



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Tentative Partition Plat

RL-02-24

July 16, 2024

### Summary

This proposal is a request to consolidate two properties. The subject properties are located at 2121 and 2125 Willamette Avenue, Linn County Assessor's Map No. 11S-03W-05CA, Tax Lots 6401 and 6403. 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 consolidate two properties.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Applicant/Property Owner:	Keith & Loretta Wardrip; 2121 Willamette Avenue NE, Albany, OR 97321
Property Owner:	Juanita Kuhns; 2125 Willamette Avenue NE, Albany, OR 97321
Address/Location:	2121 and 2125 Willamette Avenue NE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05CA Tax Lots 6401 and 6403.
Zoning:	Residential Single-Dwelling Unit District (RS-5)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	None
Total Land Area:	11,000 square feet
Existing Land Use:	Single Dwelling Unit on each parcel
Neighborhood:	Willamette
Surrounding Zoning:	North: Residential Single-Dwelling Unit District (RS-5) East: Residential Single-Dwelling Unit District (RS-5) South: Residential Single-Dwelling Unit District (RS-5) West: Residential Single-Dwelling Unit District (RS-5)
Surrounding Uses:	North: Single-Dwelling Units East: Single-Dwelling Units South: Single-Dwelling Units 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 June 28, 2024, in accordance with ADC 1.220. At the time the comment period ended on July 12, 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 applicant proposes to consolidate two lots into one unit of land. The applicant has applied for a demolition permit for each of the existing dwelling units. Upon consolidation of the lots the applicant proposes to develop a dwelling and an accessory dwelling unit.
- 1.2 The subject properties include Lots 10 and 11 of the Burkhart Park Addition Subdivision. The subject properties are identified on Linn County Assessor Map No. 11S-03W-05CA Tax Lots 6401 and 6403 (Attachment A). The sites have been assigned addresses of 2121 and 2125 Willamette Avenue NE.
- 1.3 The underlying zoning district of the subject properties is Residential Single-Dwelling Unit District (RS-5). The RS-5 district is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 5,000 square feet.
- 1.4 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). The applicant proposes to consolidate the two lots into one 11,000 square foot lot. The consolidated lot will exceed the minimum property size.
- 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 no setback for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. The applicant has applied for a demolition permit for the removal of both existing dwellings. The applicant proposes to develop the consolidated lots with a dwelling unit and an accessory dwelling unit in the future.
- 1.6 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.

- 1.7 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 consolidated lot, provided applicable development standards are followed.
- 1.8 According to ADC 11.090(2), when lots are more than double the minimum lot size 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 proposed consolidation will create a single unit of land that is more than double the minimum lot size. The applicant proposes to develop a new dwelling unit and an accessory dwelling unit upon the consolidated properties. Due to the proposed location of the future development 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. The consolidated lots will not create a double frontage lot. This standard is met.
- 1.10 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.
- 1.11 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.
- 1.12 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. The proposed consolidation will not alter the existing off-street pedestrian and bicycle access. The consolidated lots will have direct frontage to Willamette Avenue NE. This standard is met.
- 1.13 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.
- 1.14 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.
- 1.15 ADC 11.090(9) pertains to flag lots. No flag lot is proposed; therefore, this standard is not applicable.
- 1.16 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 proposal meets the underlying development and lot and block standards of the RS-5 zoning district.
- 1.4 This criterion is satisfied without conditions.

## Criterion 2

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

### Findings of Fact

- 2.1 The proposed replat will consolidate two lots into one unit of land. 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 The applicant proposes to consolidate two lots into one unit of land. Both lots have approved demolition permits to remove the existing single dwelling residences off the properties. The applicant proposes to develop the consolidated lots with a dwelling unit and an accessory dwelling unit.
- 4.2 ADC 12.060 requires public streets adjoining new development be improved to City standards. The property has frontage on Willamette Drive NE. No additional lots are being created; therefore, the adjacent right-of-way is not required to be improved.

### 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 15-inch public sanitary sewer main in Willamette Avenue NE along the subject properties' south frontage, with an 8-inch main along the north property line to the corner of 2121 Willamette Avenue NW.

- 5.2 The subject properties are developed and connected to the public sewer system. The property located 2121 Willamette Avenue is connected to the 8-inch main to the north, and 2125 Willamette Avenue is connected to the 15-inch main to the north.

### *Water*

- 5.3 City utility maps show a 6-inch public water main along the subject properties' southern frontage on Willamette Avenue.
- 5.4 The subject properties are developed and connected to the public water main within the Willamette Avenue right-of-way.

### *Storm Drainage*

- 5.5 City utility maps show the closest facilities are to the east at the intersection of Columbus Street. The area sheet drains to the northeast.

### Conclusions

- 5.1 Public sanitary sewer exists along the subject properties' Willamette Avenue frontage and partially along the northern boundary.
- 5.2 Public water exists along the subject properties' Willamette Avenue frontage.
- 5.3 The proposed replat will have no adverse impact on public utilities (water, sewer, and storm drainage) to the subject properties.
- 5.4 This criterion is satisfied 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: Figure 4.410-1 of the ADC shows the subject property is located within located within the Airport Approach District. The proposed consolidation of the two lots does not increase the elevation of either property. The RS-5 zoning district has a maximum height of 30 feet, which is lower than the maximum height allowed within the conical area's maximum height.
- 6.2 Article 6 Floodplain Overlay District: Comprehensive Plan Plate 5: Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0214H, 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 located in the Hillside Development District. The portion of the property where the Hillside Development Overlay is located is currently developed. The consolidation of the two lots will not affect the future development of the property. Pursuant to ADC 6.190 Hillside development that only requires a building permit is reviewed administratively as a Type I procedure.
- 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 The future development of a dwelling upon the consolidated lots may trigger a Type-I Hillside Development Review with the building permit.
- 6.3 This criterion is met without conditions.

## Overall Conclusion

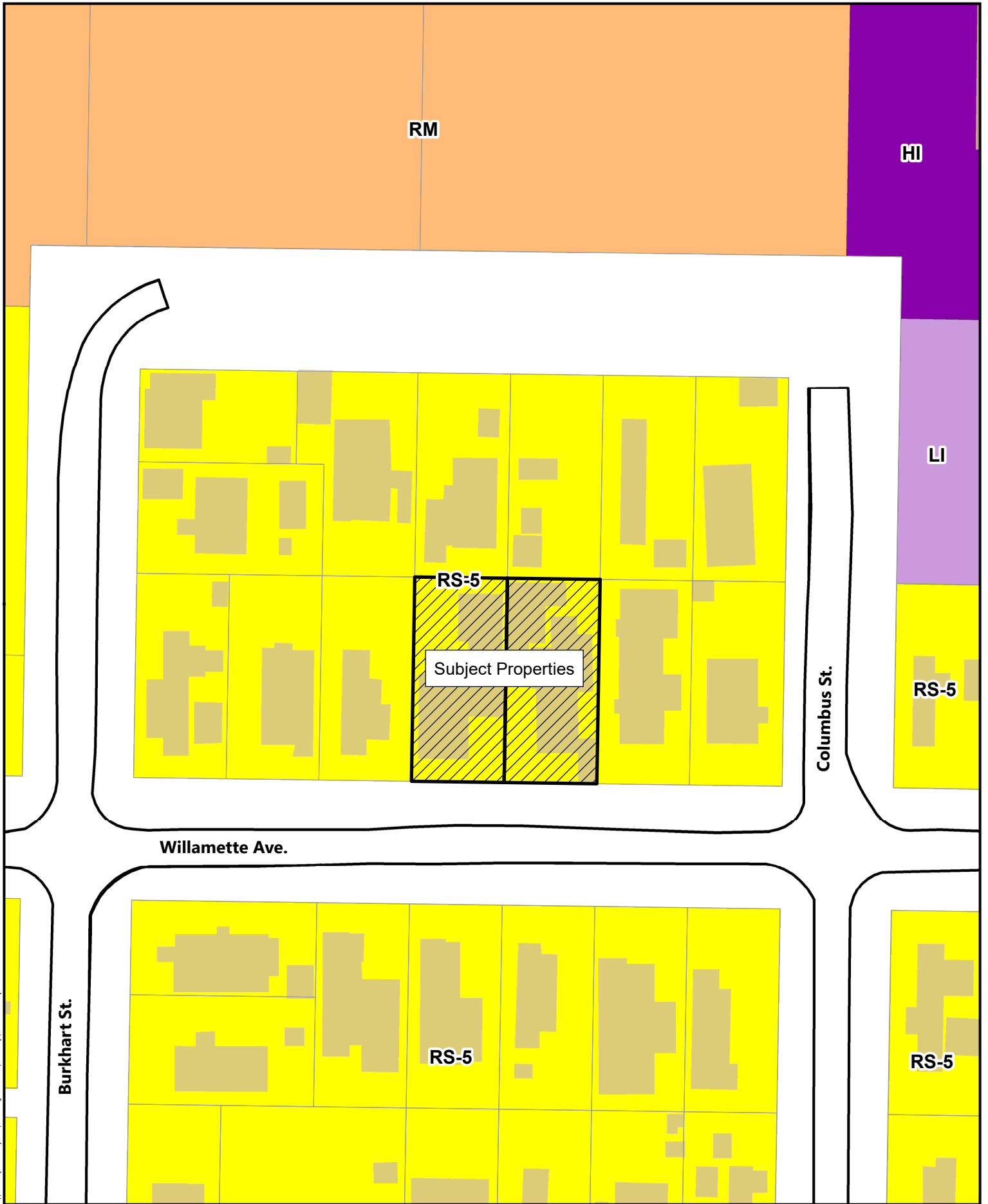
As proposed, the application for tentative replat to consolidate two lots satisfies all applicable review criteria as outlined in this report.

## Attachments

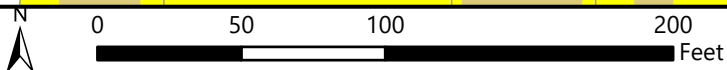
- A. Location Map
- B. Proposed Tentative Replat
- C. Applicant's Findings

## Acronyms

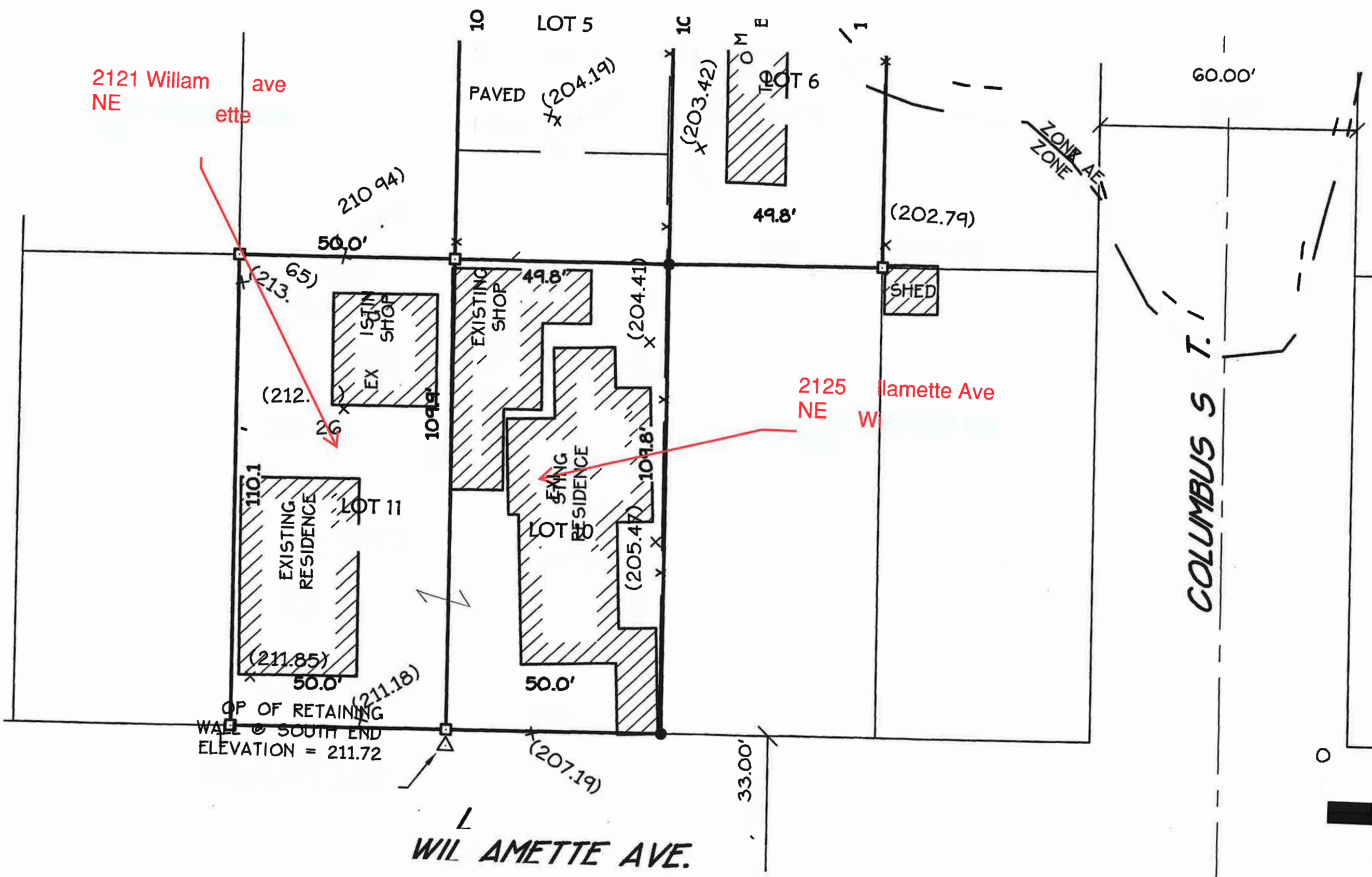
ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NWI	National Wetland Inventory
ORD	Ordinance
RL	Replat File Designation
RS-5	Residential Single-Dwelling Unit District
SFHA	Special Flood Hazard Area



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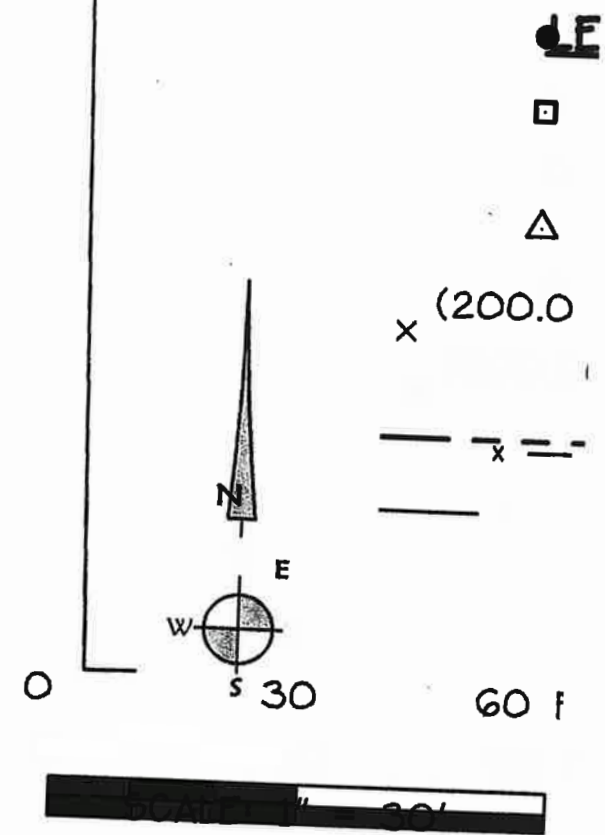


**2121 and 2125 Willamette Ave.**



CORNER MONUMENTS G.I.S. DATA WAS USED SHOWN ON THIS MAP OF SURVEY", MAY COMPLETE BOUNDAR MEET COUNTY AND "RECORD OF SURVEY"

**FLOOD PLAIN**  
PORTIONS OF LOTS HAZARD AREA ZONE IS 203.2







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### APPLICANT/OWNER & AUTHORIZING SIGNATURES

To be included with ALL City of Albany planning submittals

Send completed signature page and checklist(s) to [Albanyoregon.gov/permits](http://Albanyoregon.gov/permits)

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| <ul style="list-style-type: none"> <li><input type="checkbox"/> Adjustment (AD)</li> <li><input type="checkbox"/> Alternative Setback</li> <li><input type="checkbox"/> Annexation (AN)</li> <li><input type="checkbox"/> Comprehensive Plan Amendment (CP)                     <ul style="list-style-type: none"> <li><input type="radio"/> Map Amendment</li> <li><input type="radio"/> Map Amendment; concurrent w/zoning</li> <li><input type="radio"/> Text Amendment</li> </ul> </li> <li><input type="checkbox"/> Conditional Use, circle one: Type II or III                     <ul style="list-style-type: none"> <li><input type="radio"/> Existing Building: expand or modify</li> <li><input type="radio"/> New Construction</li> <li><input type="radio"/> Home Business (Type III only)</li> </ul> </li> <li><input type="checkbox"/> Development Code Text Amendment (DC)</li> <li><input type="checkbox"/> Floodplain Development Permit (FP)</li> <li><input type="checkbox"/> Historic Review (HI)                     <ul style="list-style-type: none"> <li><input type="radio"/> Exterior Alteration – residential, not visible from street (Type I)</li> <li><input type="radio"/> Exterior Alteration – all commercial and residential visible from street (Type III)</li> <li><input type="radio"/> New Construction (Type III or I-L)</li> <li><input type="radio"/> Demolition or Moving (Type III)</li> <li><input type="radio"/> Substitute Materials (Type III)</li> </ul> </li> <li><input type="checkbox"/> Interpretation of Code (CI)</li> </ul> | <ul style="list-style-type: none"> <li><input type="radio"/> Quasi-Judicial (Type II)</li> <li><input type="radio"/> Legislative (Type IV)</li> <li><input type="checkbox"/> Land Division (check all that apply)                     <ul style="list-style-type: none"> <li><input type="checkbox"/> Partition (PA) <input type="checkbox"/> Expedited                             <ul style="list-style-type: none"> <li><input type="radio"/> Tentative Plat (Type I-J)</li> <li><input type="radio"/> Tentative Plat PD or CD (Type III)</li> <li><input type="radio"/> Final Plat (Type I)</li> </ul> </li> <li><input type="checkbox"/> Subdivision (SD) <input type="checkbox"/> Expedited                             <ul style="list-style-type: none"> <li><input type="radio"/> Tentative Plat (Type I-J)</li> <li><input type="radio"/> Tentative Plat PD or CD (Type III)</li> <li><input type="radio"/> Final Plat (Type I)</li> </ul> </li> <li><input type="checkbox"/> Tentative Re-plat Type I-J. (RJ.)</li> <li><input type="checkbox"/> Modification to Approved Site Plan or Conditional Use</li> <li><input type="checkbox"/> Natural Resource Boundary Refinement (NR)</li> <li><input type="checkbox"/> Natural Resource Impact Review (NR)</li> <li><input type="checkbox"/> Non-Conforming Use (MN)</li> <li><input type="checkbox"/> Planned Development (PD)                             <ul style="list-style-type: none"> <li><input type="radio"/> Preliminary (Type III)</li> <li><input type="radio"/> Final (Type I)</li> </ul> </li> <li><input checked="" type="checkbox"/> Property Line Adjustment (I.A)</li> <li><input type="checkbox"/> Site Plan Review (SP)                             <ul style="list-style-type: none"> <li><input type="radio"/> Accessory Building</li> <li><input type="radio"/> Change of Use, Temporary or Minor Developments</li> </ul> </li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li><input type="radio"/> Manufactured Home Park</li> <li><input type="radio"/> Modify Existing Development</li> <li><input type="radio"/> Parking Area Expansion (only)</li> <li><input type="radio"/> New Construction</li> <li><input type="radio"/> Tree Felling</li> <li><input type="checkbox"/> Temporary Placement (TP)</li> <li><input type="checkbox"/> Urban Growth Boundary (UGB)</li> <li><input type="checkbox"/> Vacation (VC)                     <ul style="list-style-type: none"> <li><input type="radio"/> Public Street or Alley</li> <li><input type="radio"/> Public Easements</li> </ul> </li> <li><input type="checkbox"/> Variance (VR)                     <ul style="list-style-type: none"> <li><input type="radio"/> Major Variance (Type II)</li> <li><input type="radio"/> Minor Variance (Type I-J)</li> </ul> </li> <li><input type="checkbox"/> Willamette Greenway Use (WG)</li> <li><input type="checkbox"/> Zoning Map Amendment (ZC)                     <ul style="list-style-type: none"> <li><input type="radio"/> Quasi-Judicial (Type IV)</li> <li><input type="radio"/> Legislative (Type IV)</li> </ul> </li> <li><input type="checkbox"/> <b>Other Required (check all that apply)</b> <ul style="list-style-type: none"> <li><input type="radio"/> Design Standards</li> <li><input type="radio"/> Hillside Development</li> <li><input type="radio"/> Mitigation</li> <li><input type="radio"/> Parking/Parking Lot</li> <li><input type="radio"/> Traffic Report</li> </ul> </li> <li><input type="checkbox"/> Other _____</li> </ul> |
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#### Location/Description of Subject Property(s)

Site Address(es): 2121 & 2125 Willamette Ave. NE Albany

Assessor's Map No(s): \_\_\_\_\_ Tax Lot No(s): 11S03W05CA06401  
11S03W05CA06403

Comprehensive Plan designation: \_\_\_\_\_ Zoning designation: \_\_\_\_\_

Size of Subject Property(s): 11,000 sq. ft. Related Land Use Cases: \_\_\_\_\_

Project Description: Consolidate the two properties

- Historic Overlay                     
  Natural Resource Overlay District                     
  Floodplain or Floodway Overlay

**Applicant Information (must be signed)**

Name: Keith Wardrip / Loretta Signature: Keith Wardrip / Loretta Wardrip  
 Mailing Address: 2121 Willamette Ave NE Date: 4-26-2024  
 City: Albany State: OR Zip: 97321  
 Phone #: 541-619-7795 Fax #: \_\_\_\_\_ Email: Loretta.Wardrip@gmail.com

File #(s): \_\_\_\_\_ Date Fee & Application Received: \_\_\_\_\_  
 Pre-App File #(s): \_\_\_\_\_ Pre-App Meeting Date: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_ Received By: \_\_\_\_\_

**Property Owner Information (must be signed)**

Same as Applicant

Name: Same Signature: Keith Wardrip  
 Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Email: \_\_\_\_\_

**Authorized Agent or Representative (must be signed, if applicable)**

Choose One:  Engineer  Architect  Other \_\_\_\_\_  
 Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Relationship to property owner(s): \_\_\_\_\_

**Other Representatives (must be signed, if applicable)**

Choose One:  Engineer  Architect  Other \_\_\_\_\_  
 Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
 Email: \_\_\_\_\_

Choose One:  Engineer  Architect  Other \_\_\_\_\_  
 Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
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|--|--|--|

**Location/Description of Subject Property(s)**

Site Address(es): 2121 & 2125 Willamette Ave NE, Albany, OR 97321

Assessor's Map No(s): \_\_\_\_\_ Tax Lot No(s): 11S03W05CA06403  
11S03W05CA06401

Comprehensive Plan designation: \_\_\_\_\_ Zoning designation: \_\_\_\_\_

Size of Subject Property(s): 11,000 sq ft Related Land Use Cases: \_\_\_\_\_

Project Description: \_\_\_\_\_  
Consolidation of two properties

\_\_\_\_\_

Historic Overlay       Natural Resource Overlay District       Floodplain or Floodway Overlay

**Applicant Information (must be signed)**

Name: Janita Kuhns Signature: Janita L. Kuhns  
Mailing Address: 2125 Willamette Av. NE Date: 5/23/2024  
City: Albany State: OR Zip: 97321  
Phone #: 541-953-9375 Fax #: \_\_\_\_\_ Email: Loretta.Wardrip@gmail.com

File #(s): \_\_\_\_\_ Date Fee & Application Received: \_\_\_\_\_  
Pre-App File #(s): \_\_\_\_\_ Pre-App Meeting Date: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_ Received By: \_\_\_\_\_

**Property Owner Information (must be signed)**

Same as Applicant  
Name: Same Signature: Janita L. Kuhns  
Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_

**Authorized Agent or Representative (must be signed, if applicable)**

Choose One:  Engineer  Architect  Other \_\_\_\_\_  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_  
Relationship to property owner(s): \_\_\_\_\_

**Electronic Plans Representative (if different from applicant)**

IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH; THEY WILL BE SENT ALL CITY NOTICES  
Choose One:  Engineer  Architect  Other \_\_\_\_\_  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_

**Other Representative (must be signed, if applicable)**

Choose One:  Engineer  Architect  Other \_\_\_\_\_  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Date: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
Email: \_\_\_\_\_



## COMMUNITY DEVELOPMENT

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

# Land Division – Tentative Replat

## Checklist and Review Criteria

### INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee (*subject to change every July 1*); additional fee if Natural Resource Impact Review is required. Staff will contact you for payment after submittal.
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net). Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify all applicable information is included. An incomplete application will delay the review process.

### TENTATIVE REPLAT SUBMITTAL CHECKLIST:

**NOTE: The replat process does not create additional lots or parcels or vacate any existing recorded private covenants or restrictions or public streets or roads. The replat process is used only for moving or removing existing subdivision or partition property lines.**

**PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**

**REVIEW CRITERIA RESPONSES.** On a separate sheet of paper, prepare detailed written responses, using factual statements (called findings of fact), to explain how the adjustment complies with each of the following review criteria (ADC Section 11.180). Each criterion must have at least one finding of fact and conclusion statement. (See Example Finding of Facts on last page.)

1. ***The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.*** Describe how the proposal will be consistent with Lot and Block standards obtained in ADC 11.090.
2. ***Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.*** Can the proposed land area be further divided?  
  
**If yes, submit a separate expanded plat map, called an “Urban Conversion Plan,”** that shows how the property can be further divided, and how access and utilities complying with the various regulations of the ADC can be provided. An Urban Conversion Plan is used only to evaluate the current request against the review criteria and does not convey any approval rights.
3. ***Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.*** Assess each adjoining parcel/lot for further development potential. For example, will any adjoining lot depend upon the application’s property for access? If so, the application may need to provide a street stub.
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.*** Describe how the plan makes the best use of existing and proposed streets for access to the proposed parcels/lots, including for pedestrians and bicycles.

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.* Indicate the location and size of each of the nearest public facilities for water, sewer, and storm drainage, and explain how the project will connect to those facilities. If public facilities are not available, how will the property be served?
  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.* Refer to ADC Articles 4, 6, and 7.
- URBAN CONVERSION PLAN.** If the Land Division results in any parcels or lots that are divisible again in the future, or there is an undeveloped remainder, submit a separate map that shows how the rest of the site can be developed to City standards with City services. (This relates to review criterion 2.)
- CLUSTER DEVELOPMENT.** If Cluster Development provisions are being applied to this project, attach written findings of fact that demonstrate how this project meets Albany Development Code (ADC) Sections 11.400 through 11.530.

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## TENTATIVE PLAT REQUIREMENTS

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed land division site.
- Names and addresses of the owner(s), developer(s), surveyor, and engineer, as applicable.
- Date plat was drafted and north arrow.
- Scale of plat. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) Map must be clearly readable and measurable.
- Total gross and net land areas of the entire site. (“Net” is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Label and show the area of any land to be dedicated to the public; include purpose and square footage of the area to be dedicated.
- Label and show the lengths of all *existing* and *proposed* property lines.
- Indicate existing zoning and uses on the subject property and on adjacent property within 100 feet.
- Label and show the approximate dimensions, net square footage, and proposed identification number of each lot/parcel.
- Label and show the locations of all existing driveways, structures, wells, septic tanks, and drain fields, and distances between them and the existing and proposed property lines and each other. Indicate what is to be removed, moved, and/or retained.
- Label and show the locations of all public improvements to be constructed as part of the development of the site (e.g., streets, sidewalks, and utilities).
- Label and show the sizes and locations of all *existing* and *proposed* sanitary sewers, storm sewers, and water mains and services, culverts, ditches, and drainpipes, and all other utilities such as electric, gas, and telephone conduits with invert elevations of sanitary and storm sewers at points of proposed connections.
- Label and show the locations, widths, and names of all *existing* or *platted* adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as city boundary lines.

## **Planning Application Form**

### ***Criteria Responses***

1. Proposal will be consistent with Lot & Block Standards: Zoning is residential, Demo both residences and construct new resident.
2. Proposed land further divided: Own lot #5 to the north will remain developmental.
3. Adjoining land for further development potential: Does not change access to surrounding properties.
4. Best use of existing and proposed street access: Lot has access from Willamette Ave NE with no changes.
5. Public facilities access: Properties are currently serviced by the city and will require no changes.
6. Developments with special purpose: N/A

### ***General information about the Site and Development Proposal***

Existing uses and zoning: North, South, East, & West: All directions are single family residences.

Gross land area of the property to be divided: Consolidation.

Net land area: N/A

Minimum lot size:

Lot size: 5,000 Sq. Ft.

Ave. lot size: N/A

<Zone Minimum: N/A

- Label and show the locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any plan approved by the City or proposed with this application.
- Label and show the locations, widths, ownership, and purpose of all *existing* and *proposed* easements on the site and on adjoining properties.
- Label and show *existing* and *proposed* contour (topography) lines drawn at the following intervals:
  - One-foot intervals for ground slopes less than five percent.
  - Two-foot intervals for ground slopes between five and ten percent.
  - Five-foot intervals for ground slopes exceeding ten percent.
- Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.

**Additional plat information. The following may not apply to every site. If an item does apply, show the information on the proposed Tentative plat and check the box. Write "NA" in the box if the item does not apply to this proposal, and attach a short explanation.**

- Label and show the approximate location of areas subject to stormwater inundation or overflow with approximate high-water elevation.
- Label and show the width, direction, and flow of all watercourses on the site.
- Label and show areas within the 100-year floodplain and other areas subject to flooding or ponding. Show the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Label and show location of the following significant natural resources: 1) Significant Wetlands identified on the City's Local Wetlands Inventory; 2) significant Riparian Corridors on the City's Riparian Inventory; 3) significant wildlife habitat, if known; 4) existing channels as shown on the most current version of the City of Albany Stormwater Master Plan; and 5) slopes greater than 12 percent.
- Label and show location of the following natural features: 1) non-significant wetlands identified on the City's Local Wetlands Inventory and other wetlands; 2) wooded areas with five or more trees over eight inches in diameter measured 4½ feet from the ground; and 3) springs.
- Location of historic districts, structures and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.
- If the project is a subdivision***, give the Tentative Replat a name. Check with the appropriate County to see if the desired name is available for use. This is necessary with street name choices as well.
- Label sites allocated for multiple-unit dwellings, shopping centers, churches, industry, parks, schools, playgrounds, and public or semi-public buildings.
- VICINITY INFORMATION.** Provide the following information on the Tentative Plat or a separate map:
  - Current zoning, names of owners of record, uses, and location of structures on all properties within the plat area and contiguous to the plat.
  - All existing subdivisions, streets, and tract lines of acreage parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
  - How proposed streets and alleys in the proposed land division may connect with existing or proposed streets and alleys in adjacent properties for the most advantageous development of the neighborhood. If adjacent sites have future development potential, to support the design layout for your plat, show how public facilities may be extended onto and within the adjacent properties. Check the City Transportation Master Plan for future street patterns.



- PUBLIC UTILITY PLANS.** Submit full-sized preliminary water, sewer, and storm sewer plans and systems. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible but are not required to be detailed construction level documents.

Please also include information explaining the approximate time of installation and method of financing for all public improvements proposed to be installed. (ADC Sections 12.440, 12.500, and 12.535)

- o **Preliminary Water Plans**
- o **Preliminary Sanitary Sewer Plans**
- o **Preliminary Storm Sewer Plans.** Include detention calculations which demonstrate that the proposed detention facility is correctly sized, and which show how the Storm Drain Control structure will function.

**OTHER PERMITS, PLANS, OR REPORTS THAT MAY BE REQUIRED**

- FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required.
- NATURAL RESOURCE IMPACT REVIEW.** If any of the property is within one of Albany’s Significant Natural Resource Overlay Districts (SW, RC, HA), refer to ADC Sections 6.260-6.470 to determine if a Natural Resource Impact Review may be required.
- HILLSIDE DEVELOPMENT GEOTECHNICAL REPORT.** If any of the property is within this Hillside Development (HD) overlay, refer to ADC Sections 6.170-6.230 to determine if the /HD standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards and provide a geotechnical report on the site.

**Note:** Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

**GENERAL INFORMATION ABOUT THE SITE AND DEVELOPMENT PROPOSAL**

- Submit answers to the following proposal questions (separately or submit this sheet):

Current address(es) on the property(s) to be divided: \_\_\_\_\_  
 \_\_\_\_\_

Assessor’s Map # \_\_\_\_\_ Tax Lot # \_\_\_\_\_ Current Size: \_\_\_\_\_ Zone: \_\_\_\_\_

Assessor’s Map # \_\_\_\_\_ Tax Lot # \_\_\_\_\_ Current Size: \_\_\_\_\_ Zone: \_\_\_\_\_

Assessor’s Map # \_\_\_\_\_ Tax Lot # \_\_\_\_\_ Current Size: \_\_\_\_\_ Zone: \_\_\_\_\_

Assessor’s Map # \_\_\_\_\_ Tax Lot # \_\_\_\_\_ Current Size: \_\_\_\_\_ Zone: \_\_\_\_\_

Current use(s) of the property(s): \_\_\_\_\_

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

	<u>Current Uses</u>	<u>Zoning</u>
North:	Single family residence	
South:	"	
East:	"	
West:	"	

Gross land area of the property(s) to be divided: \_\_\_\_\_

Net land area (gross land minus land to be dedicated to the public): \_\_\_\_\_

Minimum Lot Size: Provide this info for the zoning district in the development proposal:

Zone Min. Lot Size: \_\_\_\_\_ Average Lot Size: \_\_\_\_\_ % of lots < zone minimum: \_\_\_\_\_

Density Bonuses. If you are requesting application of any density bonus provisions, attach a separate narrative outlining, in detail, which ones and how they apply to this site. Include calculations used to determine the new average lot size of all lots/parcels after applying any bonus provisions. Average lot size after density bonuses: \_\_\_\_\_

Lot and Block arrangement. Please explain how the lot and block arrangement requirements in ADC Section 11.090 are met. What is the average block length? \_\_\_\_\_

Phases. If the development is proposed in phases, indicate here how many phases are proposed and clearly outline and label the boundaries of each of the proposed phases on the tentative plat. (See ADC 11.300(1)(j)). Proposed number of phases: \_\_\_\_\_

Proposed timing of the final plats for each phase: \_\_\_\_\_

## LAND DIVISION – PURPOSE AND PROCEDURE

**Difference Between Partitions and Subdivisions (11.150).** A subdivision relates to the division of land into four or more lots within a calendar year. A partition relates to the division of land into two or three parcels within a calendar year. A partition does not include the three exclusions set forth in ORS 92.010 (7), including property line adjustments as described in Section 11.100 of this article.

**Process (11.160).** Partitions and subdivisions are reviewed at two stages. A tentative plat is reviewed primarily for design aspects, such as connections to existing and future streets, preservation of natural features, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The tentative plat need not be prepared by a surveyor. The final plat is reviewed for conformance to the tentative plat as approved (with or without conditions) and applicable state or county laws or rules. The final plat must be prepared by a licensed land surveyor and is the instrument by which the land division is recorded.

**Procedure (11.170).**

1. Except as provided in subsection (2), a tentative subdivision or partition plat is reviewed through the Type I-L procedure.
2. A tentative subdivision plat that is reviewed concurrently with a Planned Development or a Cluster Development is subject to the Type III procedure.
3. A final subdivision or partition plat is reviewed through the Type I procedure.

## EXAMPLE OF FINDINGS OF FACT

**Criteria for Findings of Fact:**

A Land Division will be approved if the approval authority finds the application conforms with the criteria found in Section 11.180 of the ADC, and to applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. In its review, the City must consider both the positive and negative elements of the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

**Format for Findings of Fact:**

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information, such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

**Example:**

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

**Facts:** The proposed Land Division divides all of the land area within the subdivision boundary into 11 lots, so there is no remainder. None of the proposed lots is large enough to divide further at the current zoning category. The developer does not own any of the adjacent properties.

**Conclusion:** There is no remainder of land to consider with the application.