



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

RL-04-23

February 6, 2024

Summary

This proposal is a request to reconfigure four lots into three properties. The subject properties are located at 2010, 2100 & 2110 17th Ave SW and 1999 Queen Ave SW, Linn County Assessor's Map No. 11S-04W-12CB Tax Lot 10001, 10200, and 10300, and Linn County Assessor's Map No. 11S-04W-13BA Tax Lot 600. Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Replat to reconfigure four lots into three parcels.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Liz Olmstead, project planner
Applicant/Property Owner:	Jill Zeller; 2010 17 th Ave SW, Albany, OR 97321
Property Owners:	George & Nicole Schukow, 2110 17th Avenue SW, Albany, OR 97321 Anthony & Samantha Pulver, 2100 17th Avenue SW, Albany, OR 97321
Address/Location:	2010, 2100 & 2110 17th Avenue SW and 1999 Queen Avenue SW
Map/Tax Lot:	Linn County Assessor's Map No. 11S-04W-12CB Tax Lot 10001, 10200, and 10300, and Linn County Assessor's Map No. 11S-04W-13BA Tax Lot 600.
Zoning:	Residential Single-Dwelling Unit District (RS-6.5)
Comprehensive Plan:	Residential Low Density and Public and Semi-Public
Overlay Districts:	None
Total Land Area:	3.19 acres
Existing Land Use:	Single Dwelling Units and Vacant Land
Neighborhood:	Broadway
Surrounding Zoning:	North: Residential Single-Dwelling Unit District (RS-6.5) East: Residential Single-Dwelling Unit District (RS-6.5) South: Residential Single-Dwelling Unit District (RS-6.5) West: Residential Single-Dwelling Unit District (RS-6.5)
Surrounding Uses:	North: Single-Dwelling Units East: Triplex South: Vacant 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 January 4, 2023, in accordance with ADC 1.220. At the time the comment period ended on January 18, 2024, the Albany Planning Division had received no comments.

Analysis of Development Code Criteria

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

Tentative Plat Review Criteria

Criterion 1

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

Findings of Fact

- 1.1 The subject site includes Lot 1 in Block 27 of the Hazelwood Addition (Linn County Assessor's Map No. 11S-04W-12CB Tax Lot 10001), Linn County Assessor's Map No. 11S-04W-12CB Tax Lot 10200, and 10300, and Linn County Assessor's Map No. 11S-04W-13BA Tax Lot 600 (Attachment A).
- 1.2 The underlying zoning district of the subject property is Residential Single-Dwelling Unit District (RS-6.5). The RS-6.5 district is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet.
- 1.3 Lot size in the RS-6.5 zone depends on the proposed use and ranges in size from 1,500 square feet (townhomes), 6,500 square feet (single-dwelling unit detached, duplex and triplex), to 7,000 square feet (cottage clusters and fourplexes). Proposed property A will be approximately 1.12 acres (48,710 square feet) and is developed with a single-dwelling unit. Proposed property B will be approximately 1.07 acres (46,933 square feet) and is developed with a single-dwelling unit. Proposed property C will be approximately 0.99 acres (43,157 square feet) and is developed with a single-dwelling unit. The proposed lots will exceed the minimum property size.
- 1.4 According to ADC Table 3.190-1, the minimum setback standards in the RS-6.5 zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), five-foot side (one story), eight-foot side, (two plus stories), or no setback for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. Proposed parcels A, B, & C are developed with existing single-dwelling units and accessory buildings. Any new development will be reviewed at the time of building permit.
- 1.5 In any single-dwelling unit land division, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed partition are addressed below.
- 1.6 ADC 11.090(1) states lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. There are no foreseeable difficulties in securing

- building permits to build on the proposed parcels, provided applicable development standards are followed.
- 1.7 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. The applicant did not provide an urban conversion plan, but due to the placement of the existing structures on the subject properties, further subdivision could be possible.
 - 1.8 ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. The proposed replat will create one double frontage lot for Property A. The primary frontage of property A has been and will continue to be on 17th Avenue SW, and Queen Avenue SW will be considered an interior lot line per the definition of a double frontage lot in ADC 22.
 - 1.9 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. The proposed property line will result in side yards that will run at right angles to the street frontage. This standard is met.
 - 1.10 ADC 11.090(5) lists dimensional requirements when street blocks are created as part of the land division. The proposed replat does not create any new streets or blocks. This standard is not applicable.
 - 1.11 ADC 11.090(6) states off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible. Property A has access to two public streets and properties B & C have access to one public street. This standard is met.
 - 1.12 ADC 11.090(7) provides recommendations for the minimum distance between arterial street intersections. No new streets or intersections are proposed; therefore, this standard is not applicable.
 - 1.13 ADC 11.090(8) regards developments located on a cul-de-sac lot. The proposed lots do not utilize a cul-de-sac; therefore, this standard is not applicable.
 - 1.14 ADC 11.090(9) pertains to flag lots. No flag lot is proposed; therefore, this standard is not applicable.
 - 1.15 ADC 11.090(10) regards street intersections and minimum curb radius. No street intersections are created or impacted by the proposed replat; therefore, this standard is not applicable.

Conclusions

- 1.1 The proposal meets the standards of the underlying zoning district.
- 1.2 The proposed replat does not propose to create new blocks, intersections, or cul-de-sacs.
- 1.3 The proposed replat proposes property A as a double frontage lot.
- 1.4 The proposal meets the underlying development and lot and block standards of the RS-6.5 zoning district.
- 1.5 This criterion is satisfied without conditions.

Criterion 2

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

Findings of Fact

- 2.1 The proposed replat will reconfigure 4 properties into three. Properties A, B, and C will each absorb a portion of property D, wherein there will be no remainder of property to consider.

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. No new development is proposed as part of this replat.
- 4.2 No new or interior streets are proposed with the replat.

Conclusions

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

Criterion 5

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

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main along the southern property line of tax lots 10001 (Property A), 10200 (Property B), & 10300 (Property C), a 12-inch public sanitary sewer main along the eastern property line of property tax lot 10001 (Property A), and a 12-inch public sanitary sewer main along the eastern property line of property tax lot 600 (Property D). Properties A, B, and C are currently connected to the public sanitary sewer system. Tax 600 (Property D) is not 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.
- 5.3 The proposed replat will not negatively affect the public sanitary sewer services to the existing properties, or impact sanitary sewer service availability for future development on these parcels.

Water

- 5.4 City utility maps show a 10-inch public water main in Queen Avenue SW and an eight-inch public water main in 17th Avenue SW. Properties A, B, and C are currently connected to the public water system. Property D is not currently connected to the public water system.
- 5.5 The proposed property replat will not negatively affect public water services to the existing properties, or impact water service availability for future development on these parcels.

Storm Drainage

- 5.6 City utility maps show no piped public storm drainage facilities in 17th Avenue SW, a 21-inch & 27-inch piped public storm drainage facilities in Queen Avenue SW, and an 18-inch piped public storm drainage facility along the eastern property line of property D. Queen Avenue SW is constructed to City standards with curb and gutter. 17th Avenue SW is not constructed to City standards with curb and gutter.
- 5.7 The proposed property replat will not negatively affect public storm drainage services to the existing properties, or impact storm drainage service availability for future development on these parcels.

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 This criterion is satisfied without conditions.

Criterion 6

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

Findings of Fact

- 6.1 Article 4: Airport Approach District: Figure 4.410-1 of the ADC shows the subject property is 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# 41043C0507G, dated September 29, 2010) the subject property is located outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within a Riparian Corridor Overlay District.
- 6.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within a Significant Wetlands Overlay District.
- 6.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Historic and Archaeological Resources: According to Chapter 11, Plate 9 of the Comprehensive Plan, the subject property is not a historic resource. There are no known archeological sites on the subject properties.

Conclusions

- 3.1 The subject property is not located in any special purpose districts.
- 3.2 This criterion is met without conditions.

Overall Conclusion

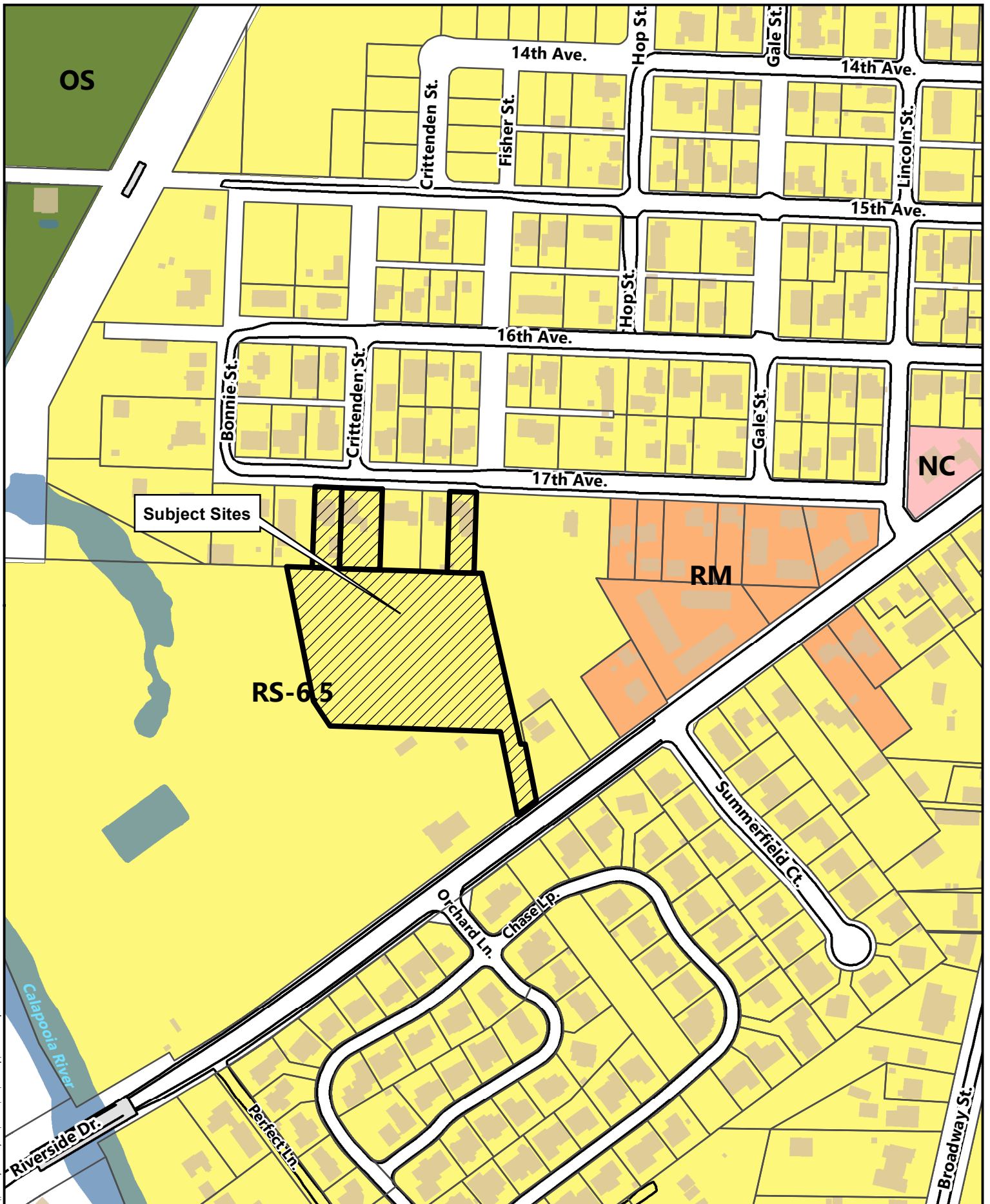
As proposed, the application for tentative replat to reconfigure four properties into three properties satisfies all applicable review criteria as outlined in this report.

Attachments

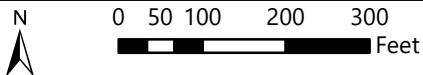
- A. Location Map
- B. Proposed Tentative Replat

Acronyms

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



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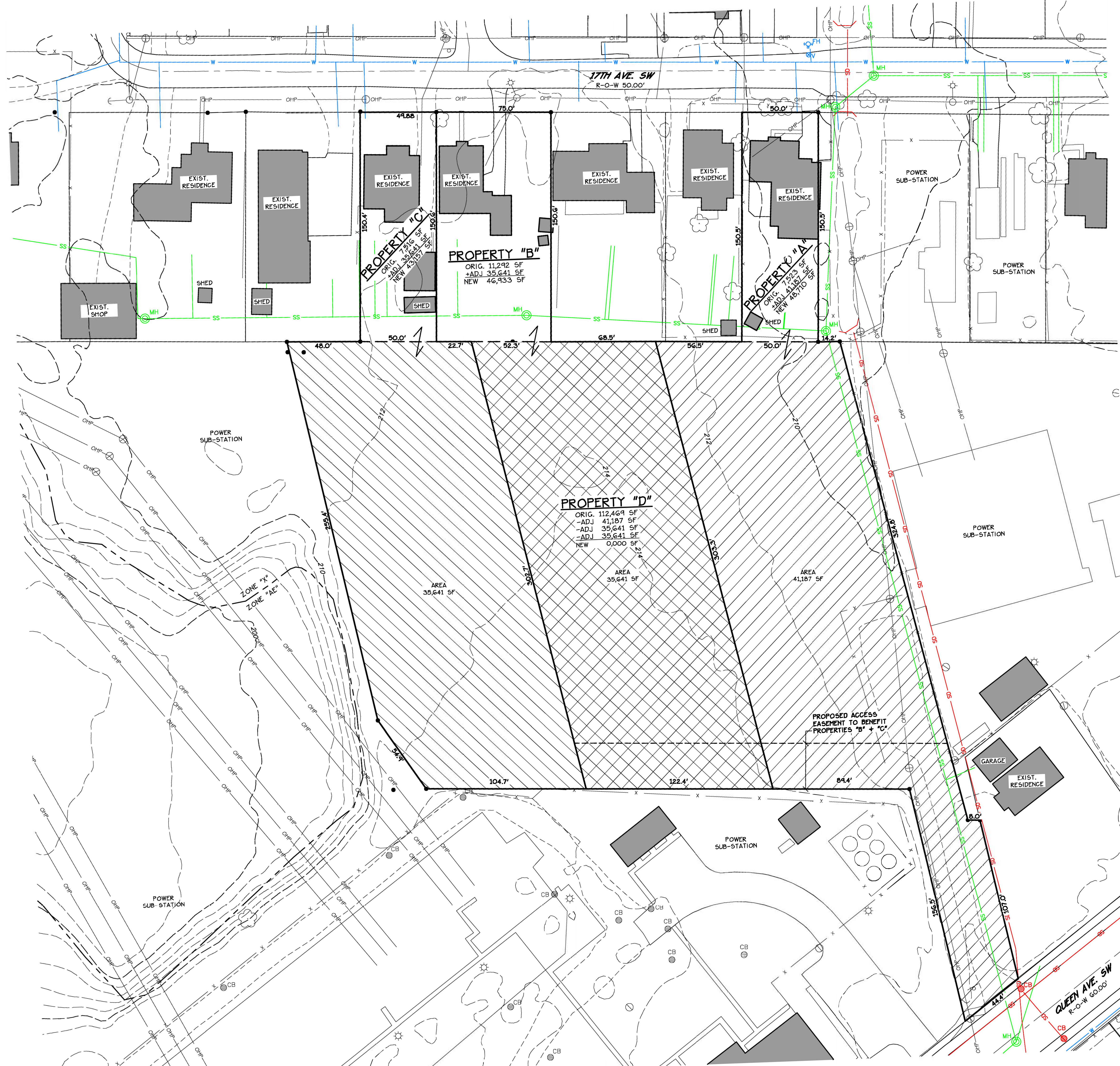
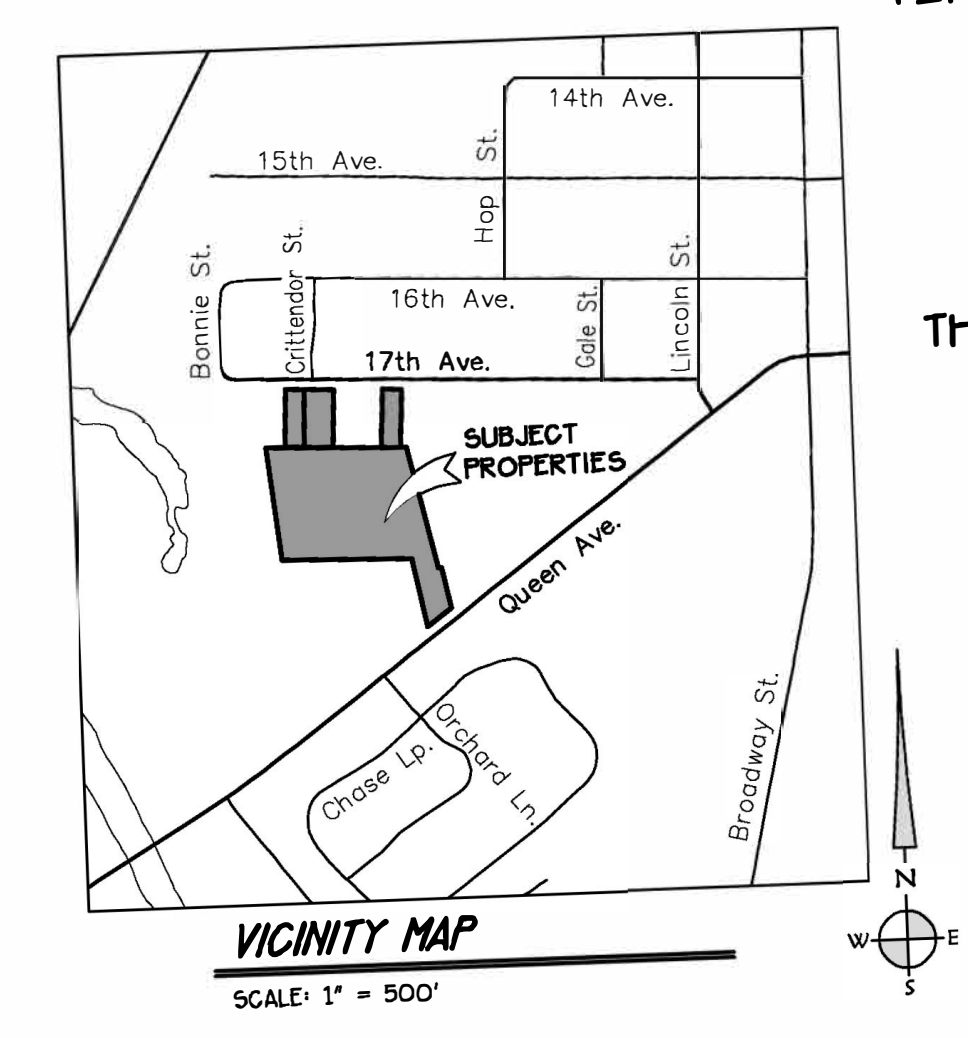


Date: 11/16/2023 Map Source: City of Albany

2010, 2100, & 2110 17th Ave SW & 1999 Queen Ave SW

Location / Zoning Map

TENTATIVE PROPERTY LINE ADJUSTMENT
 FOR
JILL ZELLER + STEPHEN BRAY,
SAMANTHA + ANTHONY PULVER,
NICOLE + GEORGE SCHUKOW
 LOCATED IN
THE SW 1/4 SEC. 12, T. 11 S., R. 4 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
OCTOBER 16, 2023



ADJUSTMENT STATS:

Property	Original Area	Adjustment	New Area
PROPERTY "A"	7,523 SF ±	+41,187 SF	48,710 SF
PROPERTY "B"	11,292 SF ±	+35,641 SF	46,933 SF
PROPERTY "C"	7,516 SF ±	+35,641 SF	43,157 SF
PROPERTY "D"	112,469 SF ±	-112,469 SF	0,000 SF

APPLICANT:
 JILL ZELLER
 2010 17TH AVE. SW
 ALBANY, OR 97321-1847

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

NOTE:
 DATA SHOWN ON THIS MAP FROM THE CITY OF ALBANY + LINN COUNTY GIS DATABASE, AERIAL PHOTOGRAPHS, ASSESSOR RECORDS, AND RECORD SURVEY INFORMATION.

SUBJECT PROPERTIES"

PROPERTY "A"
 TAX LOT 10001 (MAP 115-4W-12CB)
OWNERS:
 JILL ZELLER + STEPHEN BRAY
SITE + MAILING ADDRESS:
 2010 17TH AVE. SW
 ALBANY, OR 97321-1847
ZONE:
 R5 G.5
 RESIDENTIAL SINGLE FAMILY

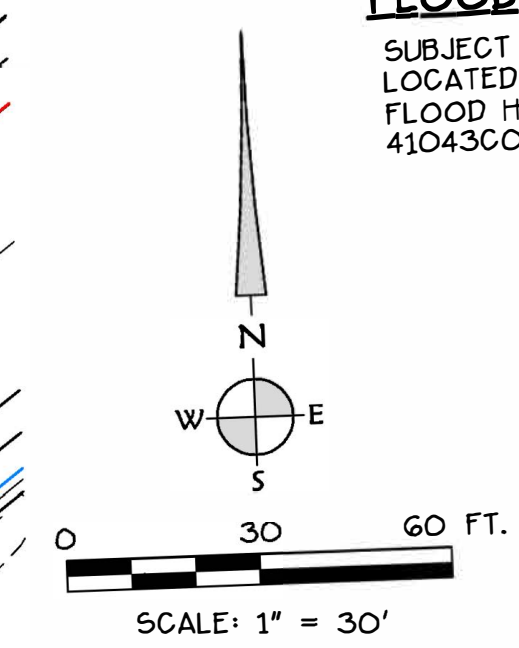
PROPERTY "B"
 TAX LOT 10200 (MAP 115-4W-12CB)
OWNERS:
 SAMANTHA + ANTHONY PULVER
SITE + MAILING ADDRESS:
 2100 17TH AVE. SW
 ALBANY, OR 97321
ZONE:
 R5 G.5
 RESIDENTIAL SINGLE FAMILY

PROPERTY "C"
 TAX LOT 10300 (MAP 115-4W-12CB)
OWNERS:
 NICOLE + GEORGE SCHUKOW
SITE + MAILING ADDRESS:
 2110 17TH AVE. SW
 ALBANY, OR 97321
ZONE:
 R5 G.5
 RESIDENTIAL SINGLE FAMILY

PROPERTY "D"
 TAX LOT 600 (MAP 115-4W-13BA)
OWNERS:
 JILL ZELLER + STEPHEN BRAY,
 SAMANTHA + ANTHONY PULVER,
 NICOLE + GEORGE SCHUKOW
SITE ADDRESS:
 1999 QUEEN AVE. SW
 ALBANY, OR 97321
MAILING ADDRESS:
 2010 17TH AVE. SW
 ALBANY, OR 97321-1847
ZONE:
 R5 G.5
 RESIDENTIAL SINGLE FAMILY

- LEGEND:**
- SD— EXISTING STORM DRAIN LINES
 - SS— EXISTING SANITARY SEWER LINES
 - W— EXISTING WATER LINES
 - X— EXISTING FENCE
 - OHP— EXISTING OVERHEAD POWER LINE
 - E— EDGE OF GRAVEL
 - F— FLOODPLAIN LINE
 - ⊙ EXISTING POWER/UTILITY POLE
 - FOUND SURVEY MONUMENT
 - ⊙ EXISTING MANHOLE
 - ⊙ EXISTING LIGHT
 - ⊙ EXISTING LIGHT POLE
 - ⊙ EXISTING CATCH BASIN
 - ⊙ EXISTING SIGN
 - ⊙ EXISTING TREE
 - R.O.W. RIGHT-OF-WAY
 - AREA TO BE TRANSFERRED FROM PROPERTY "D" TO PROPERTY "A" 41,187 SQUARE FEET ±
 - AREA TO BE TRANSFERRED FROM PROPERTY "D" TO PROPERTY "B" 35,641 SQUARE FEET ±
 - AREA TO BE TRANSFERRED FROM PROPERTY "D" TO PROPERTY "C" 35,641 SQUARE FEET ±

FLOODPLAIN NOTE:
 SUBJECT PROPERTIES OF THIS MAP ARE LOCATED IN ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FIRM MAP NUMBER 41043C0507G DATED 9/29/2010



K+D ENGINEERING, Inc.
 276 N.W. Hickory Street P.O. Box 725
 Albany, Oregon 97321
 (541) 928-2283

Date: 10/17/2023 Time: 11:08
 Scale: 1"=1(P5)
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