



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat (Expedited)

PA-07-23

January 17, 2024

Summary

This proposal is for a Tentative Partition Plat to divide a 2.73-acre parcel into two parcels for rent to households below 120 percent of the median family income for Linn County, using the expedited partition procedures identified in Section 11.620 of the Albany Development Code (ADC). The subject property is addressed 2080 Queen Ave and is identified on Linn County Tax Assessor's Map Number 11S-03W-08DB as tax lot 6000. Parcel One, as proposed, will be 33,609 square feet (0.77 acres) in size and is currently vacant; Parcel Two is proposed to be 85,510 square feet (1.96 acres) and will contain an existing multiple dwelling apartment complex.

Land Division criteria contained in Albany Development Code (ADC or Code) 11.180 are addressed in this report for the proposed development, along with the eligibility criteria for an expedited land division (ADC 11.600). The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Tentative Partition Plat to divide a 2.73-acre parcel into two parcels for rent to households below 120 percent of the median family income for Linn County.
Review Body:	Planning Staff
Staff Report Prepared By:	Alyssa Schrems, project planner
Property Owner/Applicant:	Linn Benton Housing Authority, Clayton Meadows LLC, C/O Donna Holt, 1250 Queen Avenue SE, Albany, OR 97322
Applicant's Representative:	Udell Engineering & Land Surveying LLC, C/O Laura LaRoque 63 E. Ash Street, Lebanon, OR 97355
Address/Location:	2080 Queen Ave SE, Albany, OR 97322
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-08DB-06000
Zoning:	Residential Medium Density Attached (RMA)
Comprehensive Plan:	Residential Medium Density
Overlay Districts:	Airport Approach Overlay
Total Land Area:	2.73 acres
Existing Land Use:	Multiple Dwelling Unit Apartment
Neighborhood:	Periwinkle
Surrounding Zoning:	North: Residential Medium Density (RM), Residential Medium Density Attached (RMA) East: RM South: Residential Single Unit Dwelling-6.5 (RS-6.5), RMA West: Community Commercial (CC), Open Space (OS), RMA
Surrounding Uses:	North: Single-unit dwellings, apartment complex

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East: Single-unit dwellings, apartment complex
South: Single-unit dwellings, apartment complex
West: apartment complex, utility substation, self-storage

Staff Decision

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

Appeals

The City's decision may be appealed to a referee if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 14 days from the date the City mails the notice of decision [ADC 11.620(9)].

Notice Information

A notice of filing was mailed to property owners identified within 100 feet of the subject properties December 27, 2023, in accordance with ADC 11.620(2). At the time the comment period ended on January 10, 2024, 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 expedited land divisions (ADC 11.600) 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.

Eligibility Standards for This Request

Expedited Land Divisions, Section 11.600 of the Albany Development Code (Code) includes the following eligibility criteria that must be met in order for an application to be reviewed using the expedited land division procedure.

- (1) Eligibility Criteria. For an expedited land division application to be considered, the application must demonstrate how the proposed division complies with each of the following provisions:**
- (a) The land is zoned for residential use and is within the urban growth boundary.**
 - (b) The land is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.**
 - (c) The land division will not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

 - i. Open spaces, scenic and historic areas, and natural resources; or**
 - ii. The Willamette River Greenway.****
 - (d) The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Engineering Design Standards, Standard Construction Specifications, and Albany Development Code.**
 - (e) The land division will result in development that either:

 - i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or**
 - ii. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.****

Findings of Fact

- 1.1 The zoning of the property is Residential Medium Density Attached (RMA). This zone is intended for residential use. The property is located within the City of Albany Urban Growth Boundary (UGB) and is annexed into the City of Albany.
- 1.2 The property is currently improved with an existing multiple dwelling apartment complex and associated site and utility improvements. Proposed Parcel 1 is being created for future development of a multiple dwelling apartment complex and associated site and utility improvements.
- 1.3 The subject property does not include any areas that are mapped and designated for open spaces, scenic and historic areas, natural resources, or the Willamette River Greenway. The only overlay that the property is subject to is the Airport Approach District.
- 1.4 Proposed Parcel 1 will maintain frontage on and access to Queen Avenue SE and Proposed Parcel 2 will be served by an existing 30-foot-wide access easement to Queen Avenue SE.
- 1.5 Proposed Parcel 2 is developed with an existing multiple dwelling unit apartment complex that is rented to households with incomes below 120 percent of the median family income for Linn County. Proposed Parcel 1 is being created in order to develop additional units to be sold or rented to households with incomes below 120 percent of the median family income for Linn County. As a condition of approval, the partition plat must contain a restriction that Parcel 1 and Parcel 2 can only be rented or sold to households with incomes below 120 percent of the median family income for Linn County.

Condition of Approval

- Condition 1 The partition plat must contain a declaratory statement that Parcel 1 and Parcel 2 can only be rented or sold to households with incomes below 120 percent of the median family income for Linn County.

Tentative Plat Review Criteria (ADC 11.180)

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 Attached (RMA). The RMA zoning district is intended primarily for medium- to high-density urban residential development. Most units, whether single- or multiple dwelling or middle housing, will be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 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 is proposed to be developed with a multiple dwelling apartment complex at a later date. Parcel 2 is developed with an existing multiple dwelling apartment complex and associated site and utility improvements.
- 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 has indicated that Parcel 1 (currently vacant) will be developed with an apartment complex. The minimum lot size to support a multiple family development depends on the number of bedrooms proposed per unit. Based on this, no urban conversion plan is required.
- 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 have frontage on Queen Avenue SE and be connected to the existing street and sidewalk network. Parcel 2 will have access to Queen Avenue SE via a 30-foot-wide access easement. The 30-foot-wide access easement is currently developed with sidewalks that connect to Queen Avenue SE.
- 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. No flag lots are proposed with this partition.
- 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 There are no foreseeable difficulties in securing building permits to build on the proposed lots.
- 1.3 The proposed partition does not propose to create new blocks, intersections, cul-de-sacs, or double-frontage lots.
- 1.4 The proposal meets the underlying development and lot and block standards of the RMA zoning district.
- 1.5 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 The site is owned in its entirety by Linn Benton Housing Authority—Clayton Meadows LLC.
- 2.2 The proposed partition would divide the entire parcel owned at this location by the applicant.
- 2.3 Parcel 1 would be unimproved. The anticipated future development of Parcel 1 is a multiple dwelling development with associated site improvements. Parcel 2 is improved with an existing multiple dwelling development, associated accessory buildings, and associated site improvements.

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 two 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 have access to Queen Avenue SE.
 - Properties to the east have access to Queen Avenue SE and Clay Street SE.

- Properties to the south have access to Breakwood Circle SE.
 - Properties to the west have access to Queen Avenue SE either via frontage or via a 30-foot-wide existing access easement.
- 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 2080 Queen Avenue SE. The proposed partition will divide one parcel of land into two parcels. Parcel 1 will be vacant and contain 0.77 acres. Parcel 2 is developed with an assisted living housing complex and contains 1.96 acres.
- 4.2 Parcel 1 has direct frontage on Queen Avenue SE and will take access via a shared driveway along its west boundary. The driveway is shared with both Parcel 2 and an adjoining parcel to the west. Easements implementing the shared access are currently in place.
- 4.3 Queen Avenue is classified as a minor arterial street and is improved to city standards with the exception of the width of the public sidewalk. Improvements include: curb and gutter, a five-foot-wide sidewalk, a vehicle travel lane in each direction, a two-way center left turn lane, and on-street bike lanes.
- 4.4 ADC 12.300(1) requires a sidewalk width of 7 feet along arterial streets. Additional right-of-way dedication will be needed to allow for the eventual construction of a sidewalk built to city standards.
- 4.5 Based on the site's RMA zone designation, the vacant parcel being created with this partition can be developed in the future with a variety of multiple-dwelling unit housing types. The potential maximum density of any future development is a function of its area and would not change because of this partition.
- 4.6 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.7 No new driveways to the public street system will be created by the partition.

Conclusions

- 4.1 With the exception of sidewalks, the site's street frontage along Queen Avenue is improved to city standards. The existing sidewalk width is 5 feet. A sidewalk width of 7 feet is required in order to comply with ADC 12.300(1). Right-of-way dedication of 2 feet is needed along the site's frontage to allow for the eventual construction of a 7-foot sidewalk.
- 4.2 The proposed partition will not result in an increase in the potential intensity of development on the site or transportation related impacts that could result.
- 4.3 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.4 Access for both parcels will be via a shared driveway. An easement for the shared driveway is already in place. No new driveways will be created by the development.

Condition of Approval

- Condition 2 Prior to, or with recordation of the partition plat, the applicant shall dedicate two feet of public street right-of-way along the site's frontage on Queen Avenue SE.

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 subject property's eastern boundary line. 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 lot must connect to the public sanitary sewer system 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.
- 5.4 The proposed property partition will not negatively affect public sanitary sewer service to the existing multiple dwelling unit development, or impact sewer service availability for future development on these parcels.

Water

- 5.5 City utility maps show a 12-inch public water main in Queen Avenue and a 12-inch public water main along the subject property's western boundary line. The subject property is currently connected to City Water. The subject property has two public fire hydrants located onsite with a public water easement that will remain on Parcel 2.
- 5.6 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 5.7 The proposed new lot must connect to the public water system upon development.
- 5.8 The proposed partition will not negatively affect public water service availability for future development on this parcel.

Storm Drainage

- 5.9 City utility maps show 72-inch public storm drainage facilities in Queen Avenue along the subject property's frontage and a 10-inch public storm drainage facility along the subject property's western boundary line. Queen Avenue is currently improved to City standards with curb and gutter.
- 5.10 The proposed property partition will not negatively affect public storm drainage facilities availability for future development on this parcel.

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.

Criterion 6

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

Findings of Fact

- 6.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is located within the Horizontal Area and Conical Area of the Airport Approach Overlay Zone. The horizontal area is 150 feet above the airport elevation and the conical area begins at the periphery of the horizontal zone and slopes 20 feet outward for each foot upward. The airport is located at an

elevation of 222 feet above mean sea level (NGVD29) or 225.38 feet above mean sea level (NAVD88). The subject property has a mean sea level elevation of between 224 and 226 feet (NGVD29) or 227.38 to 229.38 feet (NAVD88). The maximum height in the RMA district is 60 feet; therefore, the tallest structure that could be constructed would have an elevation of 286 feet (NGVD29). An elevation of 286 feet (NGVD29) would be 64 feet above the airport elevation, well below penetrating into the 150 feet of the horizontal surface.

- 6.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7* does not show any steep slopes on the property.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0214H and 41043C0527G, dated September 29, 2010), the subject property is not located in the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 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 only special purpose district that the subject property is located in is the Airport Approach district. The height limitation of the RMA zone prevents any intrusion into the horizontal surface; therefore, any potential development would comply with the height limitations associated with the Airport Approach district.
- 6.2 This criterion is met.

Overall Conclusion

As proposed, the application for an expedited tentative plat for a two-parcel partition satisfies all applicable review criteria as outlined in this report with the following conditions.

Conditions of Approval

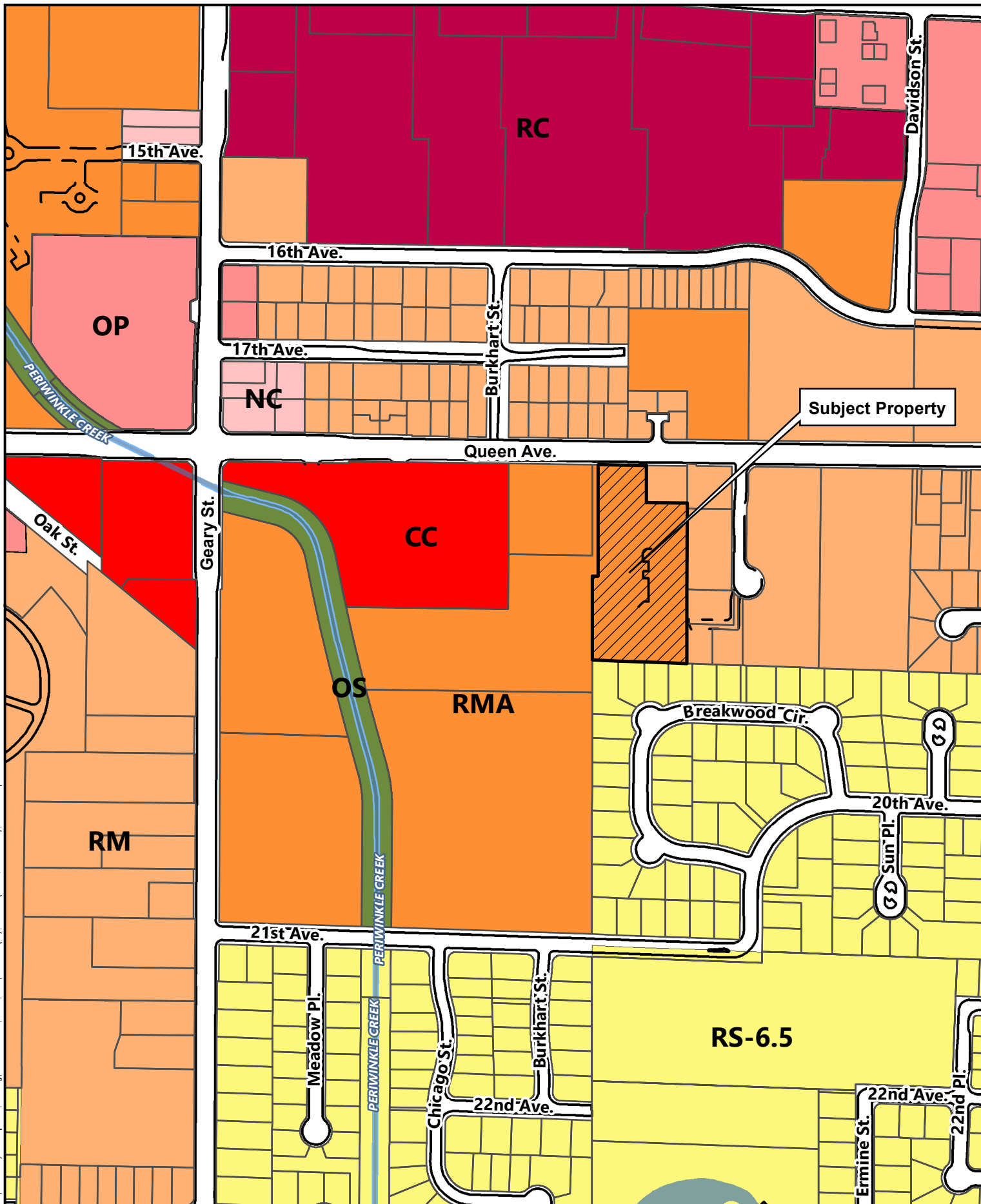
- Condition 1 The partition plat must contain a declaratory statement that Parcel 1 and Parcel 2 can only be rented or sold to households with incomes below 120 percent of the median family income for Linn County.
- Condition 2 Prior to, or with recordation of the partition plat, the applicant shall dedicate two feet of public street right-of-way along the site's frontage on Queen Avenue SE.

Attachments

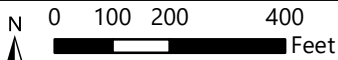
- A. Location Map
- B. Applicant Narrative
- C. Proposed Tentative Partition Plat

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
PA	Partition File Designation
RMA	Residential Medium Density Attached District
SFHA	Special Flood Hazard Area



G:\Community Development\Planning\Land Use Cases\2020s\2023\Periwinkle (PA)\PA-07-23 (2080 Queen Ave SE)\Location Map.mxd



Date: 12/11/2023 Map Source: City of Albany

2080 Queen Avenue SE

Location Map

TENTATIVE PARTITION APPLICATION

Submitted to: City of Albany
Planning Division
P.O. Box 490
Albany, Oregon 97321-0144
541-917-7550
cd.customerservice@cityofalbany.net

Property Owner/Applicant: Linn Benton Housing Authority
Clayton Meadows LLC
C/O Donna Holt
1250 Queen Avenue SE
Albany, OR 97322
(541) 918-7314 / donna@l-bha.org

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355
Laura LaRoque
(541) 990-8661 / laura@udelleng.com

Site Location: 2080 Queen Ave. SE, Albany, OR 97322
Parcel 1 of Partition Plat 1994-20

Linn County Assessor's Map No.: 11S-03W-08DB Tax Lot 6000

Site Size: ±2.73-acres

Existing Land Use: Multiple Dwelling Residential

Zone Designation: Residential Medium Density Attached District (RMA)

Comprehensive Plan Designation: Residential Medium Density

Surrounding Zoning: North: RM
East: RM
South: RS-6.5
West: RMA

Surrounding Uses: North: Residential
South: Residential
East: Residential
West: Residential/Utility

I. Executive Summary

This application is for a Tentative Partition to divide Parcel 1 of Partition Plat 1994-20 (a single ± 2.73 -acre parcel) into two parcels. The subject property is addressed 2080 Queen Avenue SE and identified as Linn County Assessor's Map No. 11S-03W-08DB Tax Lot 6000. Proposed Parcels 1 and 2 would be ± 0.77 -acres and ± 1.96 -acres, respectively. Parcel 1 would be unimproved. Parcel 2 is improved with an existing multiple dwelling apartment complex and associated site and utility improvements. Parcel 1 would maintain frontage on and access to Queen Avenue SE. Parcel 2 would maintain access to Queen Avenue SE via a 30-foot-wide access easement.

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

II. Expedited Land Division

ADC 11.600 includes the following eligibility criteria for an expedited land division, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Eligibility Criterion 1

The land is zoned for residential use and is within the urban growth boundary.

1. The subject property is located within the Albany City Limits and Urban Growth Boundary. The subject property has a comprehensive plan map designation of Residential Medium Density and zone map designation of Residential Medium Density Attached District (RMA).

Eligibility Criterion 2

The land is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.

2. A portion of the site is improved with an existing multiple dwelling apartment complex and associated site and utility improvements. Proposed Parcel 1 is to be created for future development of a multiple dwelling apartment complex and associated site and utility improvements.

Eligibility Criterion 3

The land division will not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect: i. Open spaces, scenic and historic areas, and natural resources; or ii. The Willamette River Greenway.

3. As outlined under Section III, Criterion 6, below the only special purpose district that the subject property is in is Article 4 (Airport Approach). The land division will not provide for dwellings to be located on land that is specifically mapped and designated in the

comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect as identified under this eligibility provision.

Eligibility Criterion 4

The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Engineering Design Standards, Standard Construction Specifications, and Albany Development Code.

4. As outlined under Section III, Criterion 3 and 4, below the land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Engineering Design Standards, Standard Construction Specifications, and Albany Development Code.

Eligibility Criterion 5

The land division will result in development that either: i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or ii. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

5. The proposed land division satisfies both provisions under this eligibility criterion. Parcel 1 is being created to develop 30 affordable dwelling units. Parcel 2 is rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

III. Partition Decision Criteria

ADC 11.180 includes the following review criteria for a tentative plat, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion 1

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

Findings

- 1.1 This application is for a Tentative Partition to divide Parcel 1 of Partition Plat 1994-20 (a single ±2.73-acre parcel) into two.
- 1.2 The subject property is addressed 2080 Queen Avenue SE and identified as Linn County Assessor's Map No. 11S-03W-08DB Tax Lot 6000.
- 1.3 The underlying zoning designation of the subject property is RMA. Per ADC 3.020(6) The RMA District is intended primarily for medium- to high-density urban residential development. Development may not exceed 35 units per gross acre.
- 1.4 According to ADC 3.050, Schedule of Permitted Uses, the following residential uses are permitted in the RS-6.5 either outright or via Site Plan Review: single- duplex, townhouse, triplex, fourplex, cottage cluster, multiple-dwelling.

According to ADC 3.190, Table 3.190-1, the minimum property size ranges based on use or unit size and range from 1,500 square feet for townhouse, 3,500 square feet for duplex, 5,000 square for triplex, 7,000 square feet for fourplex and cottage cluster units, and square footage per unit type for multiple dwelling unit developments. There is no minimum width or depth standards for the RMA zoning district.

Parcel 1 would be unimproved and 33,541 square feet in size. This parcel is large enough to accommodate several permitted uses. Parcel 2 is improved with an existing multiple dwelling apartment complex and associated site and utility improvements.

- 1.5 Development standards such as setbacks, height, lot coverage, and landscaping provided under ADC 3.190, Table 3.190-1 will be reviewed in association with an application for development and therefore, are not applicable in association with this application.
- 1.6 In any single-family or middle housing land division, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the development code. Standards relevant to this proposed partition are addressed below.

- a. 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 lots in compliance with the requirements of this Code except for lots designated Open Space.

As discussed under finding 1.3 and 1.4 above, the proposed parcels meet the development standards of the underlying zoning. The size and dimension of the proposed lots will allow for setbacks to be met while providing an adequate building envelope. Therefore, there will be no foreseeable difficulties in obtaining building permits for either parcel.

- b. ADC 11.090(2) states that lot dimensions must comply with the minimum standards of this Code. 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.

Both parcels are greater than double the minimum areas of the RMA zoning district. The likely future development of Parcel 1 is a multiple dwelling development with access to Queen Avenue. Parcel 2 is improved with a multiple family apartment complex and associated site and utility improvements. Therefore, this standard is not applicable.

- c. ADC 11.090(3) states that double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterials is necessary

for several adjoining lots, those lots must be served by a combined access driveway to limit possible traffic hazards on such streets. The driveway should be designed and arranged to avoid requiring vehicles to back into traffic on arterials. An access control strip shall be placed along all lots abutting arterial streets requiring access onto the lesser class streets where possible.

The proposed parcels are not double frontage lots. This standard is not applicable.

- d. ADC 11.090(4) states side yards of a lot shall run at right angles to the street the property faces, except that on a curved street the side property line shall be radial to the curve.

All proposed parcels will have side yards that will run at right angles to the street frontage. This standard is met.

- e. According to ADC 11.090(5), the average block length shall not exceed 600 feet unless an exception is granted by the City per subsections (a) through (c). Block length is defined as the distance along a street between the centerline of two intersecting through-streets.

The proposed partition does not create any new streets, and therefore, does not create any new blocks. This standard is not applicable.

- f. 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 would have frontage on Queen Avenue SE and be connected to the existing street and sidewalk network. Parcel 2 would have access to Queen Avenue SE via a 30-foot-wide access easement.

- g. ADC 11.090(7) states that, except for townhouse development, the minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.

The proposed lot does not utilize a cul-de-sac; therefore, this standard is not applicable.

- h. ADC 11.090(8) states flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street cannot be provided or not practical. 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.

No flag lot is proposed; therefore, this standard is not applicable.

- i. ADC 11.090(9) requires street intersections to be constructed so there is no less than a twenty-foot radius of 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 proposed Tentative Partition does not propose creating new blocks, intersections, cul-de-sacs, or double frontage lots.
- 1.3 This criterion is met without conditions.

Criterion 2

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

Findings

- 2.1 The site is owned in its entirety by Linn Benton Housing Authority - Clayton Meadows LLC.
- 2.2 The proposal is to divide Parcel 1 of Partition Plat 1994-20 (a single ±2.73-acre parcel) into two parcels.
- 2.1 Parcel 1 would be unimproved. The anticipated future development of Parcel 1 is a multiple dwelling development with associated site improvements. Parcel 2 is improved with an existing multiple dwelling development, associated accessory buildings, and associated site improvements.

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 two proposed parcels.
- 2.2 This review criterion is not applicable.

Criterion 3

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

Findings

- 3.1 This review criterion has been interpreted by the City Council to require 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.

- a. Properties to the north have access to Queen Avenue SE.
 - b. Properties to the east have access to Queen Avenue SE and Clay Street SE.
 - c. Properties to the south have access to Breakwood Circle SE.
 - d. Properties to the west have access to Queen Avenue SE.
- 3.4 All 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

- 4.1 The development is located at 2080 Queen Avenue SE. The development will divide Parcel 1 of Partition Plat 1994-20 (a single ±2.73-acre parcel) into two parcels.
- 4.2 Parcel 1 would be unimproved. The anticipated future development of Parcel 1 is a multiple dwelling development with associated site improvements. Parcel 2 is improved with an existing multiple dwelling development, associated accessory buildings, and associated site improvements.
- 4.3 The development is located to the south of Queen Avenue SE right-of-way. Parcel 1 will maintain frontage on and access to Queen Avenue SE. Parcel 2 will maintain access to Queen Avenue SE via a 30-foot-wide access easement.
- 4.4 Queen Avenue SE is classified as a Minor Arterial and is fully improved to city standards. The existing pavement has a variable width of 40 feet to 35 feet and variable right-of-way width of 60 feet to 70 feet.
- 4.5 ADC 12.060 requires all streets adjacent and interior to new development be improved to City standards. In situations where the City Engineer determines that an improvement is not timely, the city can accept a petition for Improvement/Waiver of Remonstrance.
- The street frontage along the subject property is fully improved to city standards. Therefore, this standard is met.
- 4.6 ADC 12.290 requires all development for which land use applications are required, and all expedited and middle housing land divisions, must include sidewalks adjacent to public streets. This requirement also applies to new single-dwelling unit detached houses and

middle housing units if they are located on arterial or collector streets or on curbed local streets if there is an existing sidewalk within 500 feet on the same side of the street.

A sidewalk improvement exists along the street frontage of the subject property. Therefore, this standard is met.

- 4.7 No development is proposed in association with this request. Therefore, the development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for requiring submittal of a trip generation analysis is 50 peak hour trips. The threshold for submittal of a TIA is 100 peak hour trips.
- 4.8 Albany's Transportation System Plan (TSP) does not identify any capacity or safety issues occurring along the street frontages of this development.

Conclusions

- 4.1 The site has frontage along Queen Avenue SE, which is fully improved to city standards.
- 4.2 The development is not projected to generate enough trips to require submittal of a trip generation estimate or traffic impact analysis.
- 4.3 Albany's TSP does not identify any capacity or safety issues occurring along the frontage of this site.

Criterion 5

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

Findings

Sewer

- 5.1 Albany Municipal Code (AMC) 10.01.010(1) states the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.
- 5.2 ADC 12.470 requires all new developments 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 ADC 12.490 states sewer collection mains must be extended along the full length of a property's frontage(s) along the right(s)-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. ADC 12.510 requires main extensions through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide access to the public system for current or future service to upstream properties. Extension of the sewer across the frontage and/or through the interior of a property makes the system available to adjacent properties. Then, when the

adjoining property connects, that property owner must extend the sewer in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending sewer mains.

- 5.4 The City has sole authority in determining the conditions necessary for providing service to a property (AMC 10.01.100 (5)(e)).
- 5.5 The minimum size of the public sanitary sewer main to be installed must be eight inches in diameter where a larger size is not needed to provide an adequate system, conform with the size of existing mains, meet future needs, or conform to the size specified by the utility's sewer system facility plan (AMC 10.01.110 (2)(a)).
- 5.6 All sewer mains intended to serve multiple properties must be public, installed in public rights-of-way or public utility easements. The normal routing for the sewer main extension shall be in a dedicated street right-of-way (AMC 10.01.110 (2)(b)).
- 5.7 All public sanitary sewer mains must be installed in accordance with the City's Standard Construction Specifications. If constructed under a private contract, the developer must obtain a Permit for Private Construction of Public Improvements through the City's Engineering Division.
- 5.8 City utility maps show an 8-inch public sanitary sewer main and easement along the east boundary of the subject property. Future development on Parcel 1 would have the ability to be served by a sewer service lateral connected to this public main. Development on Parcel 2 is currently served by a sewer service lateral that is connected to this public main.

Water

- 5.9 ADC 12.410 requires all new developments to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 5.10 ADC 12.450 requires all new development within the city, where appropriate, to provide for the extension of existing water lines serving surrounding areas.
- 5.11 AMC 11.01.120(2)(e) states all required public water main extensions must extend to the furthest property line(s) of the development or parcel. Main extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide current or future looping of water mains, or to provide current or future service to adjacent properties. When the owner of a property is required to connect to the public water system, the water main must be extended across the property's entire frontage and/or through the interior of the property. Extension of the water across the property's frontage and through the interior of the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the water mains in a similar manner, making the water available to the next properties. In this way, each property owner shares proportionately in the cost of extending water mains.

- 5.12 AMC 11.01.120(2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water system improvements to be built under a private contract require that the developer obtain a Permit for Private Construction of Public Improvements.
- 5.13 AMC 11.01.120(2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.
- 5.14 AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.
- 5.15 City utility maps show a 12-inch public water main along the north boundary of the site in the Queen Avenue right-of-way. The existing building on the property is connected to the public water system.

Storm Drainage

- 5.16 ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system.
- 5.17 ADC 12.580 states all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways serving surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 5.18 ADC 12.550 states any public drainage facility proposed for a development must be designed large enough to accommodate the maximum potential run-off from its entire upstream drainage area, whether inside or outside of the development, as specified in the City's storm drainage facility plan or separate storm drainage studies.
- 5.19 ADC 12.560 states where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem.
- 5.20 The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards. In most circumstances, detention will be required unless it can be satisfactorily demonstrated by the applicant that there is no adverse impact.

- 5.21 AMC 12.45.030 states a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development. (Ord. 5841 § 3, 2014).
- 5.22 AMC 12.45.080 states applicants for a post-construction stormwater quality permit shall submit as a part of their permit application a post-construction stormwater quality plan. Each plan shall comply with the minimum standards outlined in the engineering standards, construction standards, and the provisions of this chapter. Each post-construction stormwater quality plan shall be reviewed, approved, and stamped by a professional licensed in Oregon as a civil or environmental engineer or landscape architect. (Ord. 5841 § 3, 2014).
- 5.23 AMC 12.45.130 states: (1) Private stormwater facilities operation and maintenance agreements are required for all private post-construction stormwater quality facilities that require a permit under this chapter. (2) Private stormwater facilities operations and maintenance agreements shall be recorded at the applicable County Recorder's Office and shall run with the land. (3) Redevelopment of a property already operating under a private stormwater facilities operation and maintenance agreement will require execution of a new agreement if the Director determines, in the exercise of reasonable discretion, that the redevelopment is likely to have a material impact upon the operation, maintenance, or effectiveness of the previously approved facilities. (Ord. 5841 § 3, 2014).
- 5.24 City utility maps show a 72-inch public storm drainage main in the Queen Avenue right-of-way.

Conclusions

- 5.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property.
- 5.2 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.

Criterion 6

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

Findings

- 6.1 Article 4: Airport Approach District. According to Figure 4.410-1 of the ADC, the subject property is located within the Horizontal Area and Conical Area of the Airport Approach Overlay Zone. The maximum height in the RMA zoning district is 60 feet, well under the maximum height for both the Horizontal and Conical Areas.
- 6.2 Article 6: Significant Natural Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation or wildlife habitat on the property.

- 6.3 Article 6: Riparian Corridor: *Comprehensive Plan Plate 6: Natural Vegetation and Wildlife Habitat*, does not show any areas of riparian corridors on the property.
- 6.4 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0214H and 41043C0527G, dated September 29, 2010, shows this property is in Zone X, an area determined to be outside the 500-year floodplain.
- 6.5 Article 6: Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property.
- 6.6 Article 6: Topography. *Comprehensive Plan, Plate 7: Slopes*, does not show any steep slopes on this property.
- 6.7 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9: Historic Districts*, shows the property is not located in a historic district. There are no known archaeological sites on the property.

Conclusions

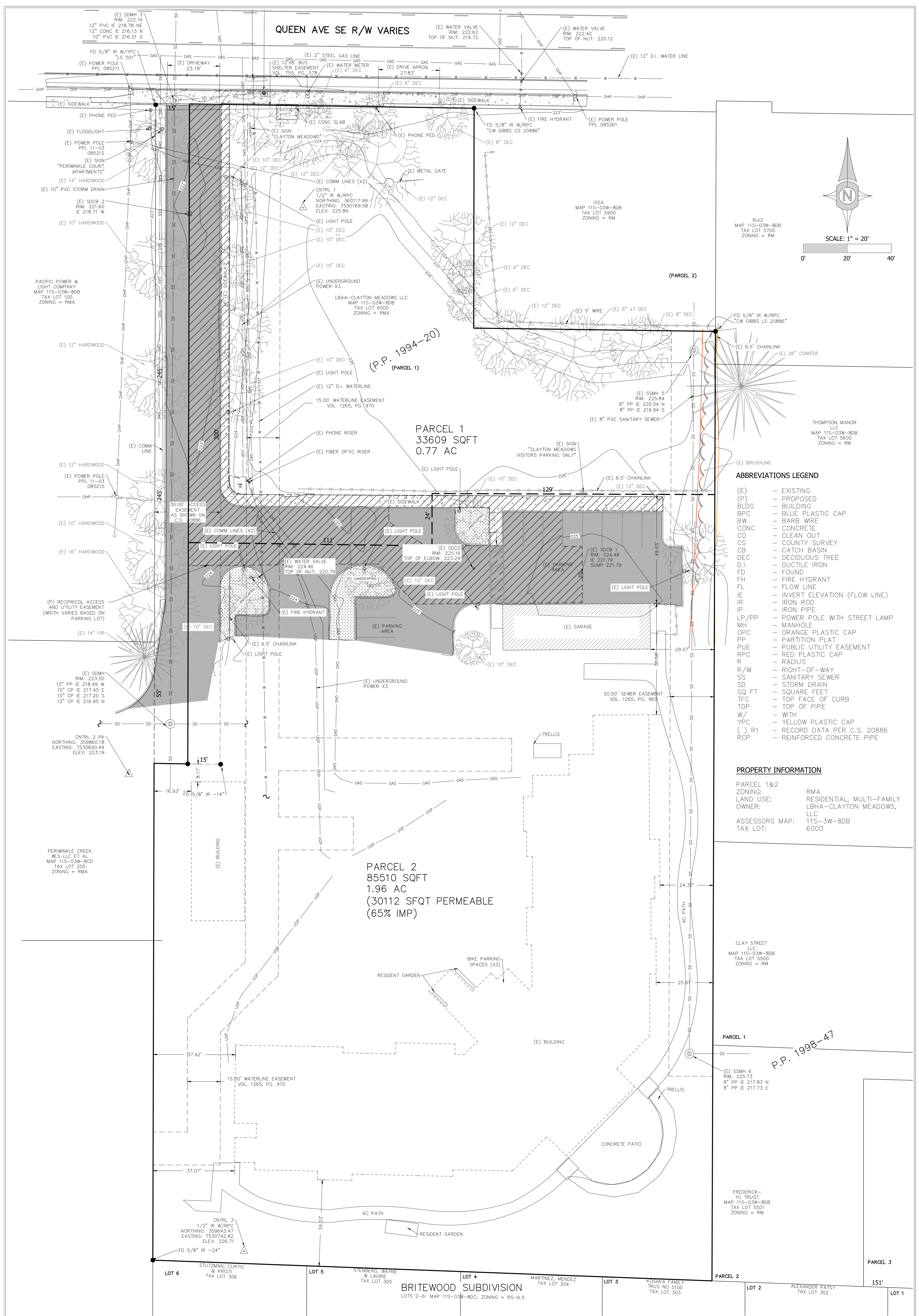
- 6.1 The only special purpose district that the subject property is in is Article 4 (Airport Approach). However, no development is proposed in association with this application. Therefore, height provisions are not applicable.

IV. Overall Conclusion

Based on the above analysis, the proposed tentative plat meets all the applicable review criteria as outlined above.

V. Exhibits

- A. Plan Set
1. Tentative Partition Plat



Sheet **1**
of **1**
SCALE: SEE BARSACLE

DATE:
APRIL 28, 2023
PROJECT:
23-078 LBHA QUEEN AVE
DRAWN BY:
MLM
CHECKED BY:
RSV

TENTATIVE PARTITION
11S-03W-08DB LOT 6000
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ALBANY, OREGON

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