



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Tentative Partition Plat and Site Plan Review for Tree Felling

PA-03-24/ SP-06-24

May 6, 2024

### Summary

This request is for Tentative Partition Plat Review to divide a 0.50-acre parcel into two parcels and Site Plan Review for the felling of 17 trees.

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 and a Site Plan Review for Tree Felling.
Review Body:	Staff (Type I-L Review)
Property Owner/Applicant:	Moises Moreno, 1033 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:	2336 Jackson Street SE, Albany, OR 97321
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-18AB Tax Lot 1600
Zoning:	RS-6.5 (Residential Single-Dwelling Unit)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	None
Total Land Area:	0.50 acres
Existing Land Use:	Vacant
Neighborhood:	Sunrise
Surrounding Zoning:	North: RS-6.5 (Residential Single-Dwelling Unit) East: RM (Residential Medium Density) South: RS-6.5 (Residential Single-Dwelling Unit) West: RS-6.5 (Residential Single-Dwelling Unit)
Surrounding Uses:	North: Single dwelling units East: Multiple 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 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 300 feet of the subject properties on March 22, 2024, in accordance with ADC 1.220. At the time the comment period ended on April 5, 2024, the Albany Planning Division received one comment.

**PUBLIC COMMENT:** Public comment was received from Cole Croft of 2358 Jackson Street SE expressing concerns about access to his property.

**STAFF RESPONSE:** As there is not a recorded reciprocal access easement shared between your property and the subject property, your concern is a civil matter.

## 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-6.5 (Residential Single-Dwelling Unit District). The RS-6.5 zoning district is intended primarily for low-density residential urban development.
- 1.2 The subject site is comprised of one tax lot totaling 0.50 acres: Assessor's Map No. 11S-03W-18AB Tax Lot 1600.
- 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). Parcel 1, as proposed, will be approximately 8,158 square feet in size and proposed Parcel 2 will be approximately 13,426 square feet. The proposed lots are currently vacant. The proposed lots will exceed the minimum property size.
- 1.4 The minimum width standard for the RS-6.5 zone is 20 feet for townhomes, and 50 feet for all other uses. Proposed Parcel 1 will be 68 feet wide and proposed Parcel 2 will be 92 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-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 zero for zero lot line dwellings. Maximum height is 30 feet and maximum lot coverage is 60 percent. Proposed Parcels 1 and 2 are vacant and development standards will be reviewed for conformance at time of building permit.

- 1.6 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.
- 1.7 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.
- 1.8 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. Proposed Lot 1 is more than double the minimum lot size of 6,500 square feet as it contains the flag stem serving both Lots 1 and 2.
- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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 4.5-foot-wide sidewalk through Proposed Lots 1 and 2 with a connection to the public sidewalk along Jackson Street SE. This standard is satisfied.
- 1.13 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. Proposed Parcel 1 will be a flag lot with a 24-foot-wide stem. Both parcels will share a 28.5-foot-wide access and utility easement with access to Jackson Street SE. The applicant states the access easement will be recorded with the plat.
- 1.14 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 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 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 Jackson Street SE.
- 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. Both lots will be vacant. A concurrent application shows a fourplex being constructed on each resulting parcel.
- 4.2 Jackson Street SE is classified as a local street, and except for a sidewalk, is improved to city standards. Improvements include curb and gutter, a vehicle travel lane in each direction, and on-street parking along both sides of the street.
- 4.3 Based on the applicant's concurrent site development plan, each parcel will be developed with a fourplex. When fully developed, the two lots together can be expected to generate approximately 54 vehicle trips per average weekday, four of which will occur during the peak PM traffic hour.
- 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 Parcel 1 and 2.
- 4.6 ADC 12.290 requires the installation of a public sidewalk along the frontage of all new development projects that require a land use decision.

### 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 proposed development will result in approximately 54 new vehicle trips per day and four PM peak hour trips on the public street system.
- 4.3 The development will result in the creation of a shared driveway serving proposed Parcels 1 and 2.

ADC 12.100(1) requires that shared driveways be paved for the full length of the shared portion.

- 4.4 The proposed project involves a land use decision, and as a result, a sidewalk must be installed along the site's frontage on Jackson Street SE to comply with ADC 12.290.
- 4.5 This criterion is satisfied with conditions.

### Conditions

- Condition 1 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.
- Condition 2 Prior to or with recording of the plat map, the application shall construct a sidewalk to city standards along the site's frontage on Jackson Street SE 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 eight-inch public sanitary sewer main in Jackson Street. The property is undeveloped but currently served with public sanitary 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 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 extension shall be in a dedicated street right-of-way (AMC 10.01.110 (2)(b)). All parcels shall have independent sanitary sewer laterals.

#### *Water*

- 5.5 City utility maps show an 8-inch public water main in Jackson Street SE. The property is undeveloped but currently served with public water.
- 5.6 ADC 12.410 requires all new development, including single dwelling units, to extend and connect to the public water system when service is available within 150 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.
- 5.7 Before a building permit is issued, the applicant must pay to the City, or arrange for financing of, the required System Development Charges and other applicable fees or charges for connection to the public water system. The rates for these charges are set by Council Resolution (AMC 11.01.100 (2)).

#### *Storm Drainage*

- 5.8 City utility maps show no piped public storm drainage facilities in Jackson Street SE. Marion Street SE (west of the site) shows a 21-inch public storm drainage system. Jackson Street SE is improved to city standards with curb and gutter.
- 5.9 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. 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.

- 5.10 ADC 12.530 states that the review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer.
- 5.11 AMC 12.45.030 and 12.45.040 require that 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, where more than 8,100 square feet of impervious surfaces will be created or replaced. (Ord. 5841 § 3, 2014).
- 5.12 Because this subject project is under 1-acre, post-construction stormwater quality is not required for this project.
- 5.13 The applicant has submitted a preliminary drainage plan that shows a private storm lateral from Marion Street SE to the subject property and a private detention system. Final design details for these storm drainage facilities will be reviewed in conjunction with the subdivision. 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 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 must provide stormwater detention facilities for the proposed development.
- 5.3 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.
- 5.4 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.

### Conditions

- Condition 3 Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system for each parcel an Encroachment Permit must be obtained from the Public Works Department.
- Condition 4 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.
- Condition 5 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.

### 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. 41043C0527G, dated September 29, 2010, 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.

## Tree Felling Review Criteria (ADC 9.206)

For property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the application demonstrates that all of the following review criteria are met:

### Criterion (1)

The critical root zone of each tree to be felled is no more than five feet from the proposed roads, driveways, utilities, and required site improvements of 10 feet from proposed residential building pads.

### Findings of Fact

- 1.1 According to the applicant, it is necessary to remove twelve trees on the subject site to construct the proposed residential development and associated site improvements efficiently and safely. The existing trees are less than 10 feet from proposed residential building pads. Seventeen of the trees indicated for removal are subject to ADC 9.204 because they are eight inches in diameter or larger.
- 1.2 The Existing Conditions Plan shows the locations of the trees along with their species and size (Attachment B.1).
- 1.3 Oregon Department of Forestry (ODF) permits are required only if commercial use of the felled trees will occur (e.g., logs or firewood are sold). The applicant has not indicated whether any felled trees would be sold.

### Conclusion

- 1.1 This criterion is met with a condition.

### Condition

- Condition 6 In the event the proposed development does not take place, the identified for removal on the Existing Conditions Plan (Attachment B.1) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

### Criterion (2)

The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code.

### Findings of Fact

- 2.1 According to the applicant, it is necessary to remove 17 trees on the subject site to construct the proposed residential development and associated site improvements on the subject property efficiently and safely.

- 2.2 Local ordinances regulating tree felling include ADC Section 9.205 through 9.208, and AMC Chapter 7.98. The trees proposed for removal are not listed as heritage trees, according to City records.
- 2.3 The subject property is not located within any Significant Natural Resource Overlay Districts.

### Conclusions

- 2.1 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 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.
- Condition 2 Prior to or with recording of the plat map, the application shall construct a sidewalk to city standards along the site's frontage on Jackson Street SE or provide financial assurance for the improvement.
- Condition 3 Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system for each parcel an Encroachment Permit must be obtained from the Public Works Department.
- Condition 4 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.
- Condition 5 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.
- Condition 6 In the event the proposed development does not take place, the identified for removal on the Existing Conditions Plan (Attachment B.1) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

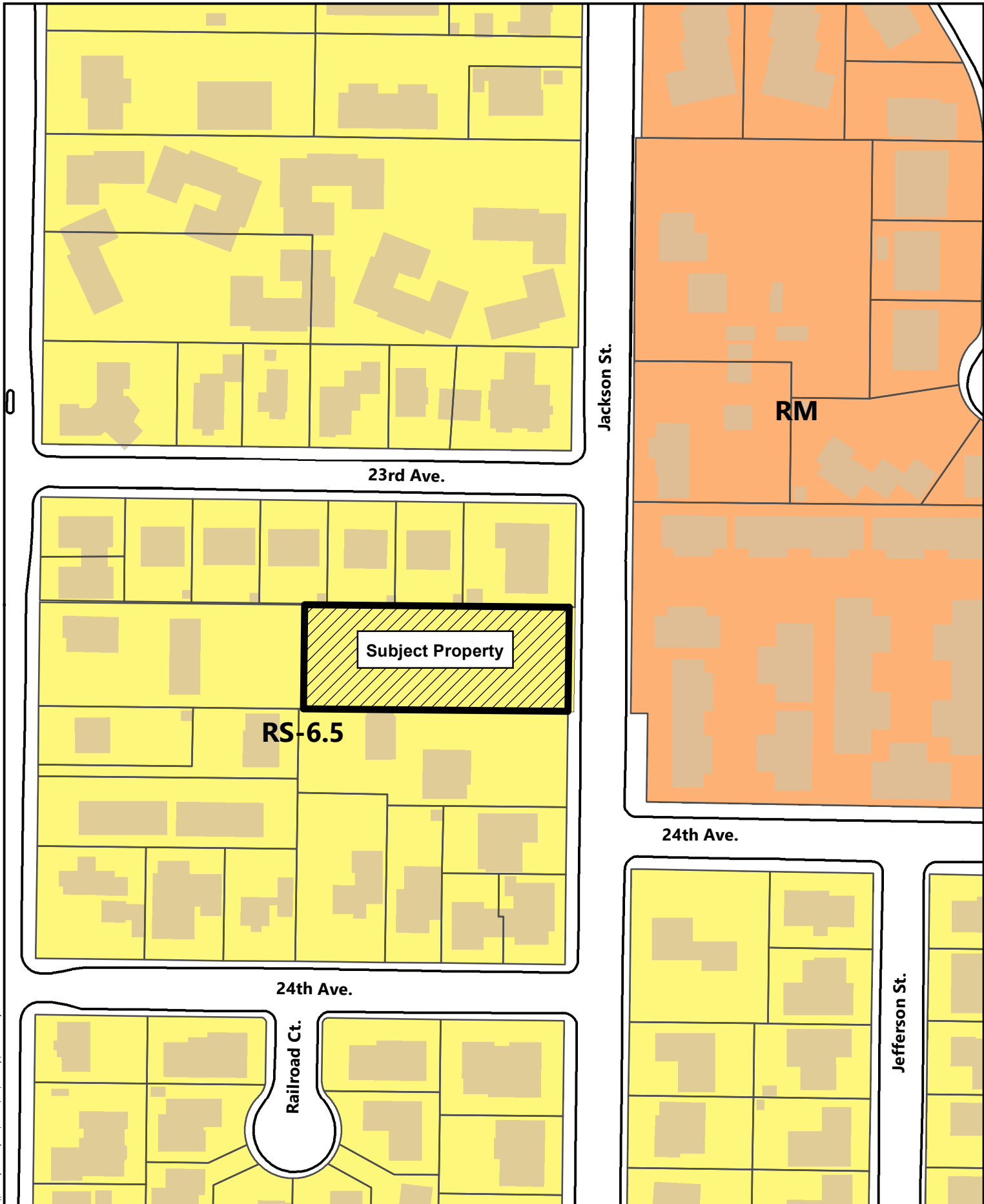
## Attachments

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

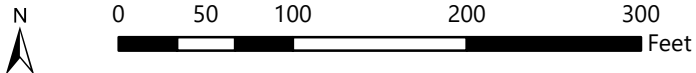
## Acronyms

- ADC Albany Development Code  
AMC Albany Municipal Code  
FEMA Federal Emergency Management Agency  
FIRM Flood Insurance Rate Map  
RS-6.5 Residential Single-Dwelling Unit District  
OS Open Space Zoning District  
SFHA Special Flood Hazard Area





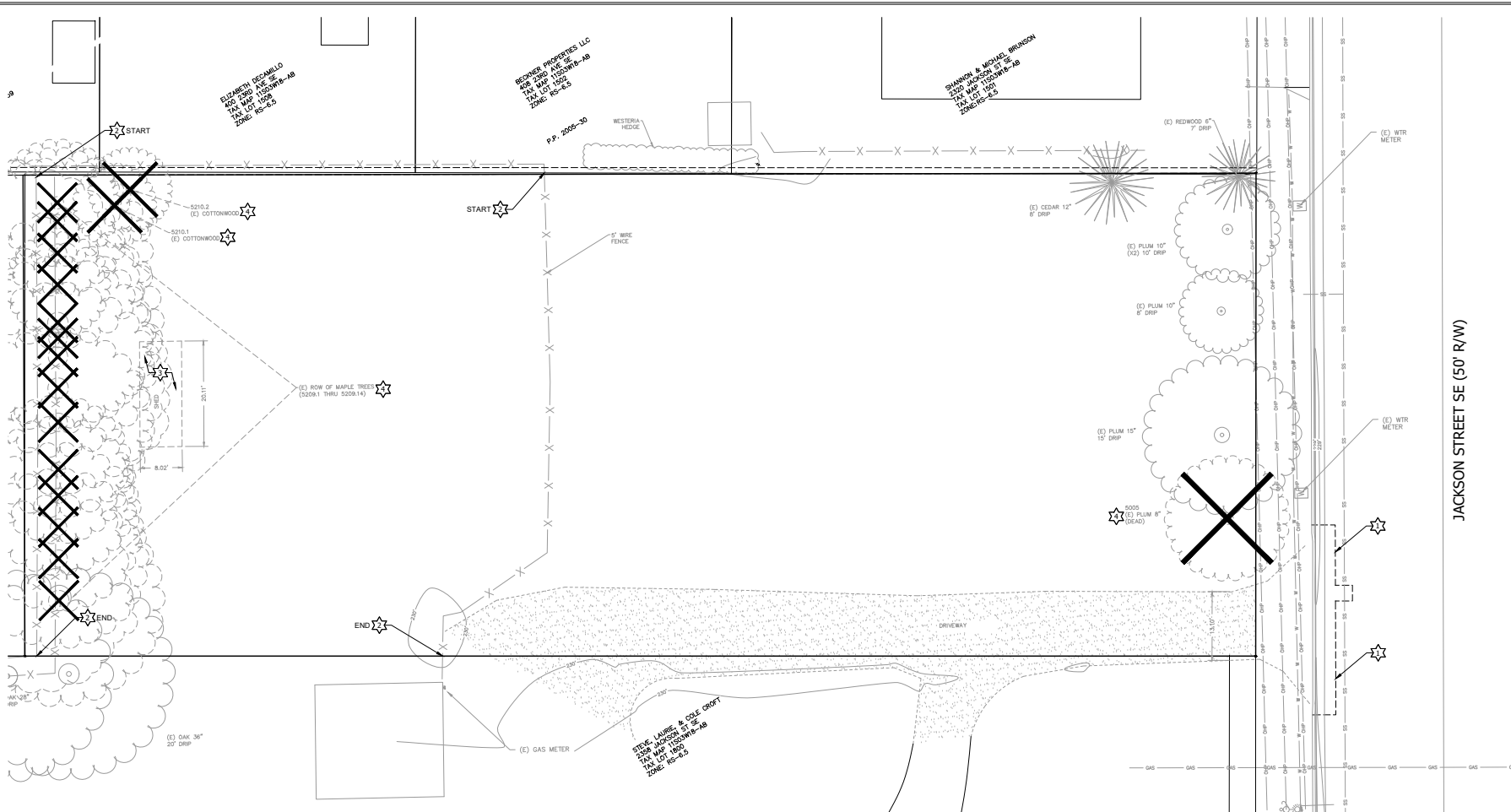
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Date: 2/27/2024 Map Source: City of Albany

2336 Jackson Street SE

Location / Zoning Map



JACKSON STREET SE (50' R/W)



CLIENT:

JOEL MORENO &  
MOISES C. MORENO  
34118 ORVILLE RD SW  
ALBANY, OR 97321  
(541) 222-3869

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC

63 EAST ASH ST.  
LEBANON, OREGON 97355  
(541) 451-5125 PH.  
(541) 451-1566 FAX

EXISTING CONDITIONS/DEMO PLAN  
MORENO JACKSON ST PARTITION  
2336 JACKSON ST.  
ALBANY, OREGON

DATE: 02/21/24  
PROJECT: 23128 MORENO JACKSON ST  
DRAWN BY: ATR  
CHECKED BY: NGV

**PROJECT VERTICAL DATUM -- NGVD 29**  
ALL ELEVATIONS ARE SHOWN ON THE VERTICAL DATUM OF NGVD 29. THE VERTICAL BENCHMARK USED FOR ESTABLISHING ELEVATIONS IS CITY OF ALBANY GPS CONTROL POINT 93269 LOCATED AT THE INTERSECTION OF 28TH AVE AND JACKSON ST. CONTRACTOR IS TO NOTIFY ENGINEER/SURVEYOR TWO WORKING DAYS PRIOR TO DISTURBING EXISTING SURVEY MONUMENT(S). SURVEYOR IS TO RESTORE PER COUNTY SURVEYOR REQUIREMENTS AND ORS 209.150.

THE LOCATION AND DESCRIPTIONS OF EXISTING UTILITIES SHOWN ON THE DRAWINGS ARE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE ENGINEER OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF SUCH RECORDS. CONTRACTOR SHALL FIELD VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT (503) 232-1987.

TREE REMOVAL SUMMARY					
TREE ID NUMBER	TREE SPECIES	TRUNK DIAMETER	TRUNK CIRCUMFERENCE	CANOPY	SIGNIFICANT
5210	COTTONWOOD	36"	113"	201 SF	YES
5209.1	MAPLE	6"4"x5"	47"	452 SF	NO
5209.2	MAPLE	7"4"x4"	47"	616 SF	NO
5209.3	MAPLE	3" (x4)	38"	1018 SF	NO
5209.4	MAPLE	4"x3"x3"	31"	314 SF	NO
5209.5	MAPLE	6"8"x5"	60"	1257 SF	NO
5209.6	MAPLE	7"6"x3"	50"	1018 SF	NO
5209.7	MAPLE	4" (x4)	50"	1134 SF	NO
5209.8	MAPLE	6"x3"x3"	38"	1257 SF	NO
5209.9	MAPLE	11"x11"x9"x8"	123"	1018 SF	YES
5209.10	MAPLE	7"6"x6"	60"	616 SF	NO
5209.11	MAPLE	6"x4"x3"	53"	707 SF	NO
5209.12	MAPLE	6"4"x3"x5"	57"	804 SF	NO
5209.13	MAPLE (DEAD)	3" (x3)	28"	908 SF	NO
5209.14	MAPLE	4" (x3)	38"	1257 SF	NO
5005	PLUM (DEAD)	8"	25"	452 SF	NO

- DEMOLITION NOTES**
- SAWCUT AND REMOVE A 2.0 FOOT STRIP OF EXISTING PAVEMENT TO ACCOMMODATE REMOVING AND REPLACING EXISTING CURB & GUTTER.
  - EXISTING FENCE TO BE REMOVED.
  - EXISTING SHED TO BE REMOVED.
  - EXISTING TREE TO BE REMOVED.

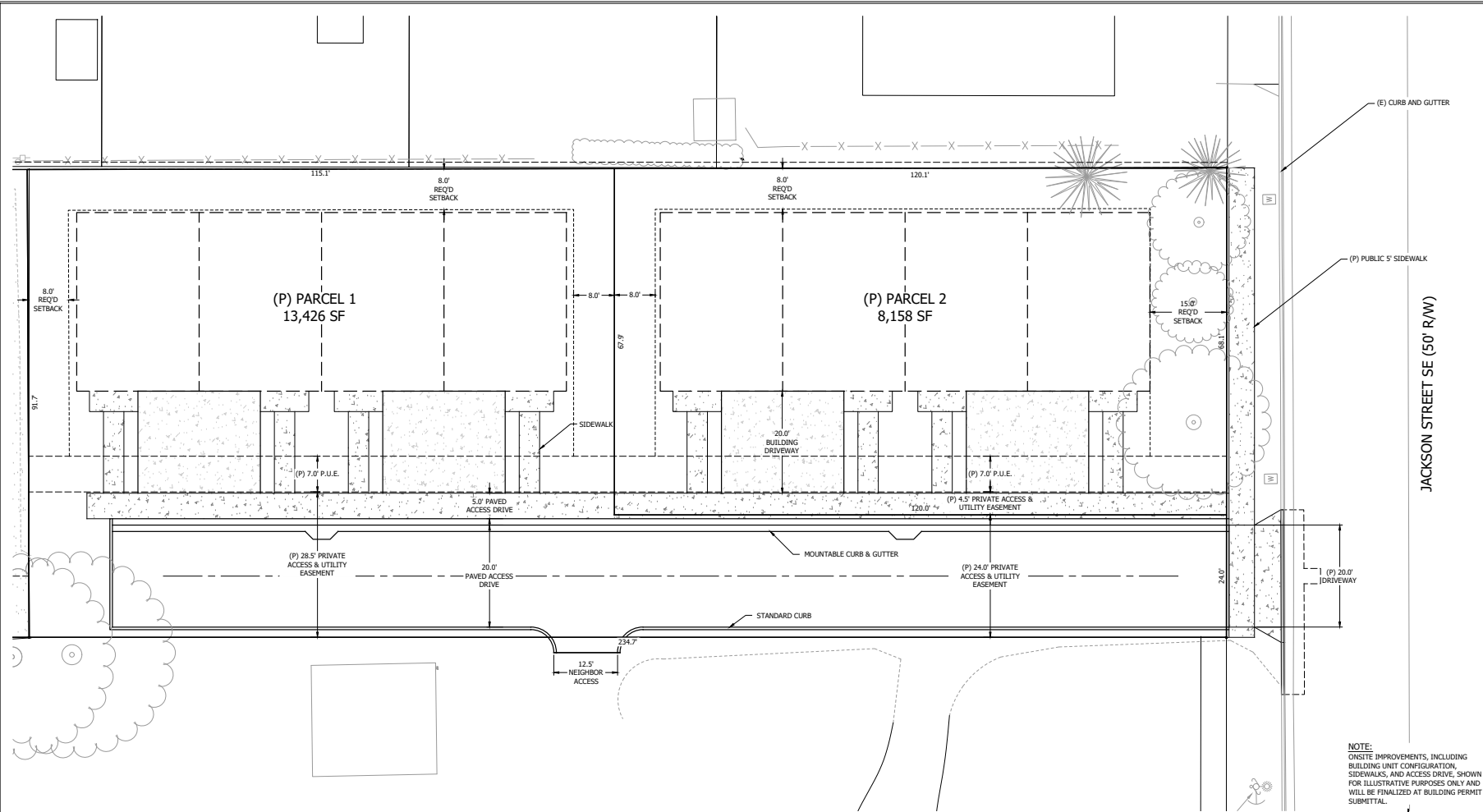
- TREE LEGEND**
- EXISTING DECIDUOUS TREE TO REMAIN
  - EXISTING EVERGREEN TREE TO REMAIN
  - EXISTING TREE TO BE REMOVED



PLAN REVISIONS	DATE

Sheet **C101**  
SCALE: SEE BARSCALE

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.



(E) CURB AND GUTTER

(P) PUBLIC 5' SIDEWALK

JACKSON STREET SE (50' R/W)

**NOTE:**  
ON-SITE IMPROVEMENTS, INCLUDING BUILDING UNIT CONFIGURATION, SIDEWALKS, AND ACCESS DRIVE, SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND WILL BE FINALIZED AT BUILDING PERMIT SUBMITTAL.



1 INCH = 80'

**PROPERTY INFORMATION**

ZONE: RESIDENTIAL (RS-6.5)  
 LAND USE: UNIMPROVED  
 OWNER: MOISES & ELAINE MORENO  
 ADDRESS: 2336 JACKSON STREET SE  
 ASSESSORS MAPS: 11S-03W-18AB  
 TAX LOT: 1600  
 AREA: 0.50 AC

PLAN REVISIONS	DATE



**CLIENT:**  
 JOEL MORENO &  
 MOISES C. MORENO  
 3418 OAKVILLE RD SW  
 ALBANY, OR 97321  
 (541) 227-3689

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON 97355  
 (541) 451-5125 PH.  
 (541) 451-1866 FAX

**PRELIMINARY SITE PLAN**  
 MORENO JACKSON ST PARTITION  
 2336 JACKSON ST.  
 ALBANY, OREGON

DATE: 02/21/24  
 PROJECT: 23128 MORENO JACKSON ST  
 DRAWN BY: ATR  
 CHECKED BY: RBY

THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

Sheet **C103**  
 SCALE: SEE BARS/SCALE

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## TENTATIVE PARTITION PLAT APPLICATION

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Submitted to:	City of Albany Planning Division P.O. Box 490 Albany, Oregon 97321-0144 541-917-7550 <a href="mailto:cd.customerservice@cityofalbany.net">cd.customerservice@cityofalbany.net</a>
Property Owner/Applicant:	Moises and Elaine Moreno 34118 Oakville Rd. SW Albany, OR 97321
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355 Laura LaRoque (541) 990-8661 <a href="mailto:laura@udelleng.com">laura@udelleng.com</a>
Site Location:	2336 Jackson Street SE, Albany, OR 97322
Linn County Assessor's Map No.:	11S-03W-18AB Tax Lot 1600
Site Size:	±0.50-acres
Existing Land Use:	Unimproved
Zone Designation:	Residential Single Family Attached (RS-6.5)
Comprehensive Plan Designation:	Residential Low Density
Surrounding Zoning:	North: RS-6.5 South: RS-6.5 East: RM West: RS-6.5
Surrounding Uses:	North: Single Dwelling Residential South: Single Dwelling Residential East: Multiple Dwelling Residential West: Multiple Dwelling Residential

I. **Executive Summary**

This application is for a Tentative Partition Plat to divide a single ±0.50-acre parcel into two parcels and Site Plan Review – Tree Felling to fell 17 trees larger than 25 inches in circumference in association with proposed development.

The subject property is addressed 2336 Jackson Street SE and identified as Linn County Assessor’s Map No. 11S-03W-18AB Tax Lot 1600. Parcels 1 and 2 are proposed to be 13,426 square feet and 8,158 square feet, respectively. Both parcels will share a 28.5-foot-wide access and utility easement with access encroachment onto Jackson Street right-of-way.

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 This application is for a Tentative Partition Plat to divide a single ±0.50-acre parcel into two parcels.
- 1.2 The subject property is addressed 2336 Jackson Street SE and identified as Linn County Assessor’s Map No. 11S-03W-18AB Tax Lot 1600.
- 1.3 The subject property is zoned RS-6.5. Per ADC 3.020(3) RS-6.5 District is intended primarily for a lower density residential environment. The average minimum detached single-family lot size is 6,500 square feet.
- 1.4 According to ADC 3.050, Schedule of Permitted Uses, the following residential uses are permitted in the RS-6.5 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 6,500 square feet for single-family detached and duplex dwelling types and 7,000 square feet for fourplex and cottage cluster units. The proposed resultant parcel sizes of 13,426 square feet and 8,158 square feet exceed the minimum development standards for single-family and middle housing residential uses.
- 1.5 According to Table 3.190-1 there is a 50-foot minimum lot width for development of the following dwelling types: single-family, detached; two single-family detached; duplex, triplex, fourplex, and cottage cluster. The width of the proposed Parcels 1 and 2 are 92-feet and 68-feet, respectively. Therefore, the parcels may be developed with any of the following dwelling types: single-family, detached; two single-family detached; duplex, triplex, fourplex, and cottage cluster.

- 1.6 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.
- 1.7 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 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. Parcel 1 will be more than double the minimum lot area of the RS-6.5 zoning district. As shown in the site plan, the proposed parcel configuration is intended to allow future construction of a 4-plex dwelling unit. Therefore, this standard is met.
- 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 with this development. This standard is not applicable.
- 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 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 is for infill development and 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. A 4.5-foot sidewalk connection is proposed from Parcels 1 and 2 with connection to public sidewalk along Jackson Street. 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 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.

Parcel 1 will be a flag lot with a 24-foot-wide flag stem. Parcel 2 will have 68-foot of frontage on Jackson Street. Both parcels will share a 28.5-foot-wide access and utility easement with access encroachment onto Jackson Street right-of-way. An access and utility easement will be recorded with or on the final plat. This standard is met.

- 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 proposal meets all lot and block length standards.
- 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 subject property is located at 2336 Jackson Street SE and is identified as Linn County Tax Assessor's Map no. 11S-03W-18AB Tax Lot 1600. All property included in this partition

is under the same ownership, and there is not any remainder of land to consider with this application.

- 2.2 The lots are not proposed to be further subdivided.

#### 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 The property currently has access to Jackson Street SE and the resultant parcels will have frontage on and access to Jackson Street SE.
- 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.
  - a. Properties to the North: The residential properties to the north of the subject property have direct access to 23<sup>rd</sup> Avenue SE.
  - b. Properties to the East: The residential properties to the east of the subject property have shared access to Jackson Street SE and 24<sup>th</sup> Avenue SE.
  - c. Properties to the South: The residential property to the south of the subject property has direct access to Jackson Street SE.
  - d. Properties to the West: The residential properties to the west of the subject property have direct access to Marion Street SE.
- 3.2 All 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 properties to the subject property have existing access to a public street in accordance with ADC 12.060. The proposed partition will not remove that access.
- 3.2 Adjoining land is land developed or can be developed in accordance with ADC 12.060.

3.3 This criterion is met.

#### 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 This application is for a Tentative Partition Plat to divide an ±0.50-acre parcel into two parcels.
- 4.2 The subject property is located at 2336 Jackson Street SE to the west of Jackson Street SE. As proposed, the parcels will have frontage on and access to Jackson Street SE.
- 4.3 ADC 12.060 requires all streets adjacent and interior to new development be improved to City standards. The city can accept a petition for Improvement/Waiver of Remonstrance if the City Engineer determines that the construction of street improvement is not timely.
- 4.4 Jackson Street SE is classified as a Local Street and is partially improved to city standards. Currently, a sidewalk is lacking along the frontage of the subject property.
- 4.5 Based on the site's RS-6.5 zoning designation, Parcels 1 and 2 can each be developed with single-family, detached; two single-family detached; duplex, townhouse, triplex, fourplex, or cottage cluster.  
  
The 11<sup>th</sup> 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 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.
- 4.2 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.
- 4.4 The development has a frontage on Jackson Street SE, which is open to traffic and classified as Local Street. Jackson Street SE is fully improved to City standards except for a sidewalk along the east boundary of the subject property.

#### 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 east boundary of the subject property within the Jackson Street SE right-of-way.
- 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 Albany Municipal Code (AMC) 10.01.010 (1) states the objective of the AMC 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.
- 5.4 To regulate connections to the public sewers, to ensure the proper installation of connections to the public sewers, and to ensure the property construction of private service laterals, no unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining an encroachment permit. (AMC 10.01.120).

##### Water

- 5.5 City utility maps show an 8-inch public water main along the east boundary of the subject property in the Jackson Street SE right-of-way.
- 5.6 ADC 12.410 requires all new development, including a single-dwelling residence, must extend and connect to the public water system when service is available within 150 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.
- 5.7 AMC 11.01.120(2) states that 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.

- 5.8 Water service installation permits will be obtained from the City's Public Works Department to the proposed parcel prior to recordation of the final plat.

#### Storm Drainage

- 5.9 City utility maps show a 21-inch public storm drainage main in Marion Street SE. Connection to this main will be provided via an access easement across 2325/2329/2331 Maion Street SE. This easement will be recorded with or on the final plat.
- 5.10 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.
- 5.11 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.
- 5.12 Roof drainage will be routed to the west and discharge to the existing storm drainage pipe within the Marion Street right-of-way. These private drainage pipes will lie within a private utility easement.
- 5.13 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 the extension is needed to provide service to upstream properties.
- 5.14 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.
- 5.15 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).

- 5.16 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).

#### Conclusions

- 5.1 City utilities (sanitary sewer, water, and storm drainage) are available to the subject property.
- 5.2 Sanitary sewer service laterals must be constructed to the resultant parcels. Sewer lateral installation is the responsibility of the developer.
- 5.3 Water services must be installed to the resultant parcel. City personnel install water services two inches and smaller. Water service installation permits must be obtained before any of the water services are installed.
- 5.4 Storm drainage services must be constructed to the resultant parcels. Storm drainage service installation is the responsibility of the developer.
- 5.5 Because the subject property is less than one acre, stormwater quality facilities are not required for this project.

#### 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 not located within the Airport Approach District.
- 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: Steep Slopes. Comprehensive Plan Plate 7: does not show any steep slopes on the subject property.
- 6.4 Article 6: Floodplains. Comprehensive Plan Plate 5: The applicable Flood Insurance Rate Map (FIRM) for the subject site is Community Panel No. 41043C0526G, dated September 9, 2010. Based on this FIRM, the subject property is located out of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.5 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.



6.6 Article 7: Historic Districts. 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 the special purpose districts described in Article 7 (Historic).
- 6.2 The subject property is not located within a special purpose district described in Article 7 (Riparian Corridor Overlay).
- 6.3 The subject property is not located within the Article 4 (Airport Approach) special purpose district nor subject to the height restrictions of ADC 4.420.
- 6.4 This review criterion is met.

### III. Site Plan Review – Tree Felling Decision Criteria (ADC 9.206)

According to ADC 9.206, for property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the applicant demonstrates that the review criteria can be met.

Section 9.206 of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in **bold** followed by findings, conclusions, and conditions of approval, where conditions are necessary to meet the review criteria.

#### Criterion 1

**The critical root zone of each tree to be felled is no more than five feet from proposed roads, driveways, utilities, and required site improvements, or 10 feet from proposed residential building pads.**

#### Findings and Conclusions

- 1. According to ADC 9.204, Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.
- 2. According to ADC 9.205, the review criteria under ADC 9.205 or ADC 9.206, replace the Site Plan Review criteria found in ADC 2.450 and 2.455 for the purpose of reviewing tree felling.
- 3. According to ADC 9.206, for property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205.

4. The Tree Felling Site Plan Review has been submitted concurrent with a Tentative Partition Plat application for a 2-parcel partition.
5. The Existing Conditions/Demo Plan shows the locations of all on-site trees along with their species and size as well as the location of proposed development (See Sheet C101).
6. As shown in the Existing Conditions/Demo Plan, it is necessary to remove 17 trees (greater than 25 inches in circumference) on the subject site to construct the proposed residential development and associated site and utility improvements efficiently and safely. If not removed, the trees would be severely impacted during development and if retained, would prevent the proposed development on the subject property.
7. In the event proposed development does not take place, the trees proposed for removal on the Existing Conditions/Demo Plan shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

**Criterion 2**

**The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code.**

Findings of Fact

8. The applicable Albany Development Code sections are as follows:
  - a. ADC Table 1.100-1 which includes the below table sections:

Application/Action	Procedure Type	Decision Body	Pre-App. conference required	Neighborhood Mtg. Required	Applicable Sections
Tree Removal	I-L	CDD	Yes*	No	9.204, 9.205

- i. \*Unless waived by the Community Development Director (CCD)
9. The Type I procedure type for a tree removal per ADC 9.205 is missing from ADC Table 1.100-1. Despite this oversight, City staff will process the submitted application pursuant ADC 9.206 and the Type I review procedure listed in Article 1 of the Albany Development Code, which include issuance of a notice of decision by the Community Development Director.
10. In accordance with ADC Table 1.100-1, a pre-application meeting was held on June 7, 2023, to discuss the development proposal and associated tree felling (See PR-19-23).
11. Per ADC Table 1.100-1, a neighborhood meeting was not required or conducted in association with this request.
12. Findings pertaining to ADC 9.204 and 9.205 are included above in Criterion 1 and included herein by reference.

13. Tree regulations are found in Chapter 7.98 of the Albany Municipal Code. The applicable sections are as follows:

- a. AMC 7.98.030(6): Unless removal is expressly authorized by a land use action or approval issued by the City of Albany, it shall be unlawful to remove any tree larger than or equal to 6.5 feet in circumference (approximately 25 inches in diameter), public or private, within the City of Albany city limits without first making application to the City of Albany and obtaining a permit or as otherwise authorized by this code
- b. AMC 7.98.404(2): A permit shall be obtained from the City Forester, applying criteria contained in AMC 7.98.180, for the removal of individual trees equal to or greater than six and one-half feet in circumference on all property within the city limits of the City of Albany.
- c. AMC 7.98.100(2): Additional tree removal permits are not required for any trees that have been authorized for removal in an approved site plan review processed in accordance with the Albany Development Code.
- d. AMC 7.98.120: The Parks, Recreation, and Tree Advisory Commission may designate certain trees as “heritage trees” within the City with the consent of the owner(s) of record. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. The Parks, Recreation, and Tree Advisory Commission shall have the authority to determine, select, and identify such trees that qualify as heritage trees. Once a tree is designated as a heritage tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and removed as such. Heritage trees may not be removed without the express consent of the Parks, Recreation, and Tree Advisory Commission.
- e. AMC 7.98.205: Permit application fees for removal permits shall be established by Council resolution.
- f. AMC 7.98.215: When removing trees under a permit or site plan approval, precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process.

The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees:

- 1) *Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.*
- 2) *Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of four feet tall, secured with metal T-posts, no closer than six feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris, or fill within the fenced tree protection zone.*
- 3) *During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.*

- 4) *No damaging attachment, wires, signs, or permits may be fastened to any protected tree.*
- 5) *Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way, and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (2) of this section. This may be accomplished by placing metal T-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.*
- 6) *The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the table below.*

<i>Auger Distances for Installation of Utilities</i>	
<i>Tree Diameter at Breast Height (inches)</i>	<i>Auger Distance from Face of Tree (feet)</i>
<i>8-9</i>	<i>5</i>
<i>10-14</i>	<i>10</i>
<i>15-19</i>	<i>12</i>
<i>Over 19</i>	<i>15</i>

14. Per AMC 7.98.030(6), AMC 7.98.404(2), AMC 7.98.100(2), and ADC 9.204, this Site Plan Review – Tree Felling application was submitted for review and approval.
15. There are no heritage trees on the subject property, therefore, the provisions of AMC 7.98.120 are not applicable.
16. In accordance with AMC 7.98.205, the paid application fee was based on the adopted fee schedule.
17. The provisions of AMC 7.98.215 are reviewed in association with an Erosion Prevention and Sediment Control (EPSC) plan, which will be reviewed and approved by the Public Works Department prior to on-site work.
18. All applicable City Ordinances to tree felling have been adopted as regulations in the Albany Development and Albany Municipal Code.

**IV. Overall Conclusion**

Based on the above analysis, the proposed Tentative Partition Plat and Site Plan Review – Tree Felling applications meet all the applicable review criteria as outlined above.

**V. 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

## Olmstead, Liz

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**From:** Cole Croft <ccroftc@gmail.com>  
**Sent:** Tuesday, April 2, 2024 2:23 PM  
**To:** Olmstead, Liz  
**Subject:** Notice of Filing comments

**[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]**

Hello Liz,

My name is Cole Croft and I'm the property owner at 2358 Jackson St SE. I'm writing about the notice that I received regarding the Tentative Partition Plat at 2336 Jackson St SE.

My property is the one that shares the ajoined driveway that runs between my house and up to the detached garage. When reviewing the information regarding the notice and the plans for construction, I noticed that the access to my property was restricted, blocking me from entering.

The plans show that the road being constructed for utility access, etc, only allows me to get to the detached garage but not the front access to the house. My property does have two access points from Jackson Street, one of them being smaller than the main proposed entrance for the road construction, but it's steep and narrow. This will be difficult for my elderly parents that reside at the property to come and go.

For visual context, I've submitted an ariel photo of my property with the areas of concern:





I've added red circles with numbers to explain how the tentative plans affect me and my elderly parents.

#1 is the small narrow access that we have from Jackson St which is rarely used. There are blind spots and its dangerous to pull out to the road. If the tentative plans went into effect, this would be the only way to get to the front part of the house. It would cost thousands of dollars to remedy.

#2 the plans show this access to the property is just road with a curb built in and no access to my home. This is the primary access point due to its width and ease of use. As mentioned, the plans, to my understanding, don't even include this.

#3 the plans show the is the only access to my property from the road construction. The proposed with is only 12 feet. This is an issue and inhibits future plans for property construction. and needs to be widened to accomodate equipment, etc.

This is a summary of my concerns and I hope it's sufficient enough detail to show how these current plans drastically change how my parents and I access our property for the worse if these plans go through.

Additionally, I've submitted my comments as mentioned in the Notive ofm Filing to the Planning Division.

To conclude, my main concerns are access and plans for future development. For futur, the creation of a shared driveway should also consider the potential for future development or changes to the properties involved. Adequate planning can help avoid conflicts as properties are developed or subdivided in the future.

Fair access in the context of shared driveways in Oregon refers to ensuring that all parties involved have equitable and unobstructed access to the shared driveway. This principle is essential for maintaining harmonious relationships among property owners and preventing disputes over driveway usage.

1. **Non-Discrimination:** Fair access means that all property owners sharing the driveway should have equal rights to use it without discrimination or preferential treatment. This includes respecting each owner's right to ingress (enter) and egress (exit) from their property without hindrance from others.
2. **Clear Right-of-Way:** The shared driveway should provide a clear and unobstructed right-of-way for each property owner to access their respective properties. This may require establishing specific guidelines for parking, loading/unloading, and other activities to prevent blocking access for others.
3. **Communication and Cooperation:** Fair access relies on effective communication and cooperation among property owners. Owners should be considerate of each other's needs and coordinate activities that may impact driveway usage, such as construction projects or deliveries.
4. **Shared Maintenance:** Property owners should share the responsibility for maintaining the shared driveway in a manner that ensures fair access for all parties. This includes promptly addressing any maintenance issues, such as potholes, snow removal, or vegetation overgrowth, that could impede access.
5. **Conflict Resolution:** In the event of disputes or conflicts related to driveway access, fair and impartial mechanisms for resolving disagreements should be in place. This may involve

mediation, arbitration, or legal recourse to ensure that access rights are upheld and disputes are resolved amicably.

6. **Respect for Easements:** If the shared driveway is established through an easement, all parties should respect the terms and conditions outlined in the easement agreement. This includes adhering to any restrictions or obligations regarding driveway usage and maintenance.
7. **Consideration for Emergency Access:** Fair access also encompasses considerations for emergency situations. Property owners should ensure that emergency vehicles have unimpeded access to all properties connected to the shared driveway, which may involve maintaining clear access points and adhering to local fire safety regulations.

Overall, fair access in shared driveways involves fostering a culture of mutual respect, cooperation, and adherence to established agreements to ensure that all parties can access their properties safely and efficiently. By prioritizing fair access, property owners can minimize conflicts and promote a positive living environment within their shared community.

Thank you for your time,

Cole Croft / 541-905-5042

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