



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

PA-07-24

July 17, 2024

Summary

This request is for Tentative Partition Plat Review to divide a 0.54-acre parcel into two lots. The land division review criteria under Albany Development Code (ADC) 11.180 are applicable for the proposed application. These criteria are addressed in this report and must be satisfied to grant approval for this application.

Application Information

Proposal:	The application is for Tentative Partition Plat to divide one parcel into two lots.
Review Body:	Staff (Type I-L Review)
Property Owner/Applicant:	Ivan Gilder, 2930 Gibson Hill Road NW, Albany, OR 97321
Applicant's Representative:	Laura LaRoque, Udell Engineering and Land Surveying, 63 E Ash Street, Lebanon, OR 97355
Address/Location:	2930 Gibson Hill Road NW, Albany, OR 97321
Map/Tax Lot:	Benton County Tax Assessor's Map No. 10S-04W-35DA Tax Lot 500
Zoning:	RS-10 (Residential Single-Dwelling Unit)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	None
Total Land Area:	0.54 acres
Existing Land Use:	Single Dwelling Unit
Neighborhood:	North Albany
Surrounding Zoning:	North: RS-10 (Residential Single-Dwelling Unit) East: RS-10 (Residential Single-Dwelling Unit) South: RS-10 (Residential Single-Dwelling Unit) West: RS-10 (Residential Single-Dwelling Unit)
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 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 June 24, 2024, in accordance with ADC 1.220. At the time the comment period ended on July 8, 2024, no public comments were received.

Analysis of Development Code Criteria

The ADC includes the following review criteria for a tentative plat (ADC 11.180) and Site Plan Review for Tree Felling (ADC 9.206), 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 Article.

Findings of Fact

- 1.1 The underlying zoning district of the subject lot is RS-10 (Residential Single-Dwelling Unit District). The RS-10 zoning district is intended primarily for low-density residential development.
- 1.2 The subject site is comprised of one tax lot totaling 0.54 acres: Benton County Tax Assessor's Map No. 10S-04W-35DA Tax Lot 500.
- 1.3 Lot size in the RS-10 zone depends on the proposed use, and ranges in size from 1,500 square feet (townhomes), 10,000 square feet (single-dwelling unit detached, duplex and triplex, fourplex, and cottage clusters). Parcel 1, as proposed, will be approximately 13,182 square feet in size and proposed Parcel 2 will be approximately 10,291 square feet. The proposed lots will exceed the minimum property size.
- 1.4 The minimum width standard for the RS-10 zone is 20 feet for townhomes, and 65 feet for all other uses. Proposed Parcel 1 and proposed Parcel 2 will be approximately 125 feet wide. The proposed lots will exceed the minimum width standard.
- 1.5 According to ADC Table 3.190-1, the minimum setback standards in the RS-10 zoning district are as follows: 20-foot front (building), 20-foot front (vehicle entrance), five-foot interior (one story), eight-foot interior, (two plus stories), or zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 50 percent. There is an existing single dwelling unit on proposed Parcel 1 and proposed Parcel 2 is vacant. The existing dwelling on proposed Parcel 1 meets current development standards and the development standards for proposed parcel 2 will be reviewed for conformance at time of building permit.
- 1.6 ADC 2.430(4) states that new parking areas over 1,000 square feet require site plan review. A Parking Area is defined as privately or publicly owned property, other than streets and alleys, on which parking spaces and travel aisles are defined, designated, or otherwise identified for use by the tenants,

- employees, or owners of the property for which the parking area is required and not open for use by the general public. Provided parking must meet the standards of Article 9.
- 1.7 The applicant's tentative partition plat shows eight parking spaces over proposed Parcels 1 and 2. Prior to issuance of any permits, the applicant must submit a Site Plan Review for the proposed parking lot.
 - 1.8 In any land division for single-dwelling unit residential or middle housing development, 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.
 - 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 less than double the minimum lot size of 10,000 square feet.
 - 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. No double frontage lots are proposed.
 - 1.12 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. Both lots have side yards that run at right angles to the street the property faces.
 - 1.13 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.
 - 1.14 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. The applicant has proposed a 5-foot-wide sidewalk along the western portion of the proposed access easement serving parcels 1 and 2 with a connection to the public sidewalk along Gibson Hill Road NW. This standard is satisfied.
 - 1.15 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. The application does not include a flag lot; therefore, this standard is not applicable.
 - 1.16 According to ADC 11.090(9), street intersections must 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. Proposed Parcels 1 and 2 have access to an existing public street and no new intersections are proposed. This standard is not applicable.

Conclusion

- 1.1 This criterion is satisfied with one condition.

Condition

Condition 1 Prior to the issuance of any permits, the applicant must submit a Site Plan Review for the proposed parking lot.

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 Proposed Parcels 1 and 2 are under the same ownership.
- 2.2 There is no other remainder of property under the same ownership.

Conclusions

- 2.1 This review criterion is satisfied 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 Proposed Parcels 1 and 2 have access to Gibson Hill Road NW via a shared access easement.
- 3.4 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. Adjoining properties have independent access to a public street, and the proposed partition will not impact the access of adjoining properties.

Conclusions

- 3.1 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 made available at the time of development.

Findings of Fact

- 4.1 The proposed development will divide one parcel of land into two lots with an existing home on Parcel 1 and a future middle housing development on Parcel 2.
- 4.2 The development is located on the south side of Gibson Hill Road NW about 85 feet west of Pulver Lane NW.
- 4.3 Gibson Hill Road NW is classified as an arterial street and is constructed to city standards. The street is improved with ditches and sidewalks. The pavement width is approximately 22 feet in width with bike lanes on either side.
- 4.4 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.5 ADC 12.100(1) requires that driveways serving more than one parcel be paved the full length of the shared portion. This partition will result in the creation of a shared driveway serving both Parcels 1 and 2.

Conclusions

- 4.1 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.2 The development will result in the creation of a shared driveway serving Parcels 1 and 2. ADC 12.100(1) requires that shared driveways be paved for the full length of the shared portion.
- 4.3 This criterion is satisfied with conditions.

Conditions

- Condition 2 Prior to recording the partition plat, the applicant shall pave the shared portion of the driveway serving Parcels 1 and 2 or provide financial assurance for the improvement.

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 of Fact

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main in Gibson Hill Road along the subject property's frontage, with an 8-inch main stubbed to a manhole near the southwest corner of the subject property. The subject property is developed and connected to the public sewer system.
- 5.2 AMC 10.01.010 (1) states that 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.
- 5.3 AMC 15.30.010 states that a Connection Charge shall be due and payable when accessing the City's sanitary sewers 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 sanitary sewer has not been paid by the property owner or predecessor thereof. City records indicate that the subject property has been assessed for the public sanitary sewer facilities along the Gibson Hill Road frontage.
- 5.4 The applicant's preliminary utility plan shows four sewer lateral connections off a new public main for providing service to the proposed building. The public sanitary sewer main must be installed in accordance with the City's Standard Construction Specifications. Before any work is done on or around a public sanitary sewer main the applicant must obtain a Site Improvement Permit from the City's Engineering Division.

Water

- 5.5 City utility maps show a 24-inch ductile iron public water main along the subject property's frontage on NW Gibson Hill Road. The subject property is developed and connected to the public water system.
- 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 applicant's preliminary utility plan shows four new water services to the public water system for providing service to a future building on proposed Parcel 2. The applicant will need to obtain a Water Meter Permit from the Public Works Department for new water services.
- 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). City records indicate that the subject property has been assessed for the public water facilities along the Gibson Hill Road frontage.

Storm Drainage

- 5.9 City utility maps show a 24-inch polyethylene public storm drainage main along the south side of Gibson Hill Road, with two adjacent to the north side of the property. A shallow ditch along the road is directly about the existing pipe.
- 5.10 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. 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 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.
- 5.13 Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. Before beginning work, the applicant must submit to the Public Works Engineering Division a storm drainage plan for the site that shows the proposed slope of the lot and how storm drainage will be collected and routed to a public storm drain system. If storm drain pipes are planned, indicate the size and slope of each pipe. The City does not allow sheet flow of storm water across the sidewalk and into the street. The high point on the driveway must be at the property line so that all on-site drainage is collected within the applicant's property. Also, no storm water (including roof drainage) may be discharged to the sanitary sewer (ADC12.530).
- 5.14 ADC 12.570 states that development must use drainage management practices approved by the City Engineer to minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties.
- 5.15 AMC 12.45.030 states a post-construction stormwater quality permit shall be obtained prior to work commencing for all new development and/or redevelopment projects that creates or replace 5,000 square feet or more of impervious surface area, including all phases of the development. (Ord. 6012 § 2, 2023; Ord. 5841 § 3, 2014).
- 5.16 Because the project creates or replaces more than 5,000 square feet of impervious surface, the applicant must obtain a post-construction stormwater quality permit and construct stormwater quality facilities that meet all City Engineering Standards pertaining to stormwater quality.
- 5.17 AMC12.45.130 states an Operation and Maintenance Agreement shall be required for all private post-construction stormwater quality facilities.
- 5.18 The applicant's preliminary utility plan shows the construction of on-site stormwater detention and stormwater quality facilities. While the plan appears to be generally acceptable, final design details will be reviewed as part of the required stormwater quality permit.

Conclusions

- 5.1 Public water and storm drainage facilities are in place and adequate to serve the proposed development.
- 5.2 The public sanitary sewer main must be installed in accordance with the City's Standard Construction Specifications. Before any work is done on or around a public sanitary sewer main the applicant must obtain a Site Improvement Permit from the City's Engineering Division.
- 5.3 The applicant must obtain a water meter permit for all new water meters at the time of development.

- 5.4 The subject property has been developed and has been connected to the public sanitary sewer and water systems. City records indicate that this property has been assessed for the existing public utilities in NW Gibson Hill Road.
- 5.5 The development must include on-site stormwater detention and stormwater quality facilities that meet the City's Engineering Standards.

Conditions

- Condition 3 Before the City will issue any certificate of occupancy for the proposed development, the applicant shall obtain a Site Improvement Permit from the City's Engineering Division prior to working on the public sanitary sewer main.
- Condition 4 Before the City will issue any certificate of occupancy for the proposed project, the applicant must obtain a Stormwater Quality Permit from the City of Albany's Engineering Division and construct stormwater detention and stormwater quality facilities generally as detailed in the applicant's storm drainage report
- Condition 5 Before the applicant can make a new sewer service connection to the public sanitary sewer system, the applicant must obtain an encroachment permit for the sanitary sewer connections City of Albany's Engineering Division for the connection to public sanitary sewer system.

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 Approach District.
- 6.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7:* According to Plate 7 of the Comprehensive Plan, the subject property is outside the Hillside Development District.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5:* According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0195H, dated December 8, 2016, the subject property is located in Zone X, Area of Minimal Flooding and is outside of the Special Flood Hazard Area (aka 100-year floodplain).
- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show Significant Wetlands on the properties. The National Wetlands Inventory (NWI) does not show wetlands on the property.
- 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 This criterion is met.

Overall Conclusion

As proposed, the application for tentative plat to partition one parcel into two parcels satisfies all applicable review criteria as outlined in this report.

Conditions of Approval

- Condition 1 Prior to the issuance of any permits, the applicant must submit a Site Plan Review for the proposed parking lot.
- Condition 2 Prior to recording the partition plat, the applicant shall pave the shared portion of the driveway serving Parcels 1 and 2 or provide financial assurance for the improvement.

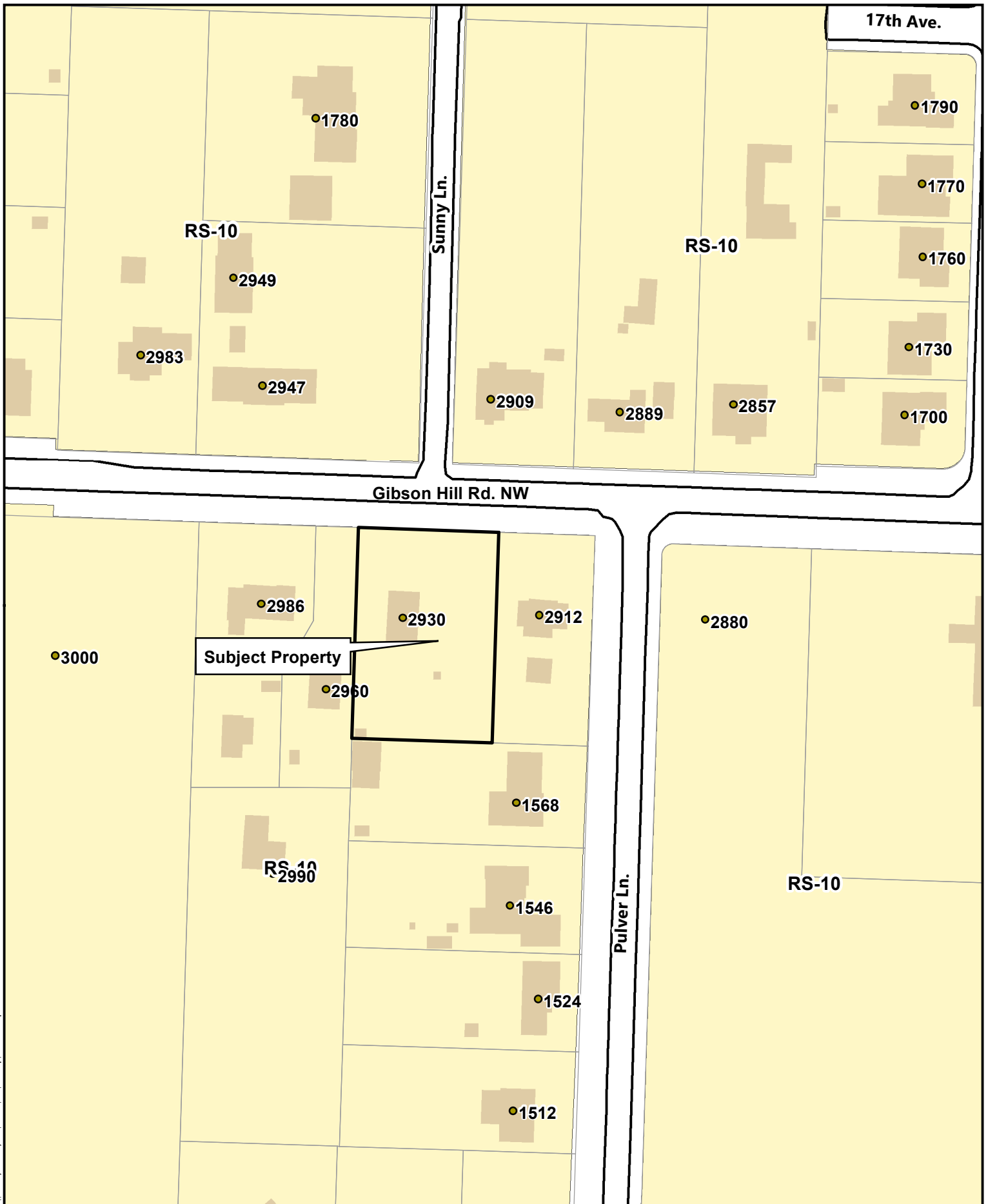
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- Condition 4 Before the City will issue certificate of occupancy for the proposed project, the applicant must obtain a Stormwater Quality Permit from the City of Albany's Engineering Division and construct stormwater detention and stormwater quality facilities generally as detailed in the applicant's storm drainage report
- Condition 5 Before the applicant can make a new sewer service connection to the public sanitary sewer system, the applicant must obtain an encroachment permit for the sanitary sewer connections City of Albany's Engineering Division for the connection to public sanitary sewer system.

Attachments

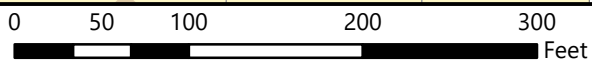
- A. Location Map
- B. Proposed Tentative Partition Plat
- C. Applicant Narrative

Acronyms

- ADC Albany Development Code
- AMC Albany Municipal Code
- FEMA Federal Emergency Management Agency
- FIRM Flood Insurance Rate Map
- RS-10 Residential Single-Dwelling Unit District
- SFHA Special Flood Hazard Area



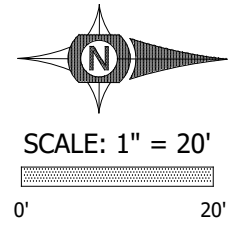
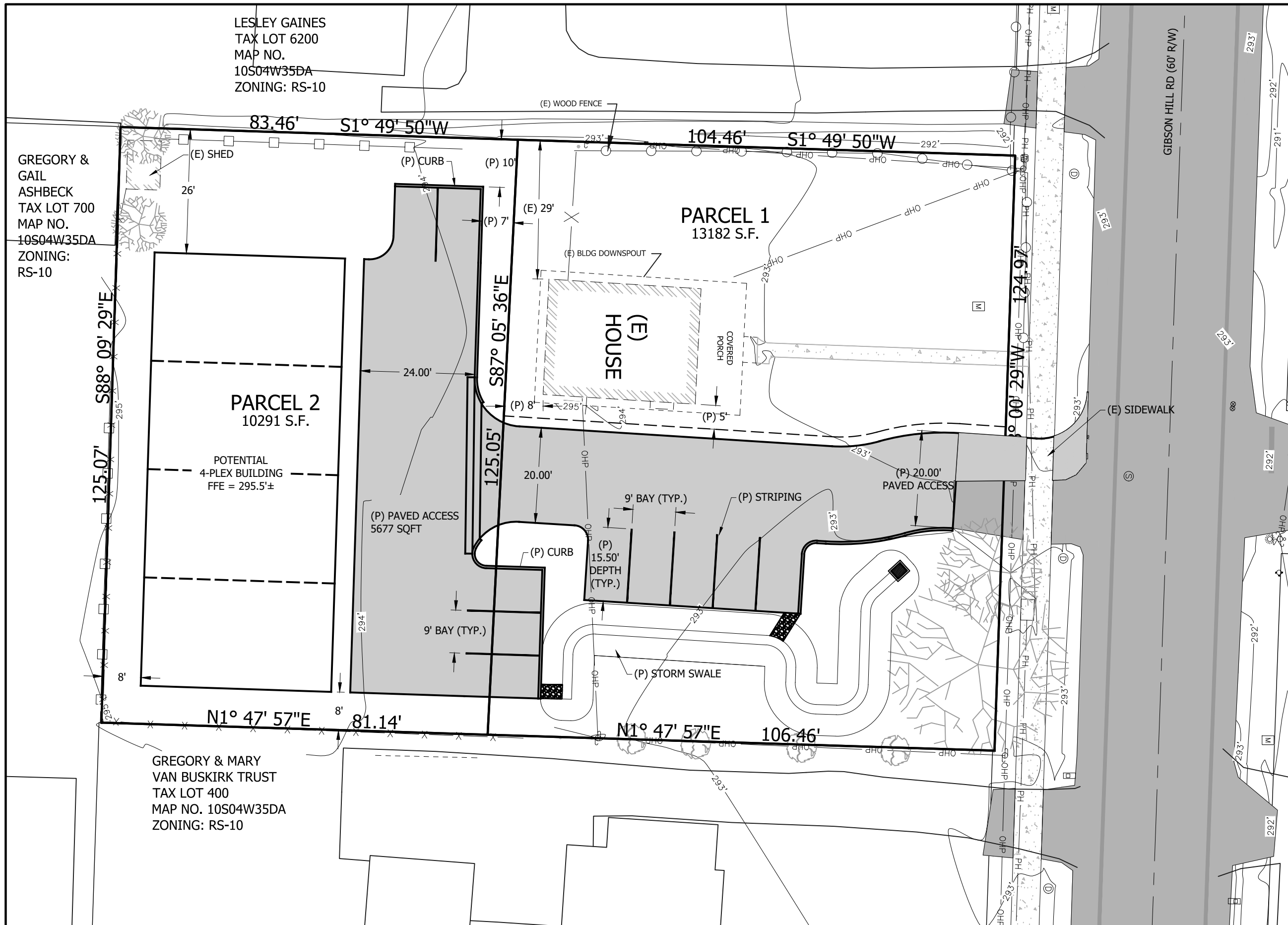
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2930 Gibson Hill Rd NW

Date: 5/17/2024 Map Source: City of Albany

Location / Zoning Map



CLIENT:
IVAN GILDER
2930 Gibson Hill Road
Albany, Oregon 97321
541-740-9931

UDELL ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

PRELIMINARY SITE PLAN
TENTATIVE LAND DIVISION
2930 GIBSON HILL ROAD
ALBANY, OREGON

date MAY 8, 2024
project 24-004 GILDER
drawn by CIB
checked by ISV

THIS DRAWING IS FOR
PLANNING PURPOSES ONLY.
NOT FOR CONSTRUCTION.

C 103
SCALE: SEE BARSCALE

TENTATIVE PARTITION PLAT 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:	Ivan Gilder 2930 Gibson Hill Road NW Albany, OR 97321-1137
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:	2930 Gibson Hill Road NW, Albany, OR 97321
Benton County Assessor's Map No.:	10S-04W-35DA Tax Lot 500
Site Size:	±0.54-acres
Existing Land Use:	Single Dwelling Unit
Zone Designation:	Residential Single Dwelling Unit District (RS-10)
Comprehensive Plan Designation:	Residential Low Density
Surrounding Zoning:	North: RS-10 South: RS-10 East: RS-10 West: RS-10
Surrounding Uses:	North: Single Dwelling Residential South: Single Dwelling Residential East: Single Dwelling Residential West: Single Dwelling Residential

I. Executive Summary

This application is for a Tentative Partition Plat to divide a single ±0.54-acre parcel: Parcel 1 at 13,182 square feet and Parcel 2 at 10,291 square feet. Parcel 1 will have frontage on and shared access to Gibson Hill Road and Parcel 2 will have access by easement to Gibson Hill Road.

The subject property is addressed 2930 Gibson Hill Road NW and identified as Benton County Assessor's Map No. 10S-04W-35DA Tax Lot 500.

II. Tentative Partition Plat - 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 The subject property consists of ±0.54-acres and is developed with a single-dwelling unit. This application is for a Tentative Partition Plat to divide the subject property into two parcels. Proposed Parcel 1 and 2 are to be 13,182 square feet and 10,291 square feet, respectively.
- 1.2 The subject property has an assigned address of 2930 Gibson Hill Road NW and is also identified as Benton County Assessor's Map No. 10S-04W-35DA Tax Lot 500.
- 1.3 The subject property is zoned RS-10. Per ADC 3.020(2) the RS-10 District is intended primarily for a lower density residential environment. The average minimum detached single-dwelling unit lot size is 10,000 square feet.
- 1.4 According to ADC 3.050, Schedule of Permitted Uses, the following residential uses are permitted in the RS-10 either outright: single-family, detached; two single-family detached; duplex, townhouse, triplex, fourplex, and cottage cluster.

According to ADC 3.190, Table 3.190-1, the minimum property size ranges based on use or unit size and range from 10,000 square feet for single-dwelling unit detached, duplex, triplex, fourplex and cottage cluster units.

Proposed Parcel 1 and 2 will be 13,182 square feet and 10,291 square feet, respectively; therefore, exceeding the minimum development standards for development of the following dwelling types: single-dwelling, two detached single dwellings; duplex, triplex, fourplex, and cottage cluster.
- 1.5 According to Table 3.190-1 there is a 20-foot minimum width standard for townhouses and 65-foot minimum width standard for development of the following dwelling types: single-dwelling, two detached single dwellings; duplex, triplex, fourplex, and cottage cluster.

Proposed Parcel 1 and 2 will have a parcel width of 104.46 feet and 83.46 feet, respectively; therefore, exceeding the minimum width standards for single dwelling and middle housing dwelling types.

1.6 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), 5-foot side (one story), 8-foot side, (two plus stories), or zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. The subject property is currently developed with a detached single dwelling unit and a duplex. The applicant proposes to create three lots with Parcel 1 consisting of 6,500 square feet and the existing detached single dwelling unit. Based upon the site plan submitted by the applicant, (Attachment B) the new property lines will meet the required setbacks of the RS-6.5 zoning district. The applicant proposes to demolish the existing duplex to create Parcels 2 and 3 as vacant developable land. As a condition of approval, prior to recordation of the partition plat, the applicant shall demolish the existing duplex. All future development of Parcels 2 and 3 will be reviewed for compliance with setbacks at the time of building permits.

1.7 In any land division for single-dwelling unit residential or middle housing development, 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.

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 proposed lots in compliance with the requirements of the development code.

As discussed under finding 1.4 and 1.5 above, the proposed lots 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 the lots within the proposed subdivision.

b. 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. All proposed parcels are less than double the minimum lot size of 10,000 square feet.

c. ADC 11.090(3) states 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. No double-frontage lots are proposed.

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

the curve. No changes are proposed to the perimeter lot line. All parcels will have side yards that will run at right angles to the street the property faces.

- 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.
- 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. A 5-foot-wide sidewalk along the western portion of the proposed access easement serving Parcels 1 and 2 with a connection to public sidewalk along Gibson Hill Road is proposed. Therefore, this standard is met.
- 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 development does not include townhomes on a cul-de-sac. 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. The application does not include a flag lot. 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 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 RS-10 zoning.

Criterion 2

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

Findings

- 2.1 The proposal will divide a single ±0.54-acres property into two parcels: Parcel 1 at 13,182 square feet and Parcel 2 at 10,291 square feet.
- 2.2 The proposed partition would divide the entire parcel owned by the applicant.

Conclusions

- 2.1 There is no other remainder of land to consider. The land within the parent property will all be allocated to the two proposed parcels.
- 2.2 This review criterion is satisfied without conditions.

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.

The subject property currently has access to Gibson Hill Road. The proposed partition will create two parcels. Parcel 1 will have frontage on and direct access to Gibson Hill Road and Parcel 2 will have not frontage but access by easement to Gibson Hill Road. One share access encroachment is proposed.

- 3.3 ADC 12.090 states that Except for lots created by a middle housing land division, creation of easements to provide access to the public street system shall be approved when the applicant has demonstrated that all of the following criteria have been met: (1) No more than two residentially zoned parcels or uses will be served by the proposed access easement; (2) There is not enough room for a public right-of-way due to topography, lot configuration, or placement of existing buildings; and (3) The City Engineer has determined that there is no need for a public street in this location.

As shown in the tentative partition plat, only two parcels will be served by the proposed access easement. The subject property is approximately 86 feet west of the Pulver Lane intersection and 188 feet depth which is less than the average block length or spacing for a public street. Therefore, the City Engineer has determined that there is no need for a public street in this location.

- 3.4 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. 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 adjoining land has, and will continue to have, access to public streets.
- 3.2 This review criterion is satisfied 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 Access for proposed Parcels 1 and 2 will be Gibson Hill Road via the creation of a 24-foot-wide access and utility easement.
- 4.2 The partition will widen the existing driveway approach to Gibson Hill Road and create a new shared driveway serving both parcels.
- 4.3 ADC Section 12.100(1) requires driveways serving more than one parcel be paved the full length of the shared portion. This partition will result in the creation of a shared driveway that is not currently paved the full length of the shared portion. Prior to recordation of the partition plat, the driveway approach will be widened at the location shown on the approved tentative partition plat, and pave or provide financial assurance for pavement of the shared portion of the driveway serving Parcels 1 and 2.
- 4.4 Gibson Hill Road NW is classified as a Minor Arterial Street and fully improved along the frontage of the subject property. Improvements include a drainage ditch and sidewalk, a vehicle travel lane in each direction and on-street bike lanes.
- 4.5 Based on the site's RS-10 zoning designation, the parcels being created with this partition can be developed in the future with detached single dwelling units or middle housing.
- The 11th edition of the ITE trip generation manual added Land Use Category 215, attached single family homes, which applies to duplexes, townhomes, etc. The rate for these uses is 7.20 vehicle trips per day and 0.57 trips during the p.m. peak hour per unit.
- At maximum density this development will create up to eight dwelling units. Construction of 8 units would add about 58 new vehicle trips per day to the public street system with five occurring during the peak p.m. traffic hour per day to the public street system.
- 4.6 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.

- 4.7 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 Albany's TSP does not identify any capacity or safety issues occurring along the frontage of this site.
- 4.2 The proposed development has the potential to generate 58 new vehicle trips per day. About five of those trips will occur during the PM peak traffic hour.
- 4.3 Access to proposed Parcels 1 and 2 will be via the creation of an access/utility easement to Gibson Hill Road.
- 4.4 A condition of approval will be required prior to the recordation of the partition plat. The applicant shall widen the existing driveway approach at the location shown on the approved tentative partition plat map, and pave or provide financial assurance for the placement of the shared portion of the driveway serving Parcels 1 and 2.

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

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main along the north boundary of the subject property within the Gibson Hill Road NW SE right-of-way.
- 5.2 The preliminary plan shows a new utility easement within the proposed access and utility easement providing access to the public sanitary sewer system in Gibson Hill Road.
- 5.3 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. Albany AMC 10.01.080(2) states that before the City will issue a Building Permit, the applicant must pay to the City the necessary System Development Charges and any other applicable fees for connection to the public sanitary sewer system.
- 5.4 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 extensions shall be in a dedicated street right-of-way (AMC 10.01.110(2)(b)). All parcels shall have independent sanitary sewer laterals.

- 5.5 The proposed partition will not negatively affect public sanitary sewer service to the existing home, or impact sewer service availability for future development on the created parcels.

Water

- 5.1 City utility maps show a 24-inch public water main along the north boundary of the subject property in the Gibson Hill Road NW right-of-way.
- 5.2 The preliminary plan shows a new utility easement within the proposed access and utility easement providing access to the public sanitary sewer system in Gibson Hill Road.
- 5.3 The proposed new lot must connect to the public water system upon development.
- 5.4 The proposed property partition will not negatively affect public water service to the existing home, or impact water availability for future development on the created parcels..

Storm Drainage

- 5.5 City utility maps show a 24-inch public storm drainage main along the north boundary of the subject property in the Gibson Hill Road NW right-of-way.
- 5.6 It is the property owner's responsibility to ensure 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.
- 5.7 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.
- 5.8 AMC 12.45.030 and 12.45.040 require that a post-construction stormwater quality permit shall be obtained prior to work commencing for all new development and/or redevelopment projects that create or replace 5,000 square feet or more of impervious surface area, including all phases of development.
- 5.9 Because more than 5,000 square feet of impervious surfaces will be created or replaced, the applicant must obtain a stormwater quality permit and construct stormwater quality facilities that meet all City Engineering Standards pertaining to stormwater quality.
- 5.10 The applicant has submitted a preliminary drainage plan that shows a private storm lateral from Marion Street to the subject property and a private detention system. Final design details for these storm drainage facilities will be reviewed in conjunction with the partition.

Before any work is done on or around a public storm drainage main the applicant must obtain an Encroachment Permit from the City's Engineering Division.

Conclusions

- 5.1 City Public sanitary sewer and water are available to serve the proposed development. The applicant must install water and sewer services to serve each of the proposed parcels at the time of development.
- 5.2 The applicant shall construct stormwater detention facilities to provide storm and flood-water controls. Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater detention facilities that comply with the City's Engineering Standards.
- 5.3 The applicant must obtain a stormwater quality permit for the project and construct stormwater quality facilities that satisfy the City's Engineering Standards.
- 5.4 Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system an Encroachment Permit must be obtained from the Public Works Department. Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.

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 According to Figure 4.410-1 of the ADC, the subject property is located outside the Airport Approach District.
- 6.2 Article 6: Steep Slopes. Comprehensive Plan Plate 7: According to Plate 7 of the Comprehensive Plan, the subject property is outside the Hillside Development District.
- 6.3 Article 6: Floodplains. Comprehensive Plan Plate 5: According to the FEMA Flood Insurance Rate Map, Community Panel No. 41043C0195H, dated December 8, 2016, the subject property is located out of 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 Article 7: Comprehensive Plan Plate 9: The subject site is not located in a historic district. There are no known archaeological sites on the property.

Conclusions

6.1 The subject property is not located within a special purpose district.

6.2 This criterion is satisfied without conditions.

III. Overall Conclusion

Based on the above analysis, the proposed Tentative Partition Plat application meets all the applicable review criteria as outlined above.

IV. Exhibits

A. Tentative Plat

1. Cover Sheet, Sheet C100
2. Existing Conditions/Demo Plan, Sheet C101
3. Tentative Partition Plat, Sheet C102
4. Preliminary Site Plan, Sheet C103
5. Preliminary Grading and Drainage Plan, Sheet C200
6. Preliminary Utility Plan, Sheet C300.

B. Preliminary Stormwater Report