application Information**

OWNER/APPLICANT:	Richard B. Hall, 22265 SW Taylors Drive, Tualatin, OR 97062
PLANNER:	David Dodson, Willamette Valley Planning LLC, 545 NW Elizabeth Drive, Corvallis, OR 97330
ENG. / SURVEYOR:	Jason Kota, K&D Engineering, 276 NW Hickory Street, Albany, OR 97321
ADDRESS/MAP/TAX LOT:	908 Water Avenue NE, Albany / Linn Co Map 11S-3W-6DA, TL 200
ZONING:	(WF) Waterfront
EXISTING LAND USE:	An existing single-family dwelling and gravel driveway
SURROUNDING ZONING:	North: (WF) Waterfront East: (WF) Waterfront South: (MUR) Mixed Use Residential West: (WF) Waterfront
SURROUNDING USES:	North: Multi-family residential East: Vacant lot and brewery South: Single-family residential West: Single-family residential

**Attachments**

- A) Aerial of Subject Property and Surrounding Area
- B) Enlargement of Linn County Tax Assessor's Map 11S-3W-6DA
- C) Existing Block Improvements and Public Utilities
- D) Proposed Tentative Subdivision Replat
- E) Proposed Site Plan Improvements
- F) Attached Single-family First Floor Plan
- G) Attached Single-family Second Floor Plan
- H) Attached Single-family West Building Elevation
- I) Attached Single-family East Building Elevation
- J) Attached Single-family South Building Elevation
- K) Attached Single-family North Building Elevation

**Tentative Plat Review Criteria** (ADC 11.180)

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 italics*** and are followed by findings and conclusions explaining how the proposed Tentative Plat complies with each of the following 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 underlying zoning district of the subject lot is Waterfront (WF). The WF district is intended to transition Albany's Willamette River waterfront into a vibrant center characterized by a variety of housing choices and a mixture of housing, office, and retail uses. Infill and redevelopment are encouraged, as well as adaptive reuse of existing buildings until the area is redeveloped. Development and design standards will result in great neighborhoods, a pedestrian-friendly environment, and an enhanced community image.
- 1.2 The WF zone requires a minimum lot area of 1,600 square feet. Single-family units are allowed in the WF zone but are limited to attached units only.
- 1.3 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.
- 1.4 As shown on the applicant's Tentative Plat (Attachment D), all proposed lots will exceed minimum lot area requirements of the WF zone. Lot 1 is 3,329 square feet and contains the recently remodeled single-family home. Lot 2 is 1,859 square feet and is large enough to accommodate a new single-family attached dwelling. Lot 3 is 2,256 square feet and is large enough to accommodate a new single-family attached dwelling and establish a 10-foot wide public sewer easement for the existing sewer line along the south property line.

- 1.5 The WF zone has a maximum 15-foot front yard setback for residential development. The minimum required interior yard setback is three feet for single story dwellings and five feet for dwellings with two or more stories. The required interior yard setback is three feet for accessory structures with walls eight feet or shorter and five feet for accessory structures with walls taller than eight feet.

### CONCLUSIONS

- 1.1 The owner recently upgraded and expanded the existing dwelling on the property and with this proposal will foster additional infill, consistent with the purpose of the Waterfront zone.
- 1.2 All the proposed parcels exceed minimum lot area and dimension requirements of the WF zone district. The applicant intends to construct attached single-family dwellings on each of the new lots, consistent with the housing types allowed in the zone.
- 1.3 The block length of Water Avenue is approximately 330 feet while the block length of Madison Street is approximately 290 feet. None of the block lengths exceed the maximum allowed length of 600-feet.
- 1.4 Consistent with ADC 11.090(3) and (4), none of the existing or proposed lots are double-frontage parcels. All proposed parcels will meet the minimum lot size and dimension of the underlying zoning district.
- 1.5 To the satisfaction of ADC 11.090(6), all proposed parcels will abut an improved public street. As such, pedestrian pathways to the street are not required.
- 1.6 The two proposed single-family attached dwellings will comply with the minimum front yard setback of 15 feet, as the building facades are setback 10-feet with a porch recess setback of 15-feet. The interior yard setbacks are 5-feet for the north dwelling and 11-feet for the south dwelling, in compliance with the minimum 5-foot setback. The existing single-family structure will comply with building setbacks in the WF zone as a result of this proposed replat. Single-family homes must have a 3-foot minimum interior setback for single-story buildings and a 5-foot minimum interior setback for two-story buildings. The applicant recently remodeled the existing two-story home and added a single-story addition to the east. This single-story addition sits 3-feet off the eastern property line, in compliance with the setback criteria above.

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

### FINDINGS OF FACT

- 2.1 The subject lot is located at 908 Water Avenue NE; Linn County Assessor's Map No. 11S-03W-6DA, Tax Lot 200, (Attachment B). The subject lot is owned by Richard B. Hall. The subject lot is zoned WF and has frontage on Water Avenue and Madison Street.
- 2.2 ADC 5.090, Table 5-2, shows that the minimum lot area is 1,600 square feet. Single-family units are allowed in the WF zone but are limited to attached units only.
- 2.3 As shown on the applicant's Tentative Plat (Attachment D), all proposed lots will exceed minimum lot area requirements of the WF zone. Lot 1 is 3,329 square feet and contains the existing recently remodeled single-family home. Lot 2 is 1,859 square feet and is large enough to accommodate a new single-family attached dwelling. Lot 3 is 2,256 square feet and is large enough to accommodate a new single-family attached dwelling and establish a 10-foot wide public sewer easement for the existing sewer line along the south property line.

CONCLUSIONS

- 2.1 The proposed partition will result in the creation of two additional lots, both of which exceed minimum lot area and dimension requirements of the WF zone district.
- 2.2 An urban conversion plan is not required as no additional land divisions are anticipated. The applicant has provided a Tentative Subdivision Replat, (Attachment D) to show how the lot will be subdivided.

***Criterion (3) Adjoining land can be developed or is provided access that will allow its development in accordance with the 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 ADC 12.110 states that new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.

CONCLUSION

- 3.4 The adjoining property to the south and west are already fully developed. The adjoining property to the north across the railroad tracks is under construction and the vacant parcel to the east has access to Water Avenue, so this criterion is not relevant.

***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 existing lot is currently improved and has frontage on Water Avenue and Madison Street.
- 4.2 Both Water Avenue and Madison Street are classified as local streets and are already constructed to city standards. Improvements include asphalt pavement, curbs, gutters and sidewalks. The right-of-way width for both streets is 66-feet, (Attachment B).
- 4.3 Construction of two additional attached two-bedroom single-family dwellings will add 20 vehicle trips per day and 2 PM peak hour vehicle trips per day.
- 4.4 Albany's Transportation System Plan does not identify any level of service or congestion problems occurring adjacent to this site.
- 4.5 The city requires driveway approaches to be separated from local public street intersections a minimum of 10-feet and collector public street intersections a minimum of 20-feet.

CONCLUSIONS

- 4.1 All proposed lots have access to a public street improved to city standards.
- 4.2 Albany's Transportation System Plan does not identify any level of service or congestion problems occurring adjacent to the development.
- 4.3 The applicant's Proposed Site Plan Improvements, (Attachment E) shows a new curb cut and two new parking stalls for the existing dwelling off Madison Street. The driveway approach is 21-feet from the nearby intersection of Water Avenue and meets the minimum separation requirements.

***Criterion (5) The location and design allow development to be conveniently served by various public utilities.***

FINDINGS OF FACTSanitary Sewer

- 5.1 City utility maps show a public sanitary sewer line along the southern property line. The applicant isn't aware of any public utility easement over this sewer line.
- 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 New development must be connected to the public sanitary sewer system through separate sewer laterals.
- 5.4 ADC 12.360 – 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.

Water

- 5.5 City utility maps show a public water line along Madison Street and Water Avenue.
- 5.6 The existing single-family dwelling along Water Avenue is served by an existing water meter. New development on Lots 2 and 3 must be connected to the public water system through separate water services.

Storm Drainage

- 5.7 Future development on Lots 2 and 3 will be required to connect roof drains to the curb along Madison Street.

CONCLUSIONS

- 5.1 Public utilities (sanitary sewer, water, and storm drainage) are available and anticipated to be adequate to serve the proposed development on lots 2 and 3.
- 5.2 A 10-foot public sewer easement will be provided along the southern boundary of Lot 3 where no public easement exists. When the replat is recorded, a 10-foot private sanitary sewer easement will be established along the eastern boundary of Lots 2 and 3 to allow Lots 1 and 2 to run sewer laterals to the public sewer line.
- 5.3 It is anticipated that future development on Lots 2 and 3 will connect roof drains to the curb along Madison Street. The new driveway approach and two parking stalls will be designed to sheet drain toward the curb in Madison Street.

***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. According to Figure 4-1 of the Albany Development Code, the subject property is not located within the Airport Approach District.
- 6.2 Article 6: Hillside Development. *Comprehensive Plan Plate 7: Slopes*, shows that there are no areas of steep slopes on the subject property.
- 6.3 ADC 6.170 through 6.230 includes Hillside Development standards. ADC 6.180 says that the Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan.
- 6.4 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property.
- 6.5 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.
- 6.6 Article 7: Historic Districts. *Comprehensive Plan Plate 9: Historic Districts* shows the property is not in a historic district. There are no known archaeological sites on the property.

**CONCLUSIONS**

- 6.1 The property is not located within the Airport Approach District.
- 6.2 There are no areas containing steep slopes on the subject property.
- 6.3 There are no floodplains on the subject property.
- 6.4 The site has no special purpose districts that require conditions of approval to mitigate.
- 6.5 There are no known historical or archaeological sites on the property.

**Summary and Conclusions**

The applicant finds this request satisfies all the applicable review criteria and development standards for a Tentative Partition Plat. The creation of two new developable lots is consistent with the purpose of the Riverfront Zone by encouraging infill development and will help address needed housing in Albany.

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**From:** [Bob Gately](#)  
**To:** [Mills, Tony](#)  
**Subject:** 908 Water Ave Site Plan Review  
**Date:** Thursday, February 27, 2020 9:23:15 PM

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Thank you for the opportunity to voice my concerns about the property at 908 Water Ave.

My primary concern is parking. There are now 3 young men living in the recently remodeled house on that property. They and their visitors have to park on the street. That's 3-6 (or more) vehicles. Then add the number of vehicles that two more residences and their visitors will have.

Other street parking factors to consider...

- 1) Large trucks come and go at the cheese factory on Madison. The trucks sometimes park in the street or they swing around to make wide turns into the cheese factory parking lot.
- 2) The Calapooia Brewery puts additional pressure on available parking,
- 3) The Edgewater development adds to the congestion.

In one of the drawings, it looks like there would be a 2 vehicle driveway once the fir tree is removed. That would help a little.

Besides parking, my other concern is noise in the form of loud music or engines. Anything that can be done to minimize tenant noise with regards to room layouts, insulation, outdoor panels to dampen tenant noise would be appreciated.

I think that a single family home, with off-street parking, would be better suited for this city lot.

Sincerely,  
Bob Gately

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**From:** [Bob Gately](#)  
**To:** [Mills, Tony](#)  
**Subject:** Re: 908 Water Ave Site Plan Review  
**Date:** Friday, February 28, 2020 8:40:59 AM

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Additional thoughts...

- 1) In the drawing, if that is a parking space for 2 vehicles, where the fir tree is at, then it doesn't really add anymore parking because cars, on the street, can't block the driveway entrance.
- 2) Cheese factory employees park on Madison too.
- 3) Putting garbage and recycling containers out on the street will make it more difficult to find parking.

On Thu, Feb 27, 2020 at 9:22 PM Bob Gately

wrote:

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