



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Staff Report

Tentative Partition Plat and Floodplain Review

PA-04-23 & FP-04-23

November 20, 2023

Summary

This proposal is for a Tentative Partition Plat and a Floodplain Review to divide a 0.68-acre (30,898-square foot) property into three parcels. The subject property is addressed 327 Blossom Lane NW and is identified as Benton County Assessor: 11S-04W-01DB Tax Lot 200. Parcel One, as proposed, will be 8,892 square feet in size and will contain an existing dwelling; Parcel Two is proposed at 13,402 square feet and will be bare land. Parcel Three is proposed at 8,645 square feet and will also be bare land. Parcel One will have access from Blossom Ln NW, an existing private lane. Parcels Two and Three will have access via Adam Street NW.

Land Division criteria contained in Albany Development Code (ADC or Code) 11.180 are addressed in this report for the proposed development, along with floodplain review criteria (ADC 6.110). The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Tentative Partition Plat to divide a 0.68-acre parcel into three parcels and Floodplain Development Review for a Land Division.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Jennifer Cepello, project planner
Property Owner/Applicant:	Geraldine Martin; 327 Blossom Lane NW, Albany, OR 97321
Surveyor:	K & D Engineering Inc.; C/O Daniel Watson; PO Box 725, Albany, OR 97321
Address/Location:	327 Blossom Lane NW, Albany, OR 97321
Map/Tax Lot:	Benton County Assessor: 11S-04W-01DB-00200
Zoning:	Medium Density Residential (RM)
Comprehensive Plan:	Village Center
Overlay Districts:	Floodplain Overlay District (/FP) & Hillside Overlay (/HD)
Total Land Area:	0.68 acres (30,898-square feet)
Existing Land Use:	Single-Unit Detached Dwelling, Accessory Structure
Neighborhood:	North Albany
Surrounding Zoning:	North: Residential Medium Density (RM) East: RM South: RM West: RM
Surrounding Uses:	North: Single-unit dwellings East: Assisted living facility South: Middle housing West: Sing-unit dwellings

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 Benton 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 October 18, 2023, in accordance with ADC 1.220. At the time the comment period ended on November 1, 2023, the Albany Planning Division had not received comments on the proposal.

Analysis of Development Code Criteria

The ADC includes the following review criteria for a tentative plat (ADC 11.180), along with review criteria for land divisions in the floodplain (ADC 6.110) 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 underlying zoning district is Residential Medium Density (RM). The RM zoning district is intended for medium-density residential urban development and should be located on a collector or arterial street, or in Village Centers. Multi-dwelling and townhouse development may not exceed 25 units per gross acre. The minimum lot size is dependent upon the proposed residential development, with the smallest lot of 1,500 square feet for a townhouse and the largest being dependent upon the number of units in a multi-unit development.
- 1.2 In any residential 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.
- 1.3 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. Parcel 1 proposes to contain the existing dwelling on the subject property. Parcels 2 and 3 will be created as bare lots. The property, as it currently exists, contains an accessory building which would straddle the property line between Parcels 1 and 2. As a condition of approval, the existing accessory structure shall be removed prior to the signing of the final plat. There are no foreseen difficulties related to the proposed dividing line.
- 1.4 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 submitted an urban conversion plan for all three proposed parcels indicating that each lot could be further developed.
- 1.5 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 proposed parcels are not double-frontage lots. This standard is not applicable.
- 1.6 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All proposed parcels will have side yards that will run at right angles to the street frontage. This standard is met.
 - 1.7 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.
 - 1.8 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. Parcel 1 will maintain its existing access to Blossom Lane (private road) which connects to Hwy 20. Parcels 2 and 3 will have frontage on Adam Street NW and be connected to the existing street and sidewalk network.
 - 1.9 ADC 11.090 (7) and (8) provide standards for access to arterial streets and standards related to cul-de-sacs. No new streets are proposed with this development; therefore, these standards are not applicable.
 - 1.10 ADC 11.090(8) states 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. All proposed parcels will have frontage on a public street and not to be served by a flag lot.
 - 1.11 ADC 11.090(9) requires street intersections to 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. 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 The existing accessory structure must be demolished prior to the signing of the final plat.
- 1.3 There are no foreseeable difficulties in securing building permits to build on the proposed lots.
- 1.4 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.5 The proposal meets the underlying development and lot and block standards of the RM zoning district.
- 1.6 This criterion can be met through compliance with the condition.

Condition of Approval

- Condition 1 Prior to the signing of the final plat, the property owner shall obtain and final a demolition permit for the existing accessory structure.

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 will divide a single 0.68-acre (30,898 square foot) property into three parcels; Parcel 1 at 8,892 square feet; Parcel 2 at 13,402 square feet; and Parcel 3 at 8,645 square feet.
- 2.2 The proposed partition would divide the entire parcel owned at this location by the applicant.
- 2.3 None of the lots are proposed to be further divided.

Conclusions

- 2.1 There is no other remainder of land to consider. All the land area within the parent property will be allocated to the three proposed parcels.
- 2.2 This criterion is met 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 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.
 - Properties to the north: The dwelling units have access to Adams Street NW
 - Properties to the east: The assisted living facility has access to both Adam Street NW and Geri Street NW
 - Properties to the south: The townhomes have access to Adam Street NW.
 - Properties to the west: The dwelling units have access to Blossom Lane, private lane, which connects to Hwy 20, a public right-of-way.
- 3.4 All of the 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 available at the time of development.

Findings of Fact

- 4.1 The development is located at 327 Blossom Lane NW. The site has frontage on both Blossom Lane NW and Adam Street NW. The development will divide a 0.68-acre parcel of land into three parcels. Parcel 1 will contain the existing dwelling and Parcels 2 and 3 are created as bare land.
- 4.2 Parcel 1 will be provided access to Highway 20 via an existing access easement along Blossom Lane. Parcels 2 and 3 will have direct frontage on and will take access from Adam Street.
- 4.3 Adam Street is classified as a local street, with the exception of sidewalk, and is constructed to city standards. Improvements include curb and gutter, a vehicle travel lane in each direction, and on-street parking along both sides.
- 4.4 Because of the site's zoning designation (RM), the proposed partition will not result in an increase in

the potential development intensity or related traffic impacts that could occur with further development of the property. The RM designation allows for multi-dwelling unit development with the number of allowed units based on lot size.

- 4.5 Albany's Transportation System Plan (TSP) does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.6 ADC Article 12.290 and 12.320 allows for the deferral of sidewalk installation along local streets to site development. Sidewalk installation along the Adam Street frontages of Parcels 2 and 3 can be deferred to the time of lot development for those parcels.

Conclusions

- 4.1 The proposed development will not increase the potential intensity of development that could occur on the site nor any resulting traffic impacts.
- 4.2 Albany's TSP does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.3 With the exception of sidewalk, the site's public street frontage is constructed to city standards. The site's street frontage is on Adam Street, which is classified as a local street. The ADC allows sidewalk installation on local streets to be deferred to site development. Parcels 2 and 3 are both vacant, and as a result the installation of sidewalk along their frontage can be deferred to the development of each parcel.

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 8-inch public sanitary sewer main in Adam Street NW along the subject property's frontage. The subject property is 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 sewer line.
- 5.3 The proposed new lots must connect to the public sanitary sewer system upon development. Installation of new sewer laterals is the responsibility of the developer. An encroachment permit must be obtained before beginning work on or around a public utility.
- 5.4 Preliminary site plan information indicates a new sanitary sewer lateral to serve Parcel 1 and the existing service to be relocated to this location. Parcels 2 and 3 will connect to existing sewer lateral stubs at time of development.
- 5.5 The proposed property partition will not negatively affect public sanitary sewer service to the existing home, or impact sewer service availability for future development on these parcels.

Water

- 5.6 City utility maps show an 8-inch public water main in Adam Street. The subject property has never connected to city water.
- 5.7 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.

- 5.8 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).
- 5.9 Connection fees are estimated by the linear frontage of the property (244.11 feet) multiplied by the current (2023-2024) adopted fee of \$97. The subject property is estimated to have a connection fee of \$21,738.67 ($97 \times 224.11 = 21,738.67$).

Storm Drainage

- 5.10 City utility maps show a 15-inch public storm drainage facility, in Adam Street right-of-way, along subject property frontage. Adam Street is currently improved to City standards with curb and gutter. Blossom Lane, a private lane, does not have drainage facilities and is not improved to City standards with curb and gutter.
- 5.11 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.
- 5.12 ADC 12.530 states that a development will be approved only where adequate provisions for storm and flood water run-off have been made and determined by the City Engineer and/or the Building Official. Also, no stormwater may be discharged to the public sanitary sewer system.
- 5.13 A connection charge shall be due and payable when accessing the City's storm drains 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 storm drains has not been paid by the property owner or predecessor thereof.
- 5.14 Connection fees are estimated by the linear frontage of the property (244.11 feet) multiplied by the current (2023-2024) adopted fee of \$106. The subject property is estimated to have a connection fee of \$23,755.66 ($106 \times 224.11 = 23,755.66$).

Conclusions

- 5.1 The proposed property partition will have no adverse impact on public utility services to the subject properties. The utility easements will need to be shown on the final plat.
- 5.2 The proposed new parcels must connect to the public utility services upon development. Installation of new sewer laterals are the responsibility of the developer. An encroachment permit must be obtained before beginning work on or around a public utility.
- 5.3 Connection charges will be due for existing public water and storm infrastructure improvements in Adam Street. These connection charges must be paid before the City will approve the final plat.
- 5.4 This criterion is satisfied subject to the conditions listed below.

Conditions of Approval

- Condition 2 Before the City can make a new sewer service connection to the public sewer system, an Encroachment Permit must be obtained from the Public Works Department.
- Condition 3 Before the City will approve the final partition plat, the applicant must pay all connection charges associated with existing public water and storm infrastructure in Adam Street along the frontage of the subject property.

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 not located in the Airport Overlay.
- 6.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* shows that a portion of the subject property is located in the Hillside Development district. The location of the hillside overlay is contained to Parcels 1 and 2. Proposed Parcel 1 will contain the existing dwelling unit; Parcel 2 will contain approximately 2,106 square feet of land within the Hillside Overlay with slopes 12 to 25 percent. Parcel 1 is currently developed outside of the Hillside Overlay. Parcel 2 will have approximately 6,539 square feet of land that could be safely developed. As a condition of approval, any future development in the hillside overlay must comply with the requirements in ADC 6.200 through 6.235.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0213H, dated December 8, 2016), the subject property is located in the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. A floodplain development review has been included and incorporated into this staff report. Findings are addressed below. Based on this, the development complies with the Floodplain requirements.
- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show any wetlands on the property. The National Wetlands Inventory (NWI) does not show wetlands on the property. This property is not included in a local wetlands inventory.
- 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 The subject property is not located within the special purpose districts described in Article 4 (Airport Approach), 6 (Steep Slopes, Wetlands, Willamette River Greenway, Significant Natural Resource), and 7 (Historic). The subject property is located within the special purpose districts described in Article 6 (Floodplain and Steep Slopes, Hillside Overlay).
- 6.2 This criterion can be met through compliance with a condition of approval.

Condition of Approval

- Condition 4 Any development in the inventoried Hillside Development Overlay shall comply with the requirement of ADC 6.200 through 6.235.

Floodplain Review: Site Improvement, Land Division, and Manufactured Home Park Standards (ADC 6.110)

Criterion 1

All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Findings of Fact

- 1.1 The subject property is currently developed with an existing dwelling and an accessory building. Based on FEMA FIRM panel 41043C0213H, both structures appear to be located outside of the area identified as the 100-year floodplain. Parcel 1 is proposed to be 8,892 square feet and has approximately 725 square feet of area that is identified as floodplain. Parcel 2 is proposed to be 13,402 square feet and approximately 13 square feet of that area is identified as floodplain. Parcel 3 is proposed to be 8,645 square feet and approximately 5,121 square feet of that area is identified as

floodplain. Based on these facts, the proposal appears to create developments (parcels) that are reasonably safe from flooding.

- 1.2 At this time, no buildings are proposed for Parcels 2 and 3; however, there will be sufficient area on the new lots to construct a dwelling unit.
- 1.3 As discussed under Tentative Plat Criterion Four (above), the tentative plat map proposes individual access from Adam Street for Parcels 2 and 3, and the existing access on Blossom Lane, a private access easement, for Parcel 1.
- 1.4 As such, additional land use review procedures, such as site improvements may be required for future development. As a condition of approval, any future development in the floodplain will require an additional land use review for “*Site Improvements in the Floodplain*” (ADC 6.110) and “*Grading, Fill, Excavation, and Paving*” (ADC 6.111).
- 1.5 As proposed and conditions, the tentative plat is consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
- 1.6 Based on the factors above, this criterion can be met with the following condition.

Condition

Condition 5 Any future development within the floodplain will require a Floodplain Development Review pursuant to ADC 6.093.

Criterion 2

All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Findings of Fact

- 2.1 As addressed under Tentative Plat Review Criterion Five, public utilities (sanitary sewer, water, and storm drainage) are available and adequate to serve the subject property.
- 2.2 The applicant proposes a sewer lateral and a water service traversing Parcel 3 to serve Parcel 1. The private utilities will be developed within the 100-year floodplain.
- 2.3 The applicant submitted findings addressing the proposed development within the 100-year floodplain (Attachment B). The applicant believes that the proposed development of utilities are exempt from a Floodplain Development Permit pursuant to ADC 6.094(11) “*Subsurface public utility projects that will not ultimately result in modification to existing topography.*” The proposed subsurface utility development within the public right-of-way are exempt under ADC 6.094(11); whereas, the proposed water service and sanitary sewer lateral upon private property are considered private utility extensions and are not exempt from a Floodplain Development Permit.
- 2.4 The applicant’s findings state: “Public and franchised utilities including sewer, gas, electrical, and water systems exist and are constructed underground” (Attachment B). The applicant proposes a cut and fill operation that will not result in a net fill.
- 2.5 This criterion is met.

Criterion 3

On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

Findings of Fact

- 3.1 As addressed under Tentative Plat Review Criterion Five, public utilities (sanitary sewer, water, and storm drainage) are available and adequate to serve the subject property.
- 3.2 This criterion is met.

Criterion 4

All development proposals shall have adequate drainage provided to reduce exposure to flood damage.

Findings of Fact

- 4.1 The existing property is currently sloped in an east to west direction, with the highest point being located at the southeast corner of the property. Storm drainage is provided to the north and south of the property in Adam Street, a public right-of-way.
- 4.2 The applicant submitted findings (Attachment B) that the subject property also contains an existing catch basin on the south boundary which drains the low area (southwest) of the property to the public storm drain system.
- 4.3 This criterion is met.

Criterion 5

Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.

Findings of Fact

- 5.1 The subject property is not located within the designated floodway.
- 5.2 The new lots created by this land division shall both have adequate developable area outside the floodplain. The buildable site area exceeds the minimum requirements for this Article.
- 5.3 This criterion is met.

Criterion 6

Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.

Findings of Fact

- 6.1 There are no new public or private streets created by this land division.
- 6.2 This criterion is met.

Criterion 7

All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."

Findings of Fact

- 7.1 The applicant shall be required to submit all future site plans showing the location of the 100-year flood contour line followed by the date the flood elevation was established.
- 7.2 As a condition of approval, the final plat must include a statement that reads as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."
- 7.3 This criterion is met with conditions.

Condition

- Condition 6 The final plat must include a statement that reads as follows: **"Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."**

Criterion 8

In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Findings of Fact

- 8.1 The applicant is not proposing a manufactured home park on either of the subject properties.
- 8.2 This criterion is not applicable.

Overall Conclusion

As proposed, the combined application for tentative plat for a two-parcel partition, natural resources impact review, and floodplain development review satisfies all applicable review criteria as outlined in this report with the following conditions.

Conditions of Approval

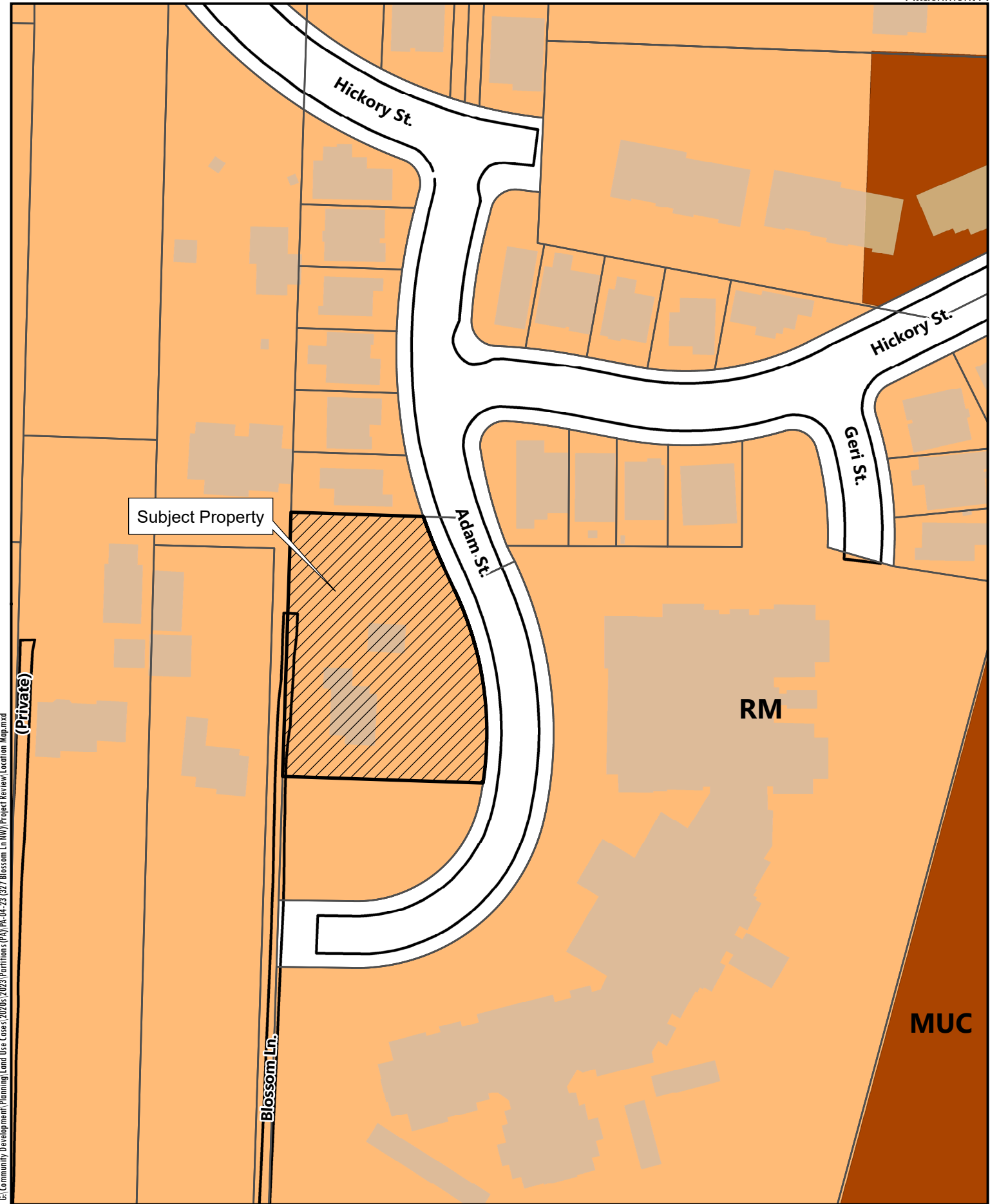
- Condition 1 Prior to the signing of the final plat, the property owner shall obtain and final a demolition permit for the existing accessory structure.
- Condition 2 Before the applicant can make a new sewer service connection to the public sewer system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 3 Before the City approves the final partition plat, the applicant must pay all connection charges associated with existing public water and storm infrastructure in Adam Street along the frontage of the subject property.
- Condition 4 Any development in the inventoried Hillside Development Overlay shall comply with the requirement of ADC 6.200 through 6.235.
- Condition 5 Any future development within the floodplain will require a Floodplain Development Review pursuant to ADC 6.093.
- Condition 6 The final plat must include a statement that reads as follows: **“Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”**

Attachments

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

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
EPSC	Erosion Protection and Sediment Control
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ODOT	Oregon Department of Transportation
PA	Partition File Designation
RM	Residential Medium Density District
SFHA	Special Flood Hazard Area



G:\Community Development\Planning Land Use Cases\2023\Peritions (PA)\PA-04-23 (327 Blossom Ln NW)\Project Review\Location Map.mxd

(Private)

Subject Property

Hickory St.

Hickory St.

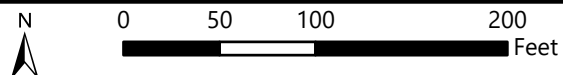
Geri St.

Adam St.

Blossom Ln.

RM

MUC



327 Blossom Lane NW

Date: 7/7/2023 Map Source: City of Albany

Location Map

ATTACHMENT "A"
PROPOSED FINDINGS
for
125 NW Adam Street
TENTATIVE PARTITION PLAT

Introduction

This project proposes a 3 lot Partition of 30,989 square feet (sf) in North Albany. This project abuts fully developed NW Adam Street. The existing home takes access from a private drive named NW Blossom Lane and this access will remain for the existing home. The two new lots will front NW Adam Street and take access from NW Adam Street. The site is Zoned Residential Medium Density (RM).

No variances or density bonuses are sought for this project.

Project Description

This project proposes to subdivide Tax Lot 200, Map 11S-4W-01BD into 3 residential Partition lots in one phase under the provisions of the RM Zone of the Albany Development Code (ADC). The resulting density is 4.4 lots per net acre. The average lot size is 10,313 sf. The minimum lot size is 9,395 sf

The existing home will remain on the well. The portion of the lot containing the well can be used to connect to the public water system when needed or desired. The existing home is connected to public sewer. This sewer connection will be re-routed to run parallel to the south property line.

There are no known jurisdictional wetlands on site. The City of Albany local wetlands inventory does not show wetlands on this site. The FEMA Flood Insurance Rate Maps indicate that the southerly portion of the lot is in the floodplain. Development to the South, East and North have graded and filled adjacent flood plain area. No fill is proposed by this application. If fill is desired at a later date, permits may be pursued.

Fewer than 4 trees will be removed by this project and no heritage trees or trees over 78 inches circumference (25 inches in diameter) will be removed by this subdivision.

The Albany Development Code lists the Tentative Plat Review Criteria upon which the review body will base its approval. We present these findings of fact supporting this application.

[CODE CRITERIA WILL BE WRITTEN IN ITALICS FOLLOWED BY PROPOSED FINDINGS]

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 Lot Arrangement. There will be no foreseeable difficulties in securing building permits after mass grading. The existing streets fronting the property are at or near lot grades.
- 1.2 Lot Dimensions. Lot dimensions comply with the minimum standards of this code: Lot widths are 30 feet or greater. Lot depths are 60 feet or greater.
- 1.3 Lot Area. The average lot size is 10,313 sf. The minimum lot size is 9,359 sf. The minimum size for a 4-plex is 7,000sf.
- 1.4 Double Frontage Lots. A 15 feet wide flag is provided for Parcel 1 with the existing house to provide for future water service access.
- 1.5 Side Yards. Side yards run generally at right angles to the street.
- 1.6 Block Dimensions. No new streets are proposed.
- 1.7 Off Street Pedestrian Pathways. No cul-de-sac is proposed so no off street sidewalk is required.
- 1.8 Arterial Streets. No access to an arterial street is proposed.
- 1.9 Flag Lots. No flag lots are proposed see finding 1.4.
- 1.10 Intersections. No intersections are proposed.

CONCLUSION: This criterion is met.

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 This project is intended to create 3 lots suitable for up to four units each. No further subdivision is proposed.
- 2.2 This project provides for the subdivision of all the property. There is no undeveloped property under the same ownership.

CONCLUSION: This criterion is met.

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

FINDINGS OF FACT

Adjoining undeveloped land has been considered in the configuration of the proposed subdivision plat of the subject property.

- 3.1 On the North Boundary: The existing residence is zoned RM.
- 3.2 On the West Boundary: the rural residential lots are expected to further subdivide at some point in the future. These lots are accessed by Blossom Ln. Adam street is stubbed to the west to provide future connectivity and access other than State Hwy 20.
- 3.3 On the East Boundary: This site is developed with a senior home.
- 3.4 On the South Boundary: This residential lot is developed with a 4-plex.

CONCLUSION: This criterion is met.

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 Streets. Adam Street fronts S of the development and is constructed to residential street standards.
- 4.2 Streets. The existing home fronts private Blossom Lane, developed to rural standards.
- 4.5 Streets. Albany's Transportation Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.7 Sidewalks. Sidewalks will be constructed with the homes as allowed by code on neighborhood streets.

CONCLUSION: This criterion is met.

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.*

FINDINGS OF FACT

- 4.1 Utility Plan. Public and private utilities exist in Adam Street to serve the project.
- 4.2 Sanitary Sewer. This project will connect to the existing public sanitary sewer main, eight-inch diameter, is located in Adam Street along the property frontage.
- 4.3 Sanitary Sewer Lines. All subdivision lots will be served by public gravity sanitary sewer which will connect to existing sewer main lines. One new lateral is required.
- 4.4 Storm Drainage. The site drains to exiting public storm drains in Adam St.
- 4.5 Water. Water service is provided by an existing eight-inch diameter water main in Adam Street.
- 4.6 Water. Fire hydrants, mains and related appurtenances currently exist in Adam Street to serve this project. Two existing services are stubbed to the property to serve Parcels 2 and 3. Parcel 1 is served by an existing well and can connect to the main in Adam Street in the future, if necessary.

CONCLUSION: This criterion is met.

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 Topography. The slopes of this site vary generally flat to gentle.
- 6.2 Floodplain. The FEMA Base Flood Elevation at this site is Elevation 206.5 feet, NGVD 1988 Datum (203.3 feet NAVD 1929).
- 6.3 Floodplain. Portions of this site lie within FEMA Floodplain. The property is designated Zone X and Zone (Areas determined to be outside the 100-year floodplain) AE (areas within the Special Flood Hazard Areas) FEMA Flood Insurance Rate Map, Community-Panel 41043C0213H, Effective Dated December 8, 2016. The southeast portion of Parcel 3 and the south portion of Parcel 1 lie within the 100-yr flood plain zone AE
- 6.4 Floodplain. The Base Flood Elevation for this site is 206.5 feet based on LOM-F Case No. 17-10-1172A across the street to the east.
- 6.4 Open Space Zone. There is no Open Space Zone land on this property.

- 6.5 Riparian Corridor Overlay. There is no Riparian Corridor Overlay designated on this site.
- 6.6 Habitat Overlay. There is no Habitat Overlay designated on this site.
- 6.7 Wetlands. There are no known jurisdictional wetlands on site.
- 6.8 Soils. The NRCS Web Soil Survey lists the site soils as Pilchuck Fine Sandy Loam and Malabon Silty Clay Loam. Both of these soils are not hydric and have been given a rating of 9 and 4 out of 100 by the NRCS.
- 6.9 Steep Slopes. Comprehensive Plan Plate 7 does not show any steep slopes in the area of the proposed subdivision. The site has no steep slopes.
- 6.10 Historic Districts. Comprehensive Plan Plate 9 shows the property is not in a historic district.

CONCLUSION: This criterion is met.

**TENTATIVE PARTITION PLAT
FOR
GARALDINE MARTIN**
LOCATED IN
**ALEXANDER M. RAINWATER D.L.C. No. 39
SE 1/4 SEC. 1, T. 11 S., R. 4 W., W.M.**
IN THE
CITY OF ALBANY, BENTON COUNTY, OREGON

JULY 26, 2023

APPLICANT:

GERALDINE MARTIN
327 BLOSSOM LN. NW
ALBANY, OR 97321

SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY ST.
ALBANY, OR 97321

NOTE:

DATA SHOWN ON THIS MAP IS BASED ON BENTON COUNTY AND CITY OF ALBANY GIS DATABASES IN NGVD 88 DATUM, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.

SUBJECT PROPERTY:

TAX LOT 200 (MAP 115-04W-01DB)
327 BLOSSOM LANE NW
ALBANY, OR 97321

PROPERTY STATS:

PARENT PARCEL
AREA: 30,939 SF GROSS + NET
PARCEL 1
AREA: 8,892 SF
PARCEL 2
AREA: 13,402 SF
PARCEL 3
AREA: 8,645 SF

FLOODPLAIN:

SUBJECT PROPERTY IS PARTIALLY LOCATED IN A "AE" ZONE OF SPECIAL FLOOD HAZARD AREA PER FEMA FIRM MAP 41043CO213H DATED 12-8-2016, FLOOD ELEVATION = 206.5 NGVD 88

NOTES:

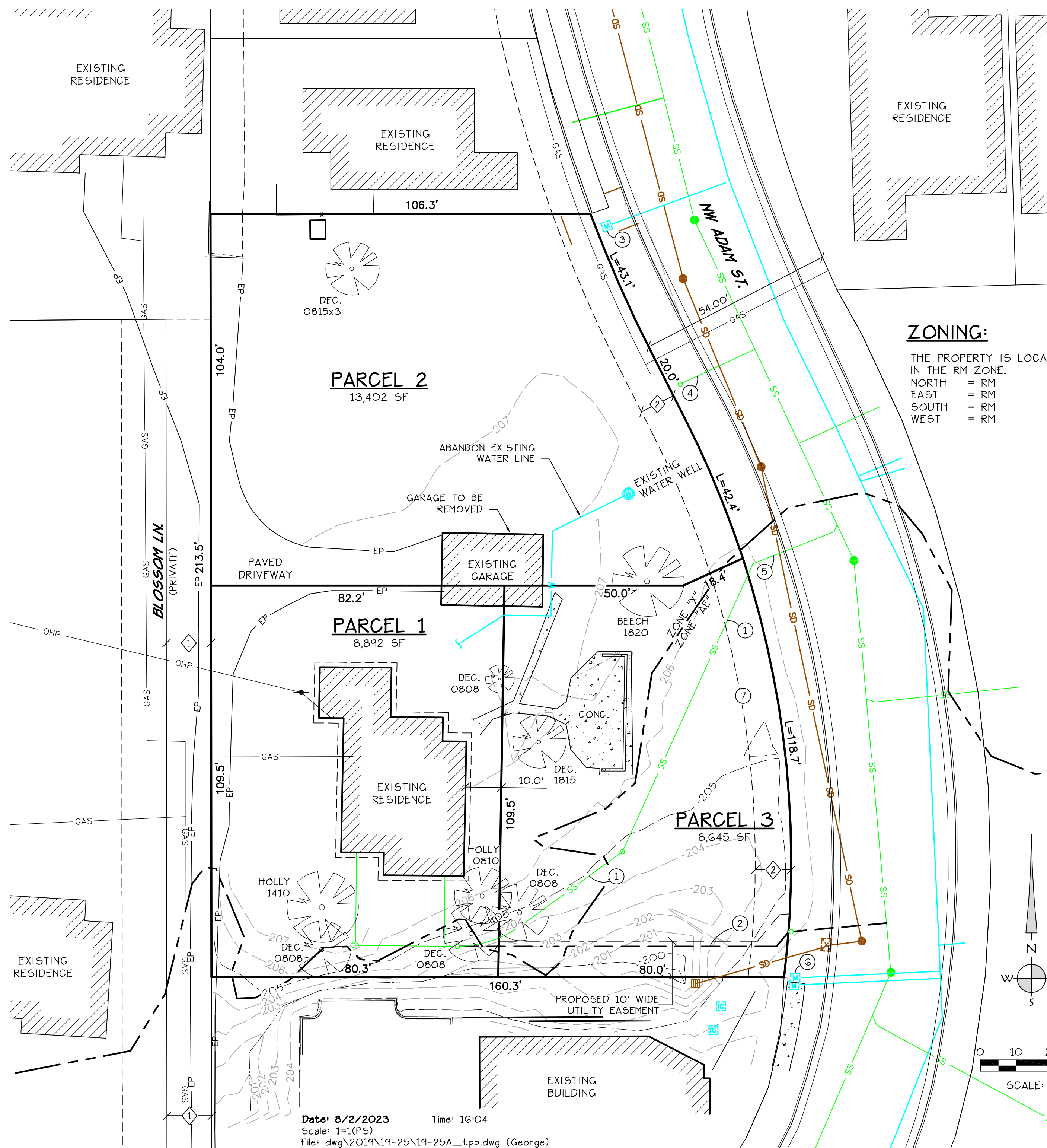
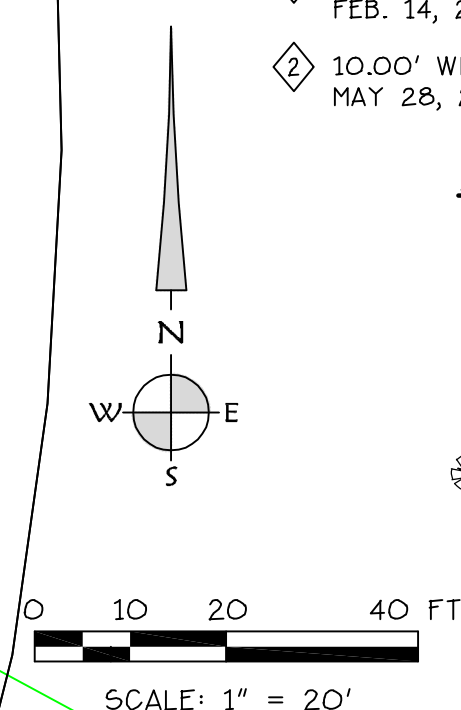
- ① EXISTING SEWER SERVICE TO BE DISCONNECTED FROM EXISTING RESIDENCE REQUIRED FOR FINAL PLAT APPROVAL.
- ② PROPOSED RELOCATED SEWER LATERAL TO BE CONSTRUCTED PRIOR TO FINAL PLAT APPROVAL.
- ③ PARCEL 2 WATER SERVICE EXISTING.
- ④ PARCEL 2 SEWER SERVICE TO BE CONNECTED TO EXISTING SEWER LATERAL DURING CONSTRUCTION ACTIVITIES ON PARCEL 2, AND IS NOT REQUIRED FOR FINAL PLAT APPROVAL.
- ⑤ PARCEL 3 SEWER SERVICE EXISTING, AND IS NOT REQUIRED FOR FINAL PLAT APPROVAL.
- ⑥ PARCEL 1 WATER SERVICE EXISTING, CONNECT TO HOME PRIOR TO FINAL PLAT APPROVAL.
- ⑦ PARCEL 3 WATER METER TO BE INSTALLED AT THE TIME OF BUILDING PERMIT, NOT REQUIRED FOR FINAL PLAT.

EASEMENT NOTES:

- ① 12.50' WIDE DRIVEWAY ACCESS EASEMENT PER DOC. No. 2008-433437, DATED FEB. 14, 2008
- ② 10.00' WIDE FRANCHISED PUBLIC UTILITY EASEMENT PER DOC. No. 2011-480145, DATED MAY 28, 2011

LEGEND:

	EXIST. LAMP POST		EXIST. WATER LINE
	EXIST. FIRE HYDRANT		EXIST. FENCE
	EXIST. WATER VALVES		EXIST. SEWER LINES
	EXIST. UTILITY POLE		EXIST. STORM DRAIN
	DECIDUOUS TREE		EXIST. OVERHEAD POWER
	EXIST. MANHOLE		EXIST. NATURAL GAS LINE
	EXIST. WATER METER OR SERVICE LATERAL		FEMA FLOODPLAIN LINE
	EXIST. WATER WELL		PROPOSED SEWER LATERAL



Date: 8/2/2023 Time: 16:04
Scale: 1"=1(P5)
File: dwg\2019\19-25\19-25A_tpp.dwg (George)

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

**FINDINGS FOR FLOODPLAIN FILL
327 BLOSSOM LANE NW
MINOR LAND PARTITION**

December 6, 2022

Project Description

This project involves subdividing a residential infill parcel into 3 residential lots in RM zoned land. As an infill project, street and utility infrastructure is generally in place. One sewer lateral will be required in order to meet minor land partition conditions of approval. This work will occur within land designated as floodplain. **This cut and fill operation will not result in net fill. We believe this work is exempt.**

Code Criteria

The Albany Development Code (ADC) proscribes requirements for projects and fill in the flood plain. The code provisions are shown in *italics*. This project will install a sewer lateral and connect it to the existing home. The result will be to free up an existing lateral to serve a new lot and remove the existing lateral from the middle of the proposed lot. We believe this work falls under exception (11) listed below.

6.094 Floodplain Development Permit Exemptions. The following development activities in the flood fringe do not require a Floodplain Development Permit. These exemptions do not apply to development in the floodway. (Note: Federal and State laws and regulations, including Oregon Drainage Law, may still apply to exempted development activities.) [Ord. 5746, 9/29/10]

- (1) Structures less than 200 square feet that meet the provisions of 6.122.*
- (2) Grading, excavation, fill or paving less than 50 cubic yards (cumulative).*
- (3) Retaining walls not associated with a grading, fill, excavation, and paving review.*
- (4) Open barbless wire, pipe, rail, chain link, or wood fences that meet the design guidelines in Section 6.125 of this Article.*
- (5) Agricultural activities, not including structures.*
- (6) Short-term storage of equipment or materials that in time of flooding could either be removed from the area, or would not cause harm to property, humans, animals or the environment by becoming buoyant or hazardous.*

(7) Signs, markers, aids, etc., placed by a public agency to serve the public. (8) Minor repairs or improvements to existing structures provided that the alterations do not increase the size or intensity of use, and do not constitute repair of substantial damage, or substantial improvement as defined in this Article.

(9) Customary dredging to maintain existing channel capacity consistent with State or Federal laws and permits.

(10) Replacement of utility facilities that are necessary to serve established and permitted uses, and that are of equal or lesser size and impact.

(11) Subsurface public utility projects that will not ultimately result in modification to existing topography.

(12) Transportation facility rehabilitation and maintenance projects that will not result in modifications to existing topography.

In the event that the City does not concur with our exempt finding, we provide the following responses to the review criteria required for a floodplain development permit. *The code language is presented in italics.*

6.110 *In addition to the general review criteria for site improvements, land divisions and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards:*

(1) All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Fact: This is an infill project with existing recently constructed (2014) infrastructure.

Fact: The sewer trench will be filled to existing ground elevations and compacted

Fact: This area is backwater and only drains the surrounding lots.

Fact: A storm drain catch basin drains the low area to the public storm drain system in Adam street.

Fact: All lots provide sufficient area to construct homes outside of the existing designated FEMA flood plain areas.

Conclusion: This criterion is met.

(2) All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Fact: Public and franchised utilities including sewer, gas, electrical, and water systems exist and are constructed underground and in the street rights-of-way or public utility easements.

Conclusion: This criterion is met.

- (3) *On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.*

Fact: No onsite waste systems such as septic systems are proposed.

Conclusion: This criterion is met.

- (4) *All development proposals shall have adequate drainage provided to reduce exposure to flood damage.*

Fact: Adam Street collects and drains the site area.

Fact: An existing catch basin on the south boundary drains the low area to the public storm drain system.

Conclusion: This criterion has is met.

- (5) *Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.*

Fact: No portion of the site lies within the designated floodway of the Willamette River.

Conclusion: This criterion has is met.

- (6) *Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.*

Fact: The public street is already constructed to City standards for this infill project.

Conclusion: This criterion has is met.

- (7) *All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: "Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City."*

Fact: FEMA classifies the flood zone as AE (floodplain elevations determined).

Fact: Floodplain contour and FEMA map date are shown.

Conclusion: This criterion is met.

(8) *In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.*

Fact: This project is not a manufactured home park.

Conclusion: This criterion is not applicable.

6.111 Grading, Fill, Excavation, and Paving, A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempted in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable have been met: [Ord. 5746, 9/29/10]

(1) *Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.*

Fact: The flooding source for the property is the backwater from the Willamette River.

Fact: No fill is proposed in the Floodway.

Fact: No net fill is proposed in the Floodplain.

Conclusion: This proposed fill will not adversely impact the flood carrying capacity of the watercourse because storm water drainage facilities will be constructed to safely carry runoff to the public drainage system. This criterion is met.

(2) *The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.*

Fact: Adam Street collects and drains the site area.

Fact: An existing catch basin on the south boundary drains the low area to the public storm drain system.

Conclusion: Adequate provisions for storm drain have been made for the site. This Criterion is met.

- (3) *No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.*

Fact: No fill is proposed over a public storm drain.

Conclusion: The grading and fill proposed with this project will not be detrimental to existing city utilizes. This criterion is met.

- (4) *In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.*

Fact: There is a designated floodway on this section of the Willamette River

Fact: The project site is outside of the FEMA floodway designated for the Willamette River.

Conclusion: No fill is proposed in the Floodway. This criterion is met.

- (5) *The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).*

Fact: There is no proposed alteration or relocation of the watercourse.

Conclusion: This criterion is not applicable.

- (6) *All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.*

Fact: The project site drains to the City of Albany Public storm Drainage system in Adam Street.

Conclusion: This criterion is met.

(7) *Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.*

Fact: There are no building pads or grading proposed in the floodplain or floodway.

Fact: Future buildings will be required to obtain a building permit from the City of Albany prior to construction.

Fact: The building code requires drainage consistent with this requirement.

Conclusion: The proposed plan will accommodate future building construction meeting building department requirements. This criterion is met.