



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

RL-03-23

July 21, 2023

Summary

This proposal is a request to adjust an existing platted lot line between two properties. The subject property includes Lots 29 and 30, in Block 11 of Bryant's Addition; located at 467 SE Denver Street, Linn County Assessor's Map No. 11S-03W-05CC Tax Lot 12900. The applicant is proposing to transfer 453 square feet from Parcel 2 (Lot 30) to Parcel 1 (Lot 29). 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:	Adjust an existing platted lot line between two properties.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Liz Olmstead, project planner
Applicant/Property Owner:	Gary Hodgson, Hodgie Construction, LLC; 4730 San Felicia Avenue SE; Albany, OR 97322
Address/Location:	467 Denver Street SE, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05CC Tax Lot 12900
Zoning:	Residential Medium Density (RM) District
Comprehensive Plan:	Residential – Medium Density
Overlay Districts:	None
Total Land Area:	0.25 acres
Existing Land Use:	Single Dwelling Unit & Vacant
Neighborhood:	Willamette
Surrounding Zoning:	North: Residential Medium Density (RM) East: Residential Medium Density (RM) South: Residential Medium Density (RM) West: Residential Medium Density (RM)
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 July 5, 2023, in accordance with ADC 1.220. At the time the comment period ended on July 19, 2023, the Albany Planning Division had received no comments.

Analysis of Development Code Criteria

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

Tentative Plat Review Criteria

Criterion 1

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

Findings of Fact

- 1.1 The subject site includes two properties: Lots 29 and 30 of Bryant's Addition; located at 467 SE Denver Street, Linn County Assessor's Map No. 11S-03W-05CC Tax Lot 12900 (Attachment A).
- 1.2 The underlying zoning district of the subject property is Residential Medium Density (RM). The RM district is intended primarily for medium density residential development.
- 1.3 As presented on the tentative replat (Attachment B), the proposal is to adjust the common property line approximately 4 feet to the north, transferring 453 square feet to Lot 29 (Parcel 1) from Lot 30 (Parcel 2).
- 1.4 According to ADC 3.190, Table 3.190-1, the minimum property size in the RM zone is subject to the proposed use, and ranges in size from 1,500 square feet (townhomes), 7,000 square feet (cottage clusters and fourplexes) and Multiple Dwelling Units (2,000 square foot per unit to 3,000 square-foot per unit). The minimum lot width is 20 feet for townhomes and 30 feet for all other uses. According to Linn County's Assessor Records, Lots 29 (Parcel 1) and 30 (Parcel 2) each consist of 5,403 square feet.
- 1.5 According to ADC 3.190, Table 3.190-1, the minimum setback standards in the RM zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 3-foot side (one story), 6-foot side, two plus stories, or zero for zero lot line dwellings. The maximum height is 30 feet and maximum lot coverage is 60%.
- 1.6 Parcel 1 is developed with a single-dwelling unit. The proposed lot size will be 5,856 square feet with a width of 48.7 feet. The proposed interior setback adjacent along the north property line will be five feet and the remainder of the setbacks will not change as a result of the replat. The proposed lot coverage will be approximately 2,100 square feet, 35% of the lot area. Building height is not proposed to change. This standard is met.
- 1.7 Parcel 2 is vacant. The proposed lot size will be 4,950 square feet with a width of 41.2 feet. All other development standards will be reviewed at the time of building permit. This standard is met.

- 1.8 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.
- 1.9 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. Proposed Parcel 1 is developed with a single dwelling unit, and proposed Parcel 2 is vacant. There are no foreseeable difficulties in securing building permits to build on proposed Parcel 2 provided applicable development standards are followed.
- 1.10 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 proposed lots are not more than double the minimum area designated by the zoning district.
- 1.11 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 replat does not result in double frontage lots.
- 1.12 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.
- 1.13 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.
- 1.14 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. Each property has access to a public street. This standard is met.
- 1.15 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.
- 1.16 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.
- 1.17 ADC 11.090(9) pertains to flag lots. No flag lot is proposed; therefore, this standard is not applicable.
- 1.18 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, cul-de-sacs, or double-frontage lots.
- 1.3 The proposal meets the underlying development and lot and block standards of the RM 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 adjust the common property line between the subject properties approximately 4 feet to the north, transferring 453 square feet from Lot 30 (Parcel 2) to Lot 29 (Parcel

- 1). The properties are under the same ownership, and there is no remainder of property to be considered.

Conclusion

- 2.1 The above criterion is satisfied, as the properties are under different ownership and there will be no remainder of property to consider.

Criterion 3

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

Findings of Fact

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

Conclusions

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

Criterion 4

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

Findings of Fact

- 4.1 ADC 12.060 requires public streets adjoining new development be improved to City standards. Both parcels have frontage on Denver Street SE which has an improved road frontage.
- 4.2 No new or interior streets are proposed with the development.

Conclusions

- 4.1 Both parcels have frontage on Denver Street SE, which is improved to City standards.
- 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 an 8-inch public sanitary sewer main along the eastern property line. The subject property is currently connected to the public sanitary sewer system.
- 5.2 ADC 12.470 requires all new development to extend and/or connect to the public sanitary system if the property is within 300 feet of a public sewer line. Proposed Parcel 2 shall connect to the public sanitary sewer system at the time of development.

Water

- 5.4 City utility maps show an 8-inch public water main in Denver Street SE. The subject property is currently connected to the public water system.
- 5.5 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. Proposed Parcel 2 shall connect to the public sanitary sewer system at the time of development.

Storm Drainage

- 5.6 City utility maps show no piped public storm drainage facilities in Denver Street SE. Denver Street SE is constructed with City standards with curb and gutter.

Conclusions

- 5.1 The proposed replat will have no adverse impact on public utilities (water, sewer, and storm drainage) to the subject properties.
- 5.2 Future development on proposed Parcel 2 will require connections to the City's public utility systems (water, sewer, and storm drainage).

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

Conclusions

- 3.1 The subject property is not located in any special purpose districts and is not located in the Airport Approach District, Natural Resource Districts, nor contain any historic or archeological resources.
- 3.2 This criterion is met without conditions.

Overall Conclusion

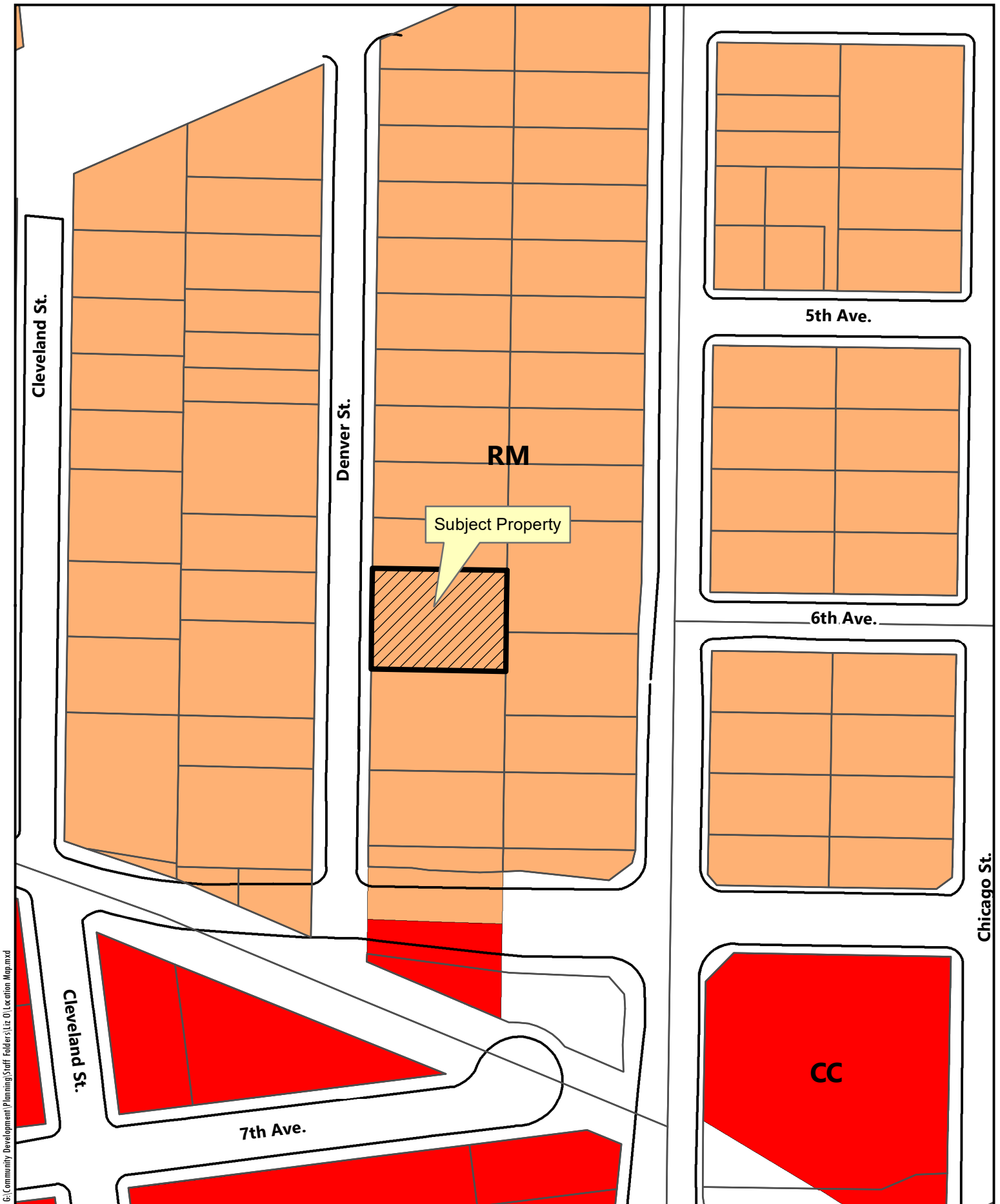
As proposed, the application for tentative replat to adjust the property line between two properties satisfies all applicable review criteria as outlined in this report.

Attachments

- A. Location Map
- B. Proposed Tentative Replat

Acronyms

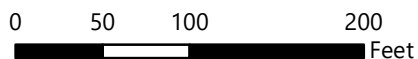
ADC	Albany Development Code
AMC	Albany Municipal Code
RM	Residential Medium Density
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NWI	National Wetland Inventory
ORD	Ordinance
RL	Replat File Designation
SFHA	Special Flood Hazard Area



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Date: 6/15/2023 Map Source: City of Albany



467 Denver Street SE

Location Map

TENTATIVE REPLAT

FOR

HODGIE CONSTRUCTION LLC

LOCATED IN

TAX LOT 12900, MAP 115-03W-05CC,
LOTS 29 + 30, BLOCK 11 OF BRYANT'S ADDITION
TO ALBANY

467 DENVER STREET

SW 1/4 SEC. 5, T. 11 S., R. 3 W., WJM.
IN THE

CITY OF ALBANY, LINN COUNTY, OREGON

JUNE 1, 2023

APPLICANT:

GARY HODGSON
4750 SAN FELICIA AVE SE
ALBANY, OR 97322

SURVEYOR:

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

SUBJECT PROPERTIES

PROPERTY 1

TAX LOT 12900 (MAP 115-03W-05CC)
467 DENVER STREET
ALBANY, OR 97321

ZONE: RM - RESIDENTIAL MEDIUM DENSITY

PROPERTY 2

HODGIE CONSTRUCTION LLC
4750 SAN FELICIA AVE SE
ALBANY, OR 97322

ADJUSTMENT STATS:

PROPERTY 1

ORIGINAL AREA: 5,403 SF
ADJUSTMENT: -453 SF
NEW AREA: 4,950 SF

PROPERTY 2

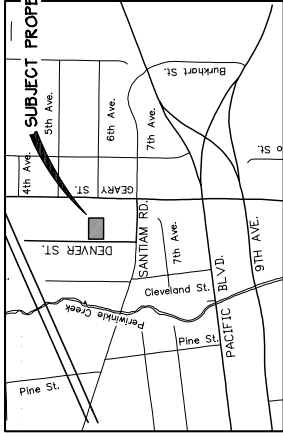
ORIGINAL AREA: 5,403 SF
ADJUSTMENT: +453 SF
NEW AREA: 5,856 SF

LEGEND:

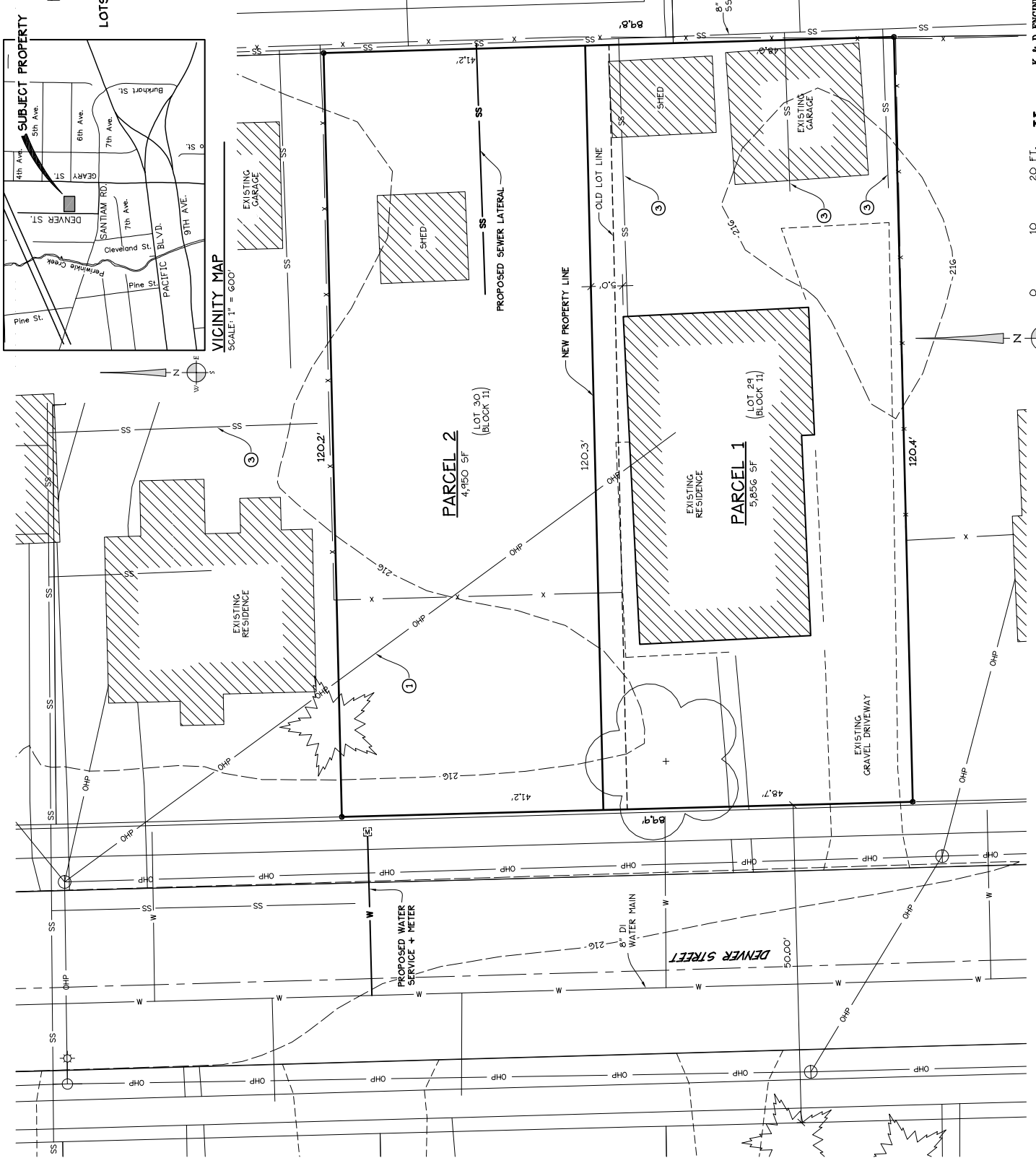
- SURVEY MONUMENT
- ⊕ EXIST. UTILITY POLE
- ⊕ EXIST. UTILITY/LIGHT POLE
- ☁ FIR TREE / DECIDUOUS TREE
- EXIST. GRAVEL DRIVEWAYS
- X EXIST. FENCE
- OHP EXIST. OVERHEAD POWER
- SS EXIST. SEWER LINES
- W EXISTING WATER MAINS
- EXISTING UTILITY EASEMENT LINE
- OLD LOT LINE TO BE REMOVED

NOTES:

- ① OVERHEAD POWER SERVICE TO BE RELOCATED
- ② DATA SHOWN ON THIS MAP IS FROM THE CITY OF ALBANY GIS DATABASE, AERIAL PHOTOGRAPHS, ASSESSOR RECORDS, RECORD DEED INFORMATION AND SURVEY INFORMATION.
- ③ GIS LOCATION OF EXISTING SANITARY SEWER LATERAL.



VICINITY MAP
SCALE: 1" = 600'



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