



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

RL-03-24

July 2, 2024

Summary

This proposal is a request to combine two properties into one property. The subject properties are located at 606 & 616 6th Avenue SE, Linn County Assessor's Map No. 11S-03W-07AB, Tax Lots 05500 and 05600. 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 combine two existing lots into one.
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Applicant/Property Owner:	Cory Bontrager; 810 NW Scenic Wood Place, Albany, OR 97321
Applicant's Representative:	Jason Cota; K & D Engineering Inc, 276 NW Hickory Street, Albany, OR 97321
Address/Location:	606 & 616 6th Avenue SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-07AB Tax Lots 05500 & 05600.
Zoning:	Hackleman Monteith (HM)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	None
Total Land Area:	4,345 square feet
Existing Land Use:	Single Dwelling Unit and Vacant Land
Neighborhood:	Central Albany
Surrounding Zoning:	North: Hackleman Monteith (HM) East: Hackleman Monteith (HM), Office Professional (OP) South: Hackleman Monteith (HM), Residential Medium Density (RM) West: Hackleman Monteith (HM)
Surrounding Uses:	North: Single-Dwelling Units East: Single-Dwelling Units, Duplex, Railroad South: Single-Dwelling Units, apartment complex, Pacific Boulevard West: Single-Dwelling Units, triplex, Public Park
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 June 5, 2024, in accordance with ADC 1.220. At the time the comment period ended on June 20, 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 properties include portions of Lots 1 and 2 of Block 28 of Hackleman's Addition. The subject properties are identified on Linn County Assessor Map No. 11S-03W-07AB Tax Lots 05500 and 05600 (Attachment A). The sites have been assigned addresses of 606 and 616 6th Avenue SE.
- 1.2 The underlying zoning district of the subject property is Hackleman Monteith (HM). The HM district is intended primarily to preserve the existing residential character of the Hackleman and Monteith National Register Historic Districts. The average minimum detached single-dwelling unit lot size is 5,000 square feet.
- 1.3 Lot size in the HM zone depends on the proposed use and ranges in size from 1,500 square feet (townhomes), 5,000 square feet (single-dwelling unit detached, duplex, and triplex), to 7,000 square feet (cottage clusters and fourplexes). Both properties are substandard sized lots to support single-dwelling unit detached dwellings. After the proposed replat, the new lot will be approximately 4,315 square feet. Based on this, the lots will be more conforming than before.
- 1.4 According to ADC Table 3.190-1, the minimum setback standards in the HM zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), five-foot side (one story), six-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. 606 6th Avenue SE is developed with a single unit detached dwelling and 616 6th Avenue SE is vacant. 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. No urban conversion plan is required with this application as there would be no ability to further subdivide in a way that would require future streets.
- 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. Both properties have only one frontage, 6th Avenue SE. This standard does not apply.
- 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. The existing properties both have connections to the public street and will continue to do so after the adjustment. 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 or brings the lots more into conformance with regulations.
- 1.2 The proposed replat does not propose to create new blocks, intersections, or cul-de-sacs.
- 1.3 The proposed replat does not propose any double frontage lot.
- 1.4 The proposal meets the underlying development and lot and block standards of the HM 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 combines two existing lots into one. There is no remainder property under the same ownership.

Conclusion

- 2.1 The above criterion is satisfied, as there is no remainder 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 eight-inch public sanitary sewer main in 6th Avenue SE. City documents indicate the existing home is currently connected to the public sewer system in 6th Avenue SE.
- 5.2 The proposed property replat will not negatively affect public sanitary sewer services to the existing home, or impact sewer service availability for future developments on these parcels.

Water

- 5.3 City utility maps show an eight-inch public water main in 6th Avenue SE. The existing home is currently connected to the public water system.
- 5.4 The proposed property replat will not negatively affect public water services to the existing home, or impact water service availability for future development on these parcels.

Storm Drainage

- 5.5 City utility maps show a 12-inch public storm drainage main in 6th Avenue. Sixth Avenue is improved to City Standards.

- 5.6 The proposed property replat will not negatively affect public storm drainage services to the existing home 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 utility services 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# 41043C0213H, dated December 8, 2016) the subject property is located outside of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.3 Article 6 Hillside Development Overlay District: According to Chapter 11, Plate 7 of the Comprehensive Plan, the subject property is not located in the Hillside Development District.
- 6.4 Article 6 Riparian Corridor Overlay District: The subject property is not located within a Riparian Corridor Overlay District.
- 6.5 Article 6 Significant Wetlands Overlay District: The subject property is not located within a Significant Wetlands Overlay District.
- 6.6 Article 6 Habitat Assessment Overlay District: The subject property is not located within the Habitat Assessment Overlay District.
- 6.7 Historic and Archaeological Resources. According to Chapter 11, Plate 9 of the Comprehensive Plan, both properties are located in the Hackleman Historic District. Address 606 6th Avenue SE is developed with a house that was constructed in 1910, making it an eligible resource in the Hackleman Historic District. The applicant does not propose any changes to the structure at this time. If changes to 606 6th Avenue SE are proposed, a historic review will be required. There are no known archeological sites on the subject properties.

Conclusions

- 6.1 No development is proposed that would impact special purpose overlay districts.
- 6.2 This criterion is met without conditions.

Overall Conclusion

As proposed, the application for tentative replat to combine two existing lots into one satisfies all applicable review criteria as outlined in this report.

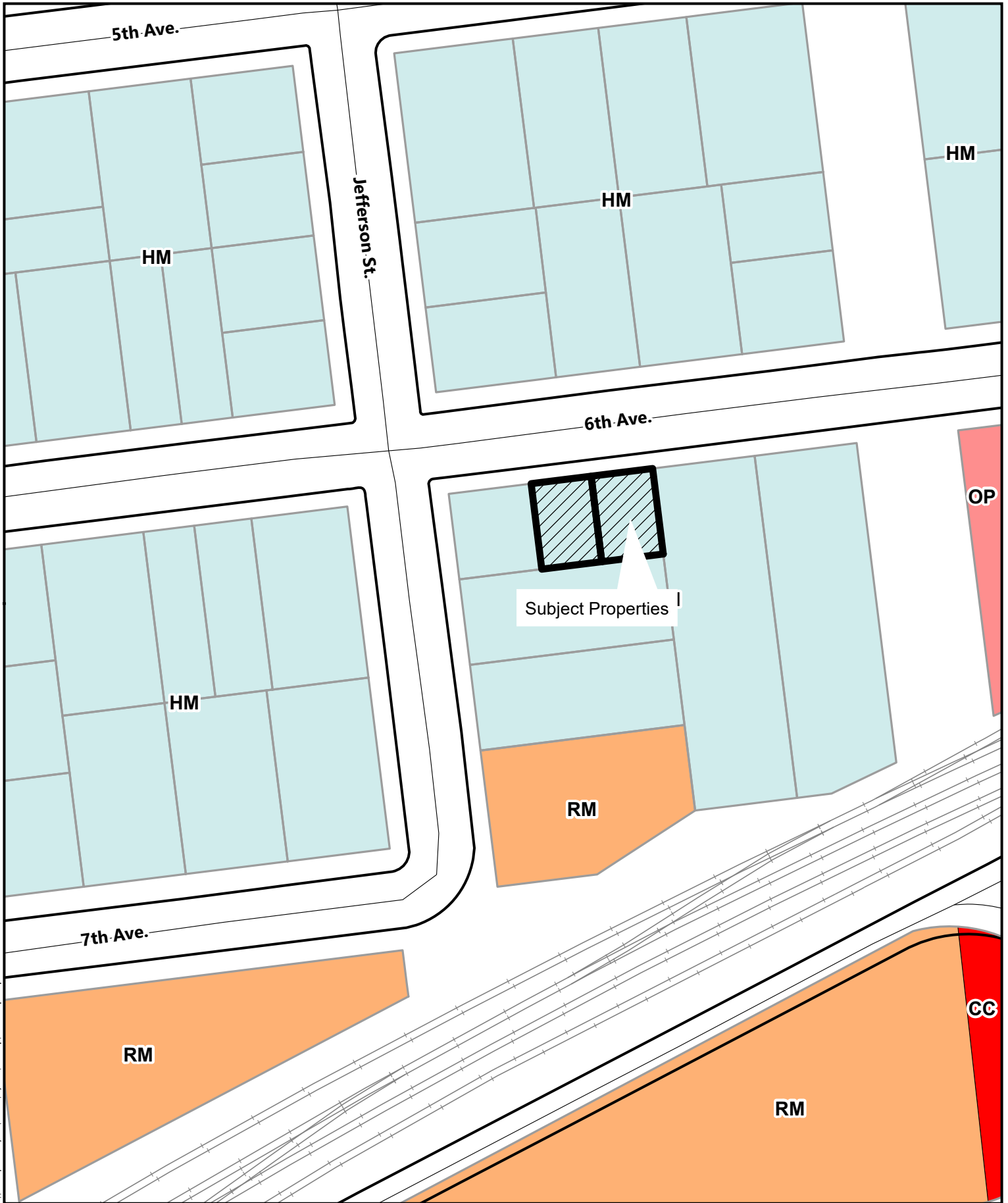
Attachments

- A. Location Map
B. Proposed Tentative Replat

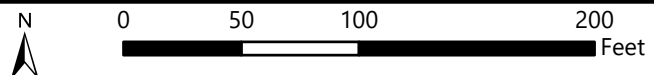
Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency

FIRM	Flood Insurance Rate Map
HM	Hackleman Monteith Zoning District
NWI	National Wetland Inventory
OP	Office Professional Zoning District
ORD	Ordinance
RL	Replat File Designation
RM	Residential Medium Density Zoning District
SFHA	Special Flood Hazard Area



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606 & 616 6th Ave SE

Date: 5/13/2024 Map Source: City of Albany

Location Map

TENTATIVE REPLAT/ LOT CONSOLIDATION FOR COREY BONTRAGER

LOCATED IN
TAX LOT 5500+5600 OF MAP 115-3W-7AB
A PORTION OF LOT 1 AND A PORTION OF LOT 2
OF BLOCK 28, CITY OF ALBANY, IN THE
NW 1/4 NE 1/4 SEC. 7, T. 11S., R. 3W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

APRIL 8, 2024

APPLICANTS/SITE ADDRESS:

TAX LOT 5500
CORY+VENESA BONTRAGER
606 6TH AVE SE
ALBANY, OR 97321
TAX LOT 5600
CORY+VENESA BONTRAGER
616 6TH AVE SE
ALBANY, OR 97321

OWNERS:

COREY+VENESA BONTRAGER
810 NW SCENIC WOOD PL
ALBANY, OR 97321

SURVEYOR:

K+D ENGINEERING INC.
276 HICKORY ST. NW
ALBANY, OR 97321
541-928-2583

TAX LOT INFORMATION:

TAX LOT 5500+5600
MAP 115-3W-7AB

SITE ZONING:

HM -- HACKLEMAN MONTEITH

FLOOD ZONE:

SUBJECT PROPERTIES ARE LOCATED OUTSIDE OF
THE 100 YEAR FLOOD ZONES PER FEMA FIRM MAP
41043CO213H DATED DECEMBER 8, 2016.








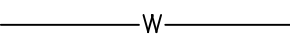
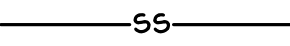
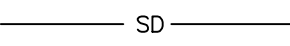


TOPOGRAPHY DATA:

TOPOGRAPHY, BOUNDARY LINES, AND
EXISTING UTILITIES ARE BASED ON CITY OF
ALBANY GIS DATA.

STATISTICS:

TAX LOT 5500	
ORIGINAL AREA:	2,161 SF
TAX LOT 5600	
ORIGINAL AREA:	2,223 SF

LEGEND:

-  EXISTING UTILITY POLE
-  EXISTING VALVE
-  EXISTING FIRE HYDRANT
-  EXISTING CATCH BASIN
-  EXISTING MAN HOLE
-  EXISTING LIGHT POLE
-  EXISTING WATER METER
-  EXISTING WATER LINES
-  EXISTING SEWER LINES
-  EXISTING STORM DRAIN LINES
-  EXISTING FENCE
-  FOUND MONUMENT

