



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

PA-01-24

April 2, 2024

Summary

This request is for Tentative Partition Plat Review to divide a 16,099 square foot parcel into two parcels. The subject site is located at 2240 Water Avenue NE, in the RS-5 (Residential Single-Dwelling Unit) zoning district. The site is illustrated on a location map and included as Attachment A.

The land division review criteria under Albany Development Code (ADC) 11.180 are applicable for the proposed application. These criteria are addressed in this report and must be satisfied to grant approval for this application.

Application Information

Proposal:	Tentative Partition Plat to divide a 16,099-square-foot parcel into two parcels.
Review Body:	Staff (Type I-L Review)
Property Owner/Applicant:	JPRE LLC c/o John Wulf, 6125 Belle Pond Way S, Salem, OR 97306
Address/Location:	2240 Water Avenue NE, Albany, OR 97321
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-05DB-03000
Zoning:	RS-5 (Residential Single-Dwelling Unit)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	Airport Approach District
Total Land Area:	16,099 Square feet
Existing Land Use:	Vacant
Neighborhood:	Willamette
Surrounding Zoning:	North: RS-5 (Residential Single-Dwelling Unit) East: IP (Industrial Park), LI (Light Industrial), RM (Residential Medium Density) South: RM (Residential Medium Density), RS-6.5 (Residential Single-Unit Dwelling) West: RS-5 (Residential Single-Dwelling Unit)
Surrounding Uses:	North: Single dwelling units, Railroad East: Self Storage, Bar South: Single dwelling units, Railroad West: Single dwelling units
Prior History:	None

Staff Decision

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

Appeals

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

Notice Information

A notice of filing was mailed to property owners identified within 300 feet of the subject properties on March 15, 2024, in accordance with ADC 1.220. At the time the comment period ended on March 29, 2024, the Albany Planning Division received no comments.

Analysis of Development Code Criteria

The ADC includes the following review criteria for a tentative plat (ADC 11.180), which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Tentative Plat Review Criteria

Criterion 1

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.

Findings of Fact

- 1.1 The underlying zoning district of the subject lot is RS-5 (Residential Single-Dwelling Unit District). The RS-5 zoning district is intended primarily for low-density residential urban development.
- 1.2 The subject site is comprised of one tax lot totaling 16,099 square feet: Assessor's Map No. 11S-03W-05DB Tax Lot 03000.
- 1.3 Lot size in the RS-5 zone depends on the proposed use, and ranges in size from 1,500 square feet (townhomes), 5,000 square feet (single-dwelling unit detached, duplex and triplex), to 7,000 square feet (cottage clusters and fourplexes). Parcel 1, as proposed, will be approximately 7,513 square feet in size and is currently vacant. Proposed Parcel 2 will be approximately 7,131 square feet and is currently vacant. The proposed lots will exceed the minimum property size and will be of a size to allow up to a cottage cluster or fourplex.
- 1.4 The minimum width standard for the RS-6.5 zone is 20 feet for townhomes, and 40 feet for all other uses. Proposed Parcel 1 will be 76.89 feet wide and proposed Parcel 2 will be 176.60 feet wide. The proposed lots will exceed the minimum width standard.
- 1.5 According to ADC Table 3.190-1, the minimum setback standards in the RS-5 zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), five-foot side (one story), six-foot side, (two plus stories), or zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. Both proposed parcels are currently vacant and development standards will be reviewed for conformance at time of building permit.
- 1.6 In any land division for single-dwelling unit residential or middle housing development, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed partition are addressed below.
- 1.7 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. There are no foreseeable difficulties in securing building permits to build on the proposed lots provided applicable development standards are followed.

- 1.8 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. Neither proposed parcel is double the minimum lot size (5,000 square feet) therefore an urban conversion plan is not required.
- 1.9 ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. No double frontage lots are proposed.
- 1.10 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. Parcel 1 is proposed to have two side yards that run at right angles to the street the property faces. Parcel 2 has one yard that is proposed to run at a right angle to the street, the other yard terminates at a point on the eastern property line because the southern boundary of the lot is formed by railroad tracks that are oriented at a 45-degree angle running from the northeast corner to the southwest corner. Due to the existing on-site conditions, this standard is met.
- 1.11 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.
- 1.12 ADC 11.090(6) states off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible. All lots have direct access to a public street. This standard is satisfied.
- 1.13 ADC 11.090 (7) and (8) provide standards for townhomes on cul-de-sacs and flag lots. The proposed development does not include townhomes or flag lots. These standards are not applicable.
- 1.14 According to ADC 11.090(9), street intersections must be constructed so there is not less than a 20-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. Both proposed parcels have access onto Water Street NE. All parcels will have access to an existing public street, and 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 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.4 The proposal meets the underlying development and lot and block standards of the RS-5 zoning district.
- 1.5 This criterion is satisfied without conditions.

Criterion 2

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact

- 2.1 The proposal is to divide an existing 16,099 square foot lot into two lots of approximately 7,513 square feet and 7,131 square feet.
- 2.2 Proposed Parcels 1 and 2 are owned in their entirety by JPRE LLC.
- 2.3 There is no other remainder of property under the same ownership.

Conclusions

- 2.1 There is no other remainder of land to consider.
- 2.2 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 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 The property immediately to the west has access to Water Avenue NE. Properties further to the west have access to Columbus Street NE. There are no properties to the north, east, or south due to the convergence of two railroad tracks.
- 3.4 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. Adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.

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 Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

- 4.1 The development is located on the south side of Water Avenue NE, approximately 150 feet east of Columbus Street. The development will divide one parcel of land into two parcels. Parcel 1 will be 7,513 square feet in size. Parcel 2 will be 7,131 square feet in size. Both parcels are currently vacant.
- 4.2 The site has an RS-5 zoning designation. This designation allows for single-unit and middle housing developments.
- 4.3 ADC 12.060 requires that the public street frontage of all new developments be improved to city standards. In situations where the City Engineer determines that an improvement is not timely, the City can accept a Petition for Improvement/Waiver of Remonstrance.
- 4.4 Water Avenue NE is classified as a local street and is not improved to city standards. The public right-of-way is only 20 feet wide and ends at the east boundary of this site. The first 210 feet of road east of Columbus Street is paved, and the remainder of the road has a gravel driving surface.
- 4.5 Albany's standard right-of-way width of a local street is 54 feet. In this case, Union Pacific Railroad directly abuts the north side of Water Avenue right-of-way and precludes improving the road to city standards.
- 4.6 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.

Conclusions

- 4.1 The subject property is zoned RS-5 and allows for single-unit and middle housing developments. Because of the small size of the two parcels, neither type of development would generate sufficient PM peak hour trips to trigger the need for submittal of a traffic impact analysis.
- 4.2 Water Avenue NE is not improved to city standards along the frontage of the site. ADC 12.060

requires all new development to improve adjoining public streets to city standards, and allows for acceptance, of a Petition and Waiver when the City Engineer determines the improvement is not timely. In this case, the City Engineer has determined that the narrow street right-of-way width and presence of Union Pacific Railroad preclude improvement of the road to city standards.

4.3 This criterion is satisfied with the following condition.

Condition

Condition 1 Prior to recordation of the partition plat, the owner shall provide a Petition for Improvement/Waiver of Remonstrance for the improvement of Water Avenue.

Criterion 5

The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an eight-inch VCP public sanitary sewer main in Columbus Street NE, approximately 200 feet from the property frontage. An eight-inch VCP public sanitary sewer main runs from Columbus Street NE east across 115 Columbus Street and 2212 Water Avenue NE and terminates at manhole I.D. 1130540530DE. No easements are shown on the plat that would allow the use of this main. The subject property is not currently connected to City Sewer.
- 5.2 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 sanitary sewer line. The proposed new lots must connect to the public sanitary sewer system upon development.
- 5.3 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110 (2)(b)).
- 5.4 A public sanitary sewer main will need to be extended to the eastern boundary line of Parcel 1 to provide access for Parcel 2. A public sanitary sewer main extension will require a Site Improvement Permit from the City's Engineering Division.
- 5.5 AMC 10.01.080(2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges and any other applicable fees for connection to the public sanitary sewer system.

Water

- 5.6 City utility maps show an eight-inch public water main in Columbus Street NE. The subject property is not currently connected to City Water.
- 5.7 ADC 12.420 states that no new development is allowed on private well systems, except for construction of one single-dwelling unit detached dwelling or one duplex on an existing lot of record. The proposed new lots must connect to the public water system upon development.
- 5.8 AMC 11.01.120(2) states that all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extensions of the water across the property's entire frontage and/or through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.

- 5.9 AMC 11.01.120(2) states that all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 5.10 A public water main will need to be extended to the eastern boundary line of Parcel 1 to provide access to Parcel 2. A public water main extension will require a Site Improvement Permit from the City's Engineering Division.
- 5.11 Before a building permit will be issued. The applicant must pay to the City, or arrange for financing of, the required System Development Charges and other applicable fees or charges for connection to the public water system. The rates for these charges are set by Council Resolution (AMC 11.01.100(2)).

Storm Drainage

- 5.12 City utility maps show storm facilities are at the corner of Columbus Street NE and 1st Avenue E, which is the closest to the property. Water Avenue NE is unimproved, and has no curb, gutters, or ditches.
- 5.13 It appears that the property has drainage/ponding issues, the stormwater drains to ditches on Southern Pacific Railroad property. Prior to any building permit application issuance, a detailed drainage report will need to be submitted to the Public Works Department for review and approval.
- 5.14 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.
- 5.15 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.

Conclusions

- 5.1 The proposed property partition will require public sanitary sewer and water main extensions to serve the new parcels. Any utility easements will need to be shown on the final plat.
- 5.2 A detailed drainage plan for stormwater will need to be submitted to Public Works prior to building permit applications.
- 5.3 The proposed new lots must connect to the public utility services upon development. Installation of new sewer laterals are the responsibility of the developer. An encroachment permit and Site Improvement Permit must be obtained before beginning work on or around a public utility.

Conditions

- Condition 2 Prior to recordation of the partition plat, the applicant must extend public sanitary sewer and water mains to the eastern boundary line of Parcel 1 to provide access for Parcel 2. The applicant must have individual sanitary sewer and water services installed for each of the proposed new parcels.
- Condition 3 Prior to any building permit applications, a detailed drainage report will need to be submitted to Public Works for review and approval.

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 4.410-1 of the ADC, the subject property is located in the Airport Approach District. This district is comprised of several imaginary surfaces above which aircraft are allowed to operate. The subject property is under the outermost surface called the Conical Surface. No development is proposed with this land division. Maximum height will be reviewed at the time of development.
- 6.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7*: According to Plate 7 of the Comprehensive Plan, the subject property is outside the Hillside Development District.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5*: According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0214H, dated December 8, 2016, the subject property is located in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).
- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show Significant Wetlands on the properties. The National Wetlands Inventory (NWI) does not show wetlands on the property.
- 6.5 Article 6: Significant Natural Resource Overlay Districts. *Comprehensive Plan, Plate 3* shows that the property is not located in a significant natural resource overlay district.
- 6.6 Historic and Archaeological Resources. *Comprehensive Plan, Plate 9* shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 Except for the Airport Approach District, there are no other special purpose districts that impact the partition. No physical development is proposed at this time; therefore, the land division complies with the standards in Article 4.
- 6.2 This criterion is met.

Overall Conclusion

As proposed, the application for tentative plat to partition one parcel into two parcels satisfies all applicable review criteria as outlined in this report.

Conditions of Approval

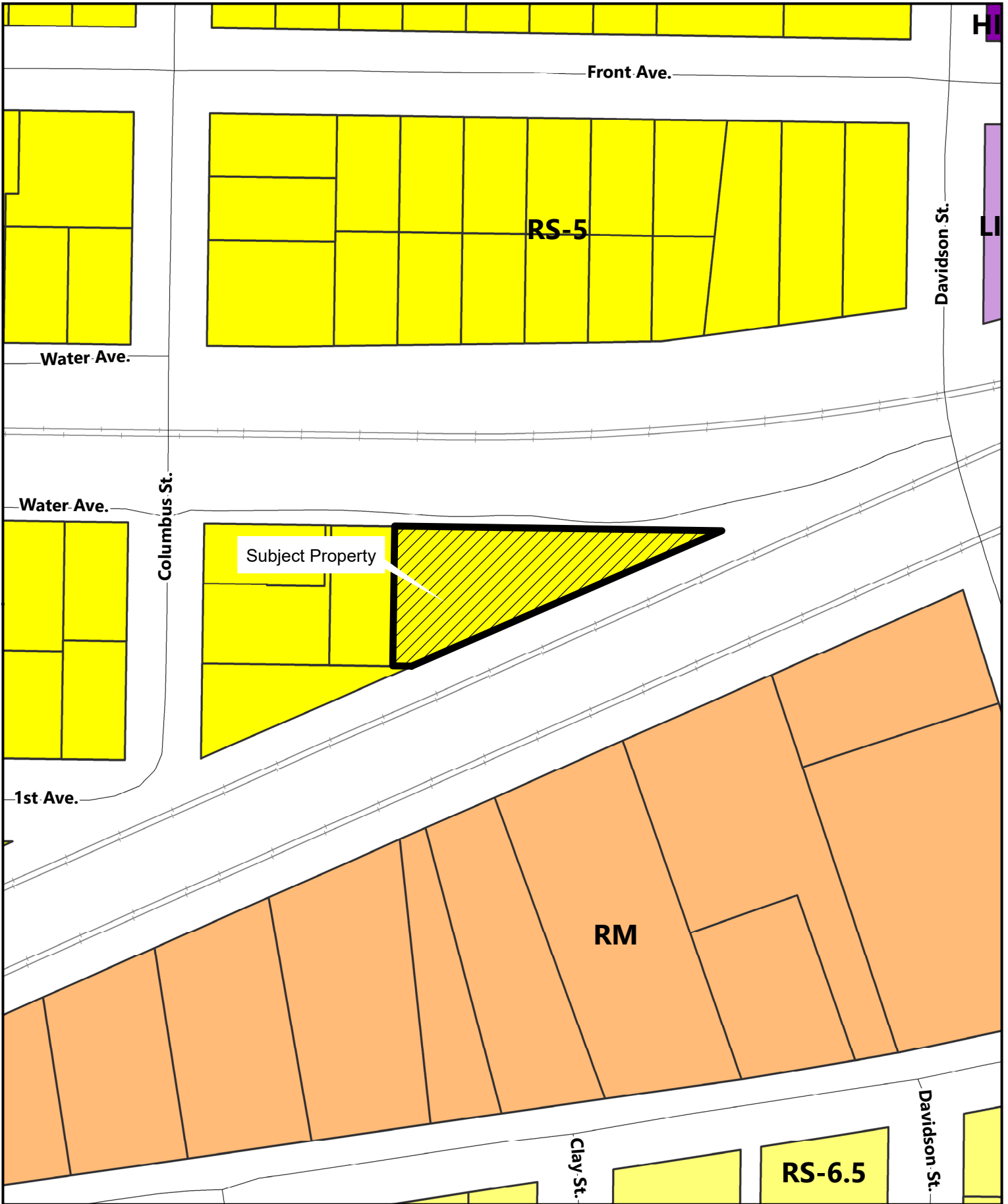
- Condition 1 Prior to recordation of the partition plat, the owner shall provide a Petition for Improvement/Waiver of Remonstrance for the improvement of Water Avenue.
- Condition 2 Prior to recordation of the partition plat, the applicant must extend public sanitary sewer and water mains to the eastern boundary line of Parcel 1 to provide access for Parcel 2. The applicant must have individual sanitary sewer and water services installed for each of the proposed new parcels.
- Condition 3 Prior to any building permit applications, a detailed drainage report will need to be submitted to Public Works for review and approval.

Attachments

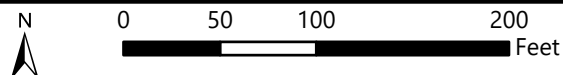
- A. Location Map
- B. Proposed Tentative Partition Plat
- C. Applicant Narrative

Acronyms

- ADC Albany Development Code
 AMC Albany Municipal Code
 FEMA Federal Emergency Management Agency
 FIRM Flood Insurance Rate Map
 IP Industrial Park
 LI Light Industrial
 RM Residential Medium Density
 RS-5 Residential Single-Dwelling Unit District
 SFHA Special Flood Hazard Area



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Date: 2/16/2024 Map Source: City of Albany

2240 Water Ave NE

Location Map

WRITTEN STATEMENT

Proposal: Partition Plat

Location: 2240 Water Ave NE, Albany, OR

Owner: JPRE LLC

Tax Lot: 11S03W05DB03000

To whom it may concern,

This written statement is to provide City of Albany a response showing how the proposal for a Partition Plat complies with the review criteria outlined below.

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

Subject property is zoned RS-5, Residential Single Family:

Single dwelling/Duplex minimum lot size = 5,000 square feet

Proposed parcels size = 7,513 & 7,131 square feet

Density

Min = none / Max = 20; lot sizes in HDR zone are controlled by the allowed density range of 25 units to 50 units per gross acre / Proposed = 4 units per parcel

Setback

Min Front = 15 ft /Max Front = None / **Proposed Front = 15 ft**

Min Interior Single Story = 5 ft / Min Interior 2+ stories = 6 ft / **Proposed Interior = 10 ft**

Min Building Separation = between multi-dwelling unit buildings on a single parcel shall be 10 ft single-story buildings and 20 ft for two-story or taller buildings; Minimum buildings separation for cottage clusters is in Section 3.192. / **Proposed = 20 ft**

Max Height = 30 ft / **Proposed = 27 ft building heights**

Min Garage or Carport Vehicle Entrance = 20 ft; garage front setback for non-vehicle entrance = 15 ft, except in RR and RS-10 zoning districts where setbacks shall be 20 feet

Proposed = N/A

Max Lot Coverage = 60% / **Proposed Parcel 1 = 32%+/- & Proposed Parcel 2 = 27%+/-**

Min Open Space = N/A

Min Landscaped Area = all yards adjacent to street

For further questions regarding how proposal meets these standards, please reach out to Gene Bolante with Studio 3 Architecture.

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

Subject property is proposed to be fully developed, leaving no room for remainder.

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

Subject property does not hinder future development or access of adjoining land.

Criterion 4: *“The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development”*

Subject property abuts a public road – Water Street.

Criterion 5: *“The Public Works Director has determined that the public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.”*

Public utilities are located in Columbus St. A street Water Street connects to the west.

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

Subject property is not located in a special purpose district.

Other review criteria bullet points:

There is no proposal for cluster development.

Subject property is located in Zone X per FEMA FIRM 41043C0214H dated 12/8/2016.

Subject property does not have the following; watercourses running through it, significant wetland features, riparian corridors, significant wildlife habitat, existing channels/drainage ways, slopes greater than 12 percent.

There are no proposed plat phase lines, and no proposal for a subdivision.

See provided architectural plans for multiple unit dwelling locations.