



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

RL-01-24

May 21, 2024

Summary

This proposal is a request to adjust a common property line between two properties. The subject properties are located at 3021 and 3033 21st Avenue SE, Linn County Assessor's Map No. 11S-03W-09CC, Tax Lots 15100 and 15200. Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Replat to adjust a common property line between two properties.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Applicant/Property Owner:	Jason & Deena Marruffo, 3033 21st Avenue SE, Albany, OR 97322
Applicant's Representative:	Udell Engineering and Land Surveying, LLC, 63 E. Ash St, Lebanon, OR 97355
Address/Location:	3021 and 3033 21st Avenue SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-09CC Tax Lots 15100 & 15200.
Zoning:	Residential Single-Dwelling Unit District (RS-6.5)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	Airport Overlay
Total Land Area:	1.08 acres
Existing Land Use:	Single Dwelling Unit and Vacant Land
Neighborhood:	Periwinkle
Surrounding Zoning:	North: Residential Single-Dwelling Unit District (RS-6.5) East: Residential Single-Dwelling Unit District (RS-6.5) South: Residential Single-Dwelling Unit District (RS-6.5) West: Residential Single-Dwelling Unit District (RS-6.5)
Surrounding Uses:	North: Single-Dwelling Units East: Single-Dwelling Units South: Public Park West: Single-Dwelling Units
Prior History:	None

Staff Decision

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

Appeals

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

Notice Information

A notice of filing was mailed to property owners identified within 100 feet of the subject properties on April 30, 2024, in accordance with ADC 1.220. At the time the comment period ended on May 14, 2024, the Albany Planning Division had received no comments.

Analysis of Development Code Criteria

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

Tentative Plat Review Criteria

Criterion 1

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

Findings of Fact

- 1.1 The subject site includes Lot 17 of the Grassy Meadows Subdivision. The subject properties are identified on Linn County Assessor Map No. 11S-03W-09CC Tax Lots 15100 and 15200 (Attachment A). The sites have been assigned addresses of 3021 and 3033 21st Avenue SE.
- 1.2 The underlying zoning district of the subject property is Residential Single-Dwelling Unit District (RS-6.5). The RS-6.5 district is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet.
- 1.3 Lot size in the RS-6.5 zone depends on the proposed use and ranges in size from 1,500 square feet (townhomes), 6,500 square feet (single-dwelling unit detached, duplex and triplex), to 7,000 square feet (cottage clusters and fourplexes). Proposed property A will be approximately 31,631 square feet and include the existing single-unit dwelling. Proposed property B will be approximately 15,395 square feet and is currently vacant. The proposed lots will exceed the minimum property size.
- 1.4 According to ADC Table 3.190-1, the minimum setback standards in the RS-6.5 zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), five-foot side (one story), eight-foot side, (two plus stories), or no setback for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. Proposed parcel A is developed with an existing single-dwelling unit and accessory buildings. Any new development will be reviewed at the time of building permit.
- 1.5 In any single-dwelling unit land division, 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.
- 1.6 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 parcels, provided applicable development standards are followed.

- 1.7 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. The applicant provided an urban conversion plan for proposed property B. The applicant states that property A has current development that precludes a future land division, therefore an urban conversion plan should not be required.
- 1.8 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. Property A is currently a corner lot and will remain so after the replat. The primary frontage of property A is on 21st Avenue SE and property B only has frontage on 21st Avenue.
- 1.9 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. The proposed property line will result in side yards that will run at right angles to the street frontage. This standard is met.
- 1.10 ADC 11.090(5) lists dimensional requirements when street blocks are created as part of the land division. The proposed replat does not create any new streets or blocks. This standard is not applicable.
- 1.11 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. Property A has access to two public streets and properties B & C have access to one public street. This standard is met.
- 1.12 ADC 11.090(7) provides recommendations for the minimum distance between arterial street intersections. No new streets or intersections are proposed; therefore, this standard is not applicable.
- 1.13 ADC 11.090(8) regards developments located on a cul-de-sac lot. The proposed lots do not utilize a cul-de-sac; therefore, this standard is not applicable.
- 1.14 ADC 11.090(9) pertains to flag lots. No flag lot is proposed; therefore, this standard is not applicable.
- 1.15 ADC 11.090(10) regards street intersections and minimum curb radius. No street intersections are created or impacted by the proposed replat; therefore, this standard is not applicable.

Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.
- 1.2 The proposed replat does not propose to create new blocks, intersections, or cul-de-sacs.
- 1.3 The proposed replat proposes property A as a double frontage lot.
- 1.4 The proposal meets the underlying development and lot and block standards of the RS-6.5 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 proposed replat adjusts three feet of land between two existing properties. There is no remainder of property to consider.

Conclusion

- 2.1 The above criterion is satisfied, as there is no remainder property to consider.

Criterion 3

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

Findings of Fact

- 3.1 This review criterion has been interpreted by the city council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.
- 3.3 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve, or avoid, access deficiencies on adjacent or nearby properties.
- 3.4 The subject properties and all adjoining lots have access to public streets. No new streets are proposed by this application.

Conclusions

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

Criterion 4

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

Findings of Fact

- 4.1 ADC 12.060 requires public streets adjoining new development be improved to City standards. No new development is proposed as part of this replat.
- 4.2 No new or interior streets are proposed with the replat.

Conclusions

- 4.1 No new development or new interior streets are proposed with the replat.
- 4.2 This criterion is satisfied without conditions.

Criterion 5

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

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show a 21-inch PVC public sanitary sewer main in 21st Avenue along the frontage of the subject properties, with an 8-inch PVC main partially fronting 3033 21st Avenue on Center Street. 3033 21st Avenue SE is developed and connected to the public sanitary sewer system. Property at 3021 21st Avenue SE is not connected to city sewer. The house was demolished which includes the decommissioning of the current septic system.
- 5.2 ADC 12.470 requires all new development to extend and/or connect to the public sanitary system if the property is within 300 feet of a public sewer line.
- 5.3 AMC 15.30.010 states that a connection charge shall be due and payable when accessing the City's sanitary sewers from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer has not been paid by the property owner or predecessor thereof.
- 5.4 City records indicate that the property at 3021 21st Avenue SE has never been assessed for the public sanitary sewer facilities along the 21st Avenue frontage.

Water

- 5.5 City utility maps show a 24-inch DI public water main along both subject properties' frontages on 21st Avenue. There is also a 12-inch DI public water main along the property frontage of 3033 21st Avenue SE on Center Street. 3033 21st Avenue SE is developed and connected to the public water system. 3021 21st Avenue SE is not connected to the public water system.
- 5.6 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 5.7 A connection charge shall be due and payable when accessing the City's water distribution facilities from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the water facilities has not been paid by the property owner or predecessor thereof (AMC 15.30.010).
- 5.8 City records indicate that the property at 3021 21st Avenue SE has never been assessed for the public water facilities along the 21st Avenue frontage.

Storm Drainage

- 5.9 City utility maps show a 48-inch RCP public storm drainage main along the south side of 21st Avenue. There is a 10-inch PVC storm drainage main that crosses 21st Avenue, and terminates at a curb inlet in front of 3021 21st Avenue SE.
- 5.10 Twenty-first Avenue is improved to city standards with curb and gutter along the subject property frontages.
- 5.11 The proposed replat will not adversely affect the ability for 3021 21st Avenue to develop.

Conclusions

- 5.1 The proposed replat will have no adverse impact on public utilities (water, sewer, and storm drainage) to the subject properties. Upon development of 3021 21st Avenue, the subject property shall connect to public water and sanitary sewer systems.
- 5.2 City records indicate that the property at 3021 21st Avenue SE has never been assessed for the existing public water or sanitary sewer in 21st Avenue SE.
- 5.3 Connection charges will be due for the existing public sanitary sewer and water facilities adjacent to the 3021 21st Avenue SE property's frontage. These connection charges must be paid before the City will issue building permits.
- 5.4 This criterion is satisfied with conditions.

Condition

Condition 1: Before the City will issue building permits for the 3021 21st Avenue SE property, the applicant shall pay the required connection charges for the existing public water and sanitary sewer along the subject property's 21st Avenue SE frontage.

Criterion 6

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

Findings of Fact

- 6.1 Article 4: Airport Approach District. Figure 4.410-1 of the ADC shows the subject property is located within the Horizontal Surface Area of the Airport Approach District. Building height restrictions will be reviewed at the time of development.
- 6.2 Article 6 Floodplain Overlay District: Comprehensive Plan Plate 5: Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0527G, dated December 8,

2016) the subject property is located outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.

- 6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within a Riparian Corridor Overlay District.
- 6.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within a Significant Wetlands Overlay District.
- 6.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Historic and Archaeological Resources. According to Chapter 11, Plate 9 of the Comprehensive Plan, the subject property is not a historic resource. There are no known archeological sites on the subject properties.

Conclusions

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

Overall Conclusion

As proposed, the application for tentative replat adjust a common property line by three feet satisfies all applicable review criteria as outlined in this report.

Condition of Approval

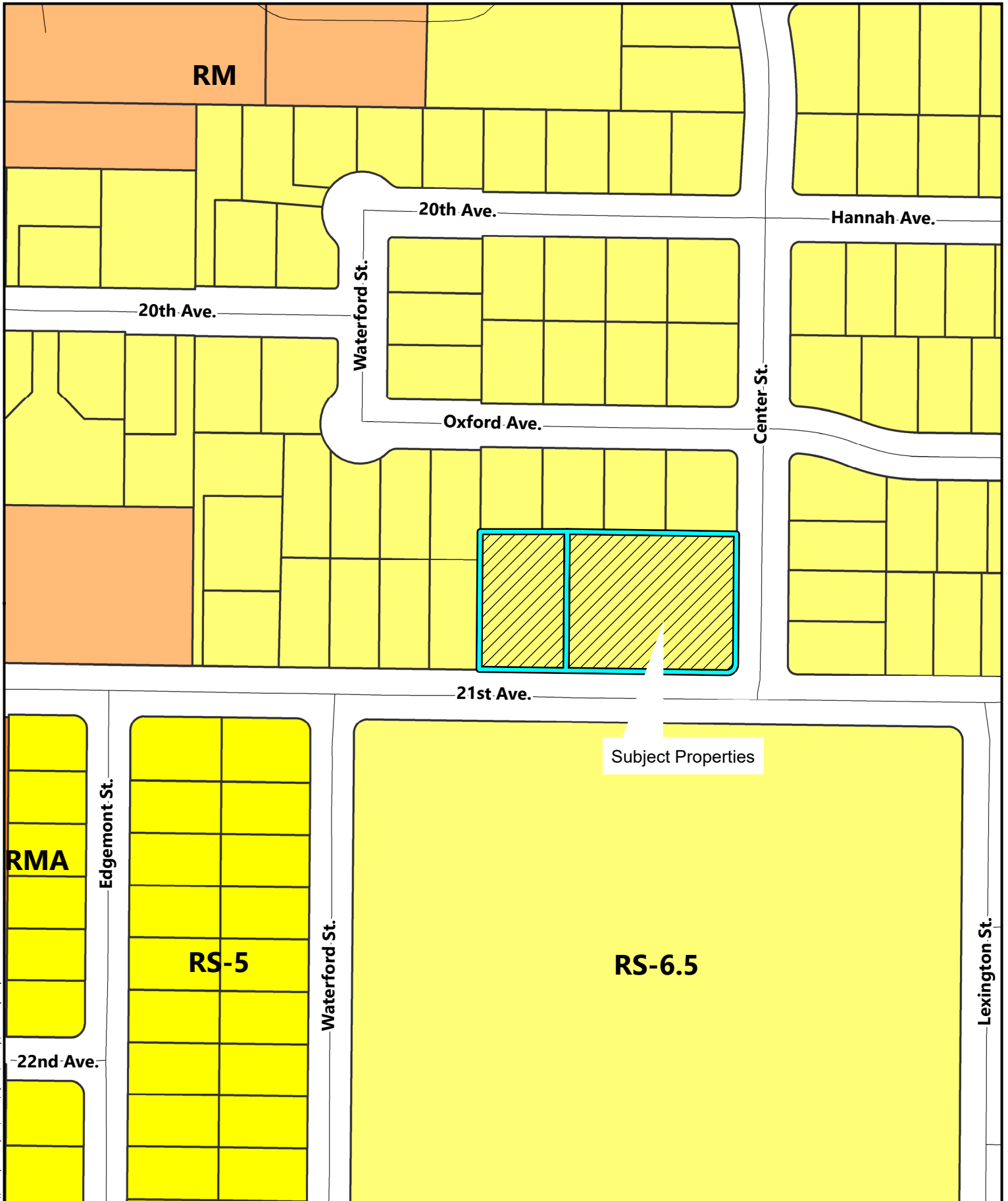
- Condition 1 Before the City will issue building permits for the 3021 21st Avenue SE property, the applicant shall pay the required connection charges for the existing public water and sanitary sewer along the subject property's 21st Avenue SE frontage.

Attachments

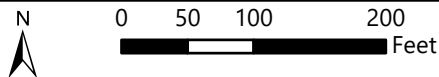
- A. Location Map
B. Proposed Tentative Replat

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NWI	National Wetland Inventory
ORD	Ordinance
RL	Replat File Designation
RS-6.5	Residential Single-Dwelling Unit District
SFHA	Special Flood Hazard Area



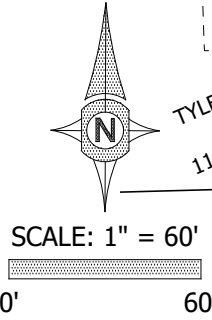
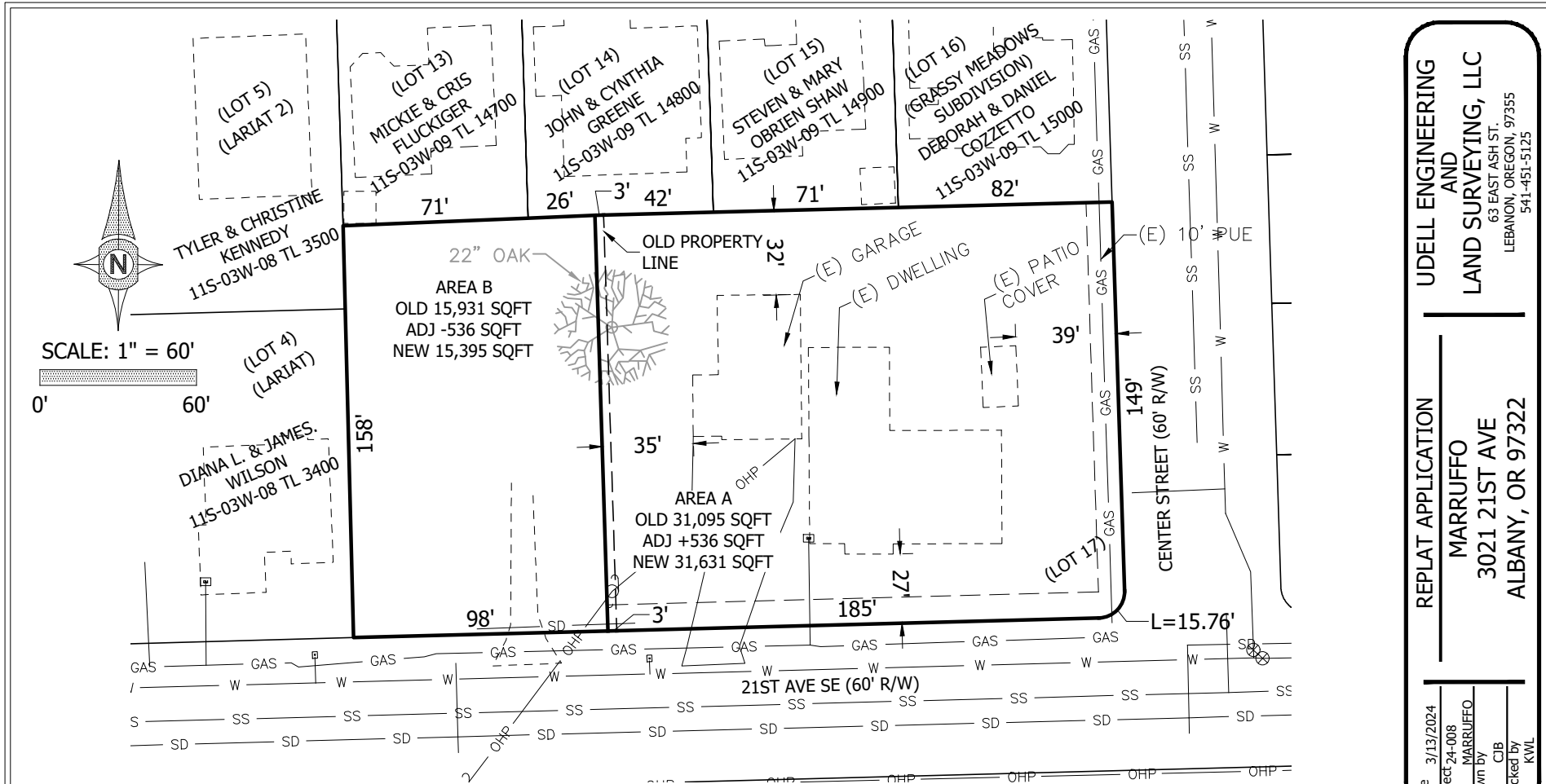
\\con.cityofalbany.net\home\july\ss\ Desktop\Notice Map Template.mxd



3021 & 3033 21st Ave SE

Date: 4/1/2024 Map Source: City of Albany

Location Map



PROPERTY INFORMATION

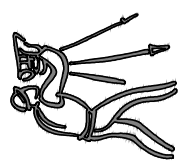
AREA A
 ZONING: RS-6.5
 LAND USE: RESIDENTIAL
 OWNER: JASON A. & DEENA S. MARRUFFO
 ASSESSORS MAP: 115-03W-09
 TAX LOT: 15100

AREA B
 ZONING: RS-6.5
 LAND USE: VACANT
 OWNER: JASON & DANEE MARRUFFO
 ASSESSORS MAP: 115-03W-09
 TAX LOT: 15200

NOTE: PURPOSE OF THIS APPLICATION IS TO MOVE THE WESTERLY LINE 3' OFFSET OF THE EXISTING OAK TREE.

LEGEND

- R/W RIGHT OF WAY
- AVE AVENUE
- CO COUNTY
- RD ROAD
- SQFT SQUARE FEET
- (E) EXISTING
- SS (E) SANITARY SEWER
- W (E) WATER
- GAS (E) GAS LINE
- ⊗ (E) WATER VALVE
- W (E) WATER METER
- GM (E) GAS METER



SHEET 1
 of 2
 SCALE: AS NOTED

REPLAT APPLICATION
MARRUFFO
 3021 21ST AVE
 ALBANY, OR 97322

UDELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON, 97355
 541-451-5125

Date 3/13/2024
 Project 24-008
 Drawn by MARRUFFO
 CIB
 Checked by KWL