



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

PA-09-24

December 6, 2024

Summary

This request is for a Tentative Partition Plat Review to divide an 8.60-acre parcel into two parcels. The subject property is addressed 4400 Spicer Drive SE and is identified as Linn County Assessor Map: 11S-03W-09D Tax Lot 900. Parcel 1, as proposed, will be 2.19 acres. Parcel 2, as proposed, will be 6.41 acres and will retain the existing dwelling.

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 parcels.
Review Body:	Staff (Type I-L Review)
Property Owner/Applicant:	Farmworker Housing Development Corporation; C/O Carmen Fernandez 1274 Fifth Street Suite 1-A, Woodburn, OR 97071
Applicant's Representative:	Udell Engineering and Land Surveying LLC; C/O: Laura LaRoque, 63 E Ash Street, Lebanon, OR 97355; laura@udelleng.com
Address/Location:	4400 Spicer Road SE
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-09D Tax Lot 900
Zoning:	RM (Residential Medium Density)
Comprehensive Plan:	Residential High Density
Overlay Districts:	Wetlands; Airport Approach District
Total Land Area:	8.60 acres
Existing Land Use:	Residential
Neighborhood:	East Albany
Surrounding Zoning:	North: RM (Residential Medium Density) East: EFU (Exclusive Farm Use) South: EFU (Exclusive Farm Use) West: UGA-UGM-5 (Urban Growth Area-Urban Growth Management-5 Acre Minimum)
Surrounding Uses:	North: Single dwelling units East: Single dwelling unit/Farm South: Farm West: Single dwelling unit/Farm
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 November 15, 2024, in accordance with ADC 1.220. At the time the comment period ended on November 29, 2024, the Albany Planning Division 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 Article.

Findings of Fact

- 1.1 The underlying zoning district of the subject lot is RM (Residential Medium Density). The RM zoning district is intended primarily for medium-density residential urban development. Lot size in the RM zone depends on the proposed use, and ranges in size from 1,500 square feet (townhomes), 3,500 square feet (single-dwelling unit detached, duplex and triplex), to 7,000 square feet (cottage clusters and fourplexes).
- 1.2 The subject property consists of 8.60 acres and is developed with a single dwelling unit. The applicant proposes to create two parcels; Parcel 1 consisting of 2.19 acres, and Parcel 2 consisting of 6.41 acres and will contain the existing dwelling unit.
- 1.3 The minimum width standard for the RM zone is 20 feet for townhomes, and 30 feet for all other uses. Proposed Parcel 1 will be 417 feet wide and proposed Parcel 2 will be 497 feet wide. The proposed lots will exceed the minimum width standard.
- 1.4 According to ADC Table 3.190-1, the minimum setback standards in the RM zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 10-foot side (one story), 10-foot side, (two plus stories), or zero for zero lot line dwellings. Maximum height is 45 feet and maximum lot coverage is 70 percent. The subject property is currently developed with a detached single dwelling unit. The applicant proposes to create two lots with Parcel 1 consisting of 2.19 acres and Parcel 2 consisting of 6.41 acres and will contain the existing detached single dwelling. Based upon the site plan submitted by the applicant, (Attachment B) the new property lines will meet the required setbacks of the RM zoning district. All future development of Parcel 1 and 2 will be reviewed for compliance with setbacks at the time of building permits.
- 1.5 All land divisions must comply with the lot and block standards found in ADC Article 11.090. These findings 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. Both Parcels 1 and 2 meet and/or exceed the minimum standards for properties located within the RM zoning district. This standard is met.

- 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. Both Parcel 1 and 2 exceed double the minimum area designated in the RM zone. The applicant submitted an urban conversion plan for Parcel 2 depicting how the lot may be further developed in the future. The submitted urban conversion plan shows Parcel 2 is arranged to allow for further subdivision and possible road alignments that are compatible with future right-of-way requirements. The applicant has submitted a separate land use review for the development of Parcel 1 which proposes to encompass the entire 2.19 acres. This standard is met.
- 1.8 ADC 11.090(3) states double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. The subject property, as it sits today, has a double frontage onto Creel Avenue and Spicer Drive. The subject property is also to contain the future extension of Goldfish Farm Road to Spicer Drive. The proposed partition will create Parcel 1 with a double frontage, Creel Avenue and Goldfish Farm Road. The location of the extension of Goldfish Farm Road is aligned to mitigate any future development along the future arterial. This standard is met.
- 1.9 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All proposed parcels have side yards that run at right angles to the street the property faces.
- 1.10 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.
- 1.11 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. Parcel 1 will be created with an existing connection to Creel Avenue and the future connection to Goldfish Farm Road. Parcel 2 will be created so that it maintains its existing connection to Spicer Drive. No new parcels are created that do not provide a public street connection. This standard is met.
- 1.12 ADC 11.090 (7) provide standards for cul-de-sacs. The proposed development does not include townhomes on a cul-de-sac. This standard is not applicable.
- 1.13 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 is not feasible or not practical. The proposed partition will not create a flag lot. This standard is met.
- 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. The applicant's narrative states: "No development is proposed in association with this application. A Site Plan Review application for development on Parcel 1 is under simultaneous review. The development proposal includes a new intersection at Creel Avenue and Goldfish Farm Road." The dedication of Goldfish Farm Road and half street dedication along Creel Avenue are required as part of this partition; therefore, this standard applies. A condition of approval is applied, whereas prior to the recordation of the final plat, the application shall provide evidence that the dedicated right-of-way along Creel and Goldfish Farm Road shall have at least a 20-foot radius along the curb line.

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 or cul-de-sacs.
- 1.4 The proposed partition will create a double frontage lot with the dedication of Goldfish Farm Road right-of-way.
- 1.5 The proposal meets the underlying development and lot and block standards of the RM zoning district with conditions.

Condition

- Condition 1 Prior to the recordation of the final plat, the applicant must dedicate right-of-way, as shown on the tentative plat along Goldfish Farm Road and Creel Avenue with a 20-foot minimum curb radius.

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 proposal will divide a single 8.60-acre property into two parcels; Parcel 1 at 2.19 acres; and Parcel 2 at 6.41 acres.
- 2.2 The proposed partition would divide the entire parcel owned by the applicant.
- 2.3 The property owner does not propose any further subdivisions of the property.

Conclusions

- 2.1 There is no other remainder of land to consider. The land within the parent parcel will 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 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 The subject property currently has access to Spicer Drive SE and Creel Avenue. The future extension of Goldfish Farm Road to Spicer Drive is proposed through the subject property.
- 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 the adjoining land has, and will continue to have, access to public streets.
- 3.2 This criterion is met without conditions.

Criterion 4

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

Findings of Fact

- 4.1 The proposed partition will divide one parcel of land into two parcels with an existing home to remain on Parcel 2.
- 4.2 The subject property is located at 4400 Spicer Drive and has frontage onto Creel Avenue, Goldfish

Farm Road, and Spicer Drive.

- 4.3 Creel Avenue a 40-foot-wide local street and contains half street improvements on the northern side of the right-of-way. The southern portion of Creel Avenue, abutting the subject property, does not currently meet City standards for curb, gutter, and sidewalk.
- 4.4 The required frontage improvements to Creel Avenue will be required when development occurs upon Parcel 1.
- 4.5 The subject property currently accesses Spicer Drive via an existing driveway that serves a single detached residential dwelling.
- 4.6 Spicer Drive is classified as an arterial right-of-way under Linn County's jurisdiction and is not improved to City standards. The existing right-of-way is 60 feet with 30 feet of pavement providing for a single vehicle travel lane in each direction.
- 4.7 All frontage improvements to Spicer Road will be required when development occurs upon Parcel 2.
- 4.8 Goldfish Farm Road is classified as a minor arterial and is improved to city standards to the north of the site. Albany's Transportation System Plan (TSP) identifies Goldfish Farm Road (L13) extending through the subject property to Spicer Road. The East Albany Plan shows Goldfish Farm Road following the existing public water main alignment.
- 4.9 The applicant's proposal includes full width right-of-way dedication of Goldfish Farm Road to Spicer Road that conforms with the TSP project. Right-of-way dedication will need to include a minimum curb radius of 200 feet on any horizontal curves.
- 4.10 Albany's TSP does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.11 Section 12.060 and 12.200 of the Development Code requires that public streets within and adjacent to a development to be improved to city standards. When the City Engineer determines that improvement of the street is not timely, the City may accept a Petition for Improvement/Waiver of Remonstrance for participation in a future assessment district.
- 4.12 The extension of Goldfish Farm Road across the property frontages of Parcel 1 and 2 will be required when development occurs independently on each parcel.

Conclusions

- 4.1 The proposed development is for a two-parcel partition.
- 4.2 Albany's TSP does not identify any level of service or congestion issues adjacent to the proposed development.
- 4.3 Improvement of public streets that adjoin new development is a requirement of ADC 12.060 and 12.200. The City Engineer determined that improvement of the street is not timely, the City may accept a Petition for Improvement/Waiver of Remonstrance for participation in a future assessment district. Street improvements to Creel Avenue, Goldfish Farm Road, and Spicer Drive will be required when development occurs on those lots.

Conditions

- Condition 2 Prior to the recordation of the final plat, the applicant shall dedicate 14 feet of right-of-way along Creel Avenue.
- Condition 3 Prior to the recordation of the final plat, the applicant shall dedicate right-of-way as shown on the tentative plat along Goldfish Farm Road with 200-foot minimum horizontal curves radius.
- Condition 4 Prior to the recordation of the final plat, the applicant shall provide a Petition for Improvement-Waiver of Remonstrance for participation in an assessment district for the improvement of the future public street along Creel Avenue, Goldfish Farm Road, and Spicer Drive.

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 Goldfish Farm Road. The subject property is currently served with public sanitary sewer.
- 5.2 The Albany Municipal Code (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 Albany Development Code (ADC) 12.470 requires all new development to extend and/or connect to the public sewer main. The applicant is showing an extension of the public sanitary sewer across the frontage of Parcel 1 with development on the preliminary utility plan.
- 5.4 Where a property abuts more than one street or right-of-way, sewer mains shall be extended for the full length of the property frontages along the rights-of-way for all frontages, unless it is determined that the extensions on the frontages from which service is not being taken are not currently needed to provide service to other properties, and that those sewer mains may be completed at a future time. If the City Engineer authorizes a delay in construction of sewer mains, the property owner(s) must sign a Petition for Improvements and Waiver of Remonstrance that commits the property to participate in a future local improvement district (AMC 10.01.100(5)(d)).

Water

- 5.5 City utility maps show an 8-inch public water main in Creel Avenue and a 24-inch public water main in Goldfish Farm Road that runs through the subject property within a 15-foot public utility easement. The property is not currently connected to the public water system.
- 5.6 ADC 12.410 requires all new development, including a single-family residence, must extend and/or connect to the public water system when service is available within 150 feet of an adequate public main. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.
- 5.7 The existing dwelling on Parcel 2 shall connect to the public water system.
- 5.8 The proposed Parcel 1 must connect to the public water system upon development.

Storm Drainage

- 5.9 City utility maps show a 15-inch and 21-inch piped public storm drainage facilities in Creel Avenue. The northern portion of Creel Avenue and Goldfish Farm Road are improved to city standards with curb and gutter.
- 5.10 ADC 12.580 states that all new development within the city must, where appropriate, provide for the extension of existing storm sewer lines or drainageways service surrounding areas. Extensions may be required along all frontages and/or through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties.
- 5.11 Storm drainage systems must be extended with the Goldfish Farm Road improvements.
- 5.12 The proposed partition and future development of Parcels 1 and 2 will not impact access to the public storm system.

Utilities General

- 5.13 The ADC requires all utility lines, cables, or wires to be placed underground within land that is subdivided or prepared for development. The subject property does not propose any development with this application. At the time of development all utility lines, cables, or wires are to be placed underground. This standard is met.

Conclusions

- 5.1 The applicant will need to provide a Petition for Improvements and Waiver of Remonstrance for deferral of construction of public sanitary sewer system until time of parcel development.
- 5.2 The applicant must connect the existing house to the public water system.

Conditions:

- Condition 5 Prior to the recordation of final plat, the applicant must sign a Petition for Improvements and Waiver of Remonstrance for construction of public sanitary sewer in Goldfish Farm Road.
- Condition 6 Prior to the recordation of final plat, the applicant shall connect the existing house to the public water 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 located in the conical area of the Airport Approach District. The conical area slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. The partition application does not propose any vertical development. This standard is met.
- 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. 41043C0531G, dated September 29, 2010, the subject property is in Zone A. The subject property has an approved Letter of Map Amendment (Attachment D) which has removed the subject property from the Special Flood Hazard Area (aka 100-year floodplain).
- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6* shows the presence of wetlands on the subject property. The proposed partition does not include any land development. Any future development may be reviewed for the protection of the inventoried wetlands.
- 6.5 Article 6: Significant Natural Resource Overlay Districts. *Comprehensive Plan, Plate 3* shows that the property is not located in a significant natural resource overlay district.
- 6.6 Historic and Archaeological Resources. *Comprehensive Plan, Plate 9* shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 The subject property is located within the Airport Approach District. The proposal does not propose any vertical development.
- 6.2 The subject property appears upon the FEMA FIRM as located within Zone A. The subject property has an approved Letter of Map Amendment, which removes the property from the Special Flood Hazard Area.
- 6.3 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 recordation of the partition plat, the applicant must dedicate right-of-way, as shown on the tentative plat, along Goldfish Farm Road and Creel Avenue with a 20-foot

minimum curb radius.

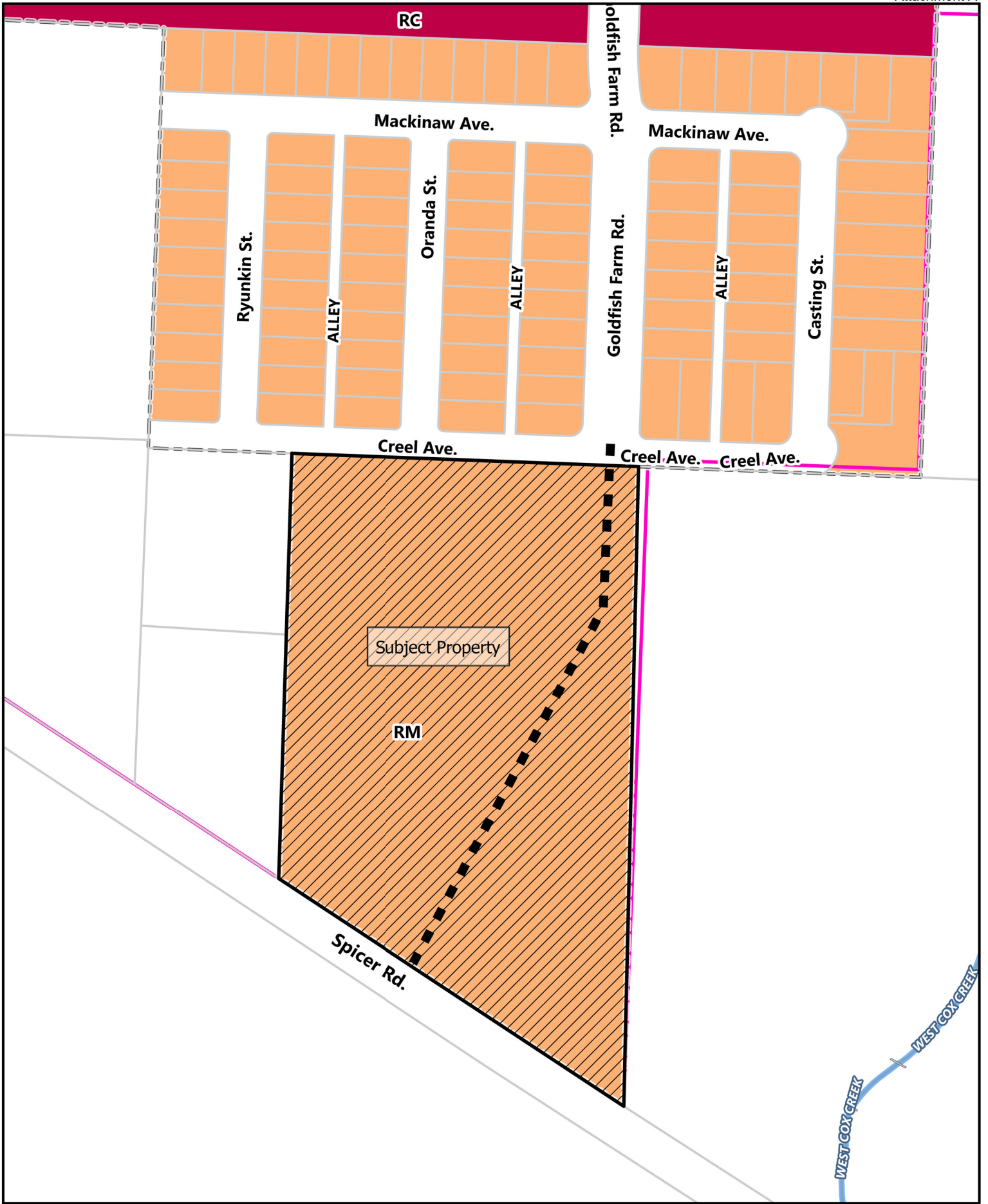
- Condition 2 Prior to the recordation of the final plat, the applicant shall dedicate 14 feet of right-of-way along Creel Avenue.
- Condition 3 Prior to the recordation of the final plat, the applicant shall dedicate right-of-way as shown on the tentative plat along Goldfish Farm Road with 200-foot minimum horizontal curves radius.
- Condition 4 Prior to the recordation of the final plat, the applicant shall provide a Petition for Improvement-Waiver of Remonstrance for participation in an assessment district for the improvement of the future public street along Creel Avenue, Goldfish Farm Road, and Spicer Drive.
- Condition 5 Prior to the recordation of final plat, the applicant must sign a Petition for Improvements and Waiver of Remonstrance for construction of public sanitary sewer in Goldfish Farm Road.
- Condition 6 Prior to the recordation of final plat, the applicant shall connect the existing house to the public water system.

Attachments

- A. Location Map
- B. Proposed Tentative Partition Plat
- C. Applicant's Narrative
- D. FEMA LOMA

Acronyms

- ADC Albany Development Code
AMC Albany Municipal Code
EFU Exclusive Farm Use
FEMA Federal Emergency Management Agency
FIRM Flood Insurance Rate Map
RM Residential Medium Density
SFHA Special Flood Hazard Area
TSP Transportation Systems Plan
UGA-UGM-5 Urban Growth Area-Urban Growth Management-5-acre Minimum



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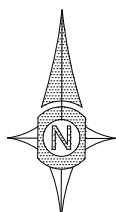
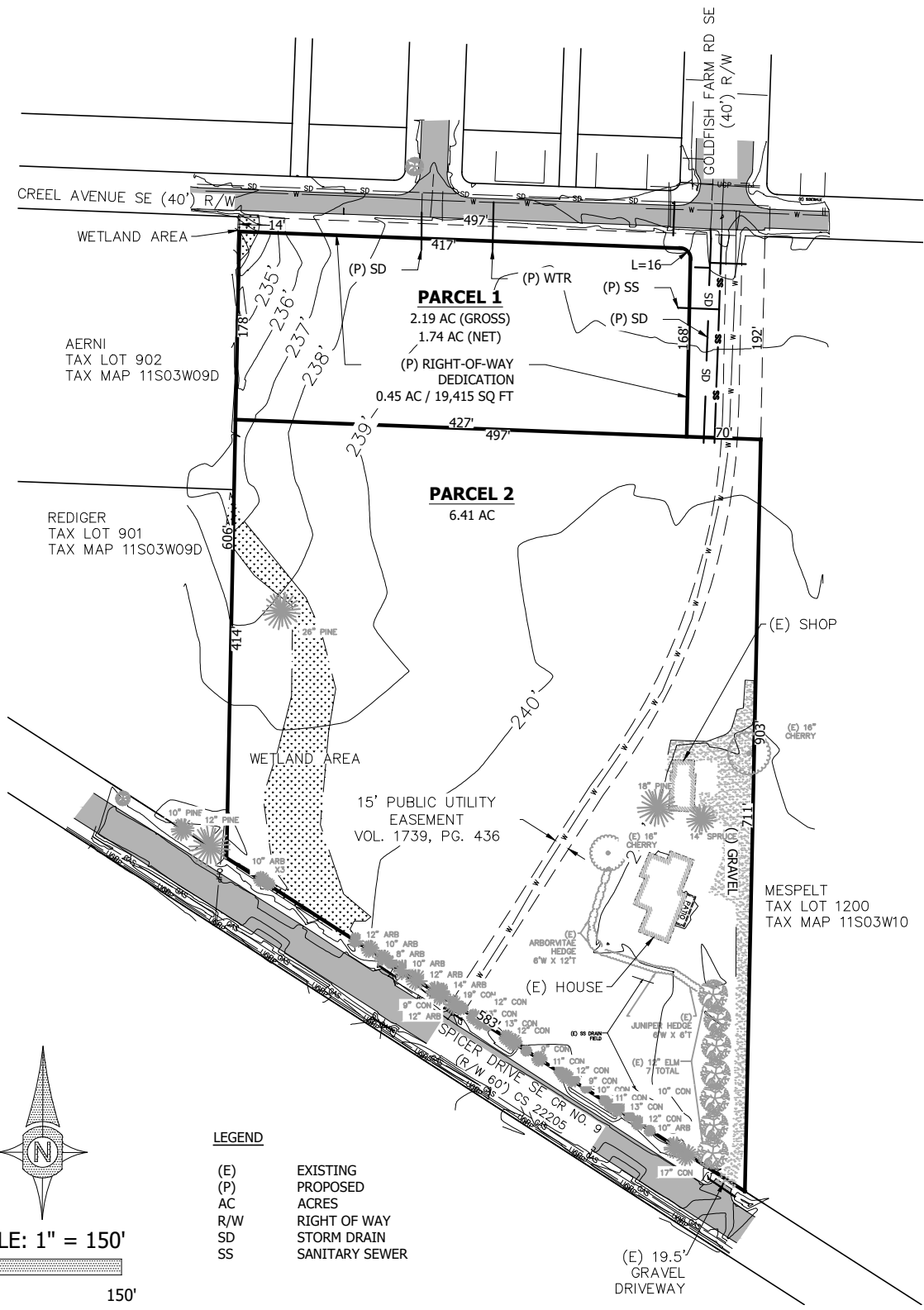


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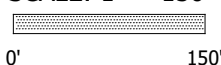
Date: 10/30/2024 Map Source:

4400 Spicer Road

Location Map



SCALE: 1" = 150'



LEGEND

- (E) EXISTING
- (P) PROPOSED
- AC ACRES
- R/W RIGHT OF WAY
- SD STORM DRAIN
- SS SANITARY SEWER

SHEET 1
of 1



10-02-2024
24-074
FARMWORKER PP
Drawn: KWD
Checked:

TENTATIVE PARTITION MAP
FARMWORKER HOUSING
DEVELOPMENT SERVICES
4400 SPICER RD
ALBANY, OR 97321

UDELL ENGINEERING &
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON,
97355 541-451-5125

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:	Farmworker Housing Development Corporation 1274 Fifth Street Ste. 1-A Woodburn, OR 97071 Carmen Fernandez (503) 981-1618 carmenfernandez@fhdc.org
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355 Laura LaRoque (541) 990-8661 laura@udelleng.com
Site Location:	4400 Spicer Road SE, Albany, OR 97322
Benton County Assessor's Map No.:	11S-03W-09D Tax Lot 900
Site Size:	±8.61-acres
Existing Land Use:	Single Dwelling Unit
Zone Designation:	Residential Medium Density District (RM)
Comprehensive Plan Designation:	Residential High Density
Surrounding Zoning:	North: RM South: EFU (outside Albany UGB) East: EFU (outside Albany UGB) West: UGA-UGM-5 (inside Albany UGB)
Surrounding Uses:	North: Residential South: Farm East: Rural Residential West: Rural Residential

I. Executive Summary

The applicant “Farmworker Housing Development Corporation” request approval of a Tentative Partition Plat application to divide a ±8.61-acres into two parcels. Proposed Parcel 1 and 2 are to be ±2.19 acres and ±6.41-acres, respectively.

The subject property is identified as 4400 Spicer Drive SE and Linn County Assessor’s Map No. 11S-03W-09D Tax Lot 900. The site is entirely within the Residential Medium Density Zone district and has frontage on Creel Avenue SE and Spicer Drive SE.

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 application is for a Tentative Partition Plat to divide the subject property into two parcels. Proposed Parcel 1 and 2 are to be ±2.19 acres and ±6.41-acres, respectively.
- 1.2 The subject property consists of an ±8.61-acre site that is developed with a single residential dwelling unit.
- 1.3 The subject property has an assigned address of 4400 Spicer Drive SE and is identified as Linn County Assessor’s Map No. 11S-03W-09D Tax Lot 900.
- 1.4 The subject property is zoned RM. Per ADC 3.020(5) the RM District is intended primarily intended for medium-density residential urban development.
- 1.5 According to ADC 3.050, Schedule of Permitted Uses, the following residential uses are permitted in the RM 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 7,000 square feet for a fourplex and cottage cluster units to 1,500 for townhouse development.

A Site Plan Review application for development on Parcel 1 is under simultaneous review. Parcel 2 is improved with a single residential dwelling unit. Proposed Parcel 2 is ±6.4 net acres, which exceeds the minimum development standards for development of the following dwelling types: single-dwelling, two detached single dwellings; duplex, triplex, fourplex, and cottage cluster.
- 1.6 According to Table 3.190-1 there is a 20-foot minimum width standard for townhouses and 30-foot minimum width standard for development of all other uses.

Proposed Parcel 1 and 2 will have a parcel width of 417-feet and 497-feet, respectively; therefore, exceeding the minimum width standards all permitted uses in the RM zoning district.

- 1.7 According to ADC Table 3.190-1, the minimum setback standards in the RM zoning district are as follows: 15-foot front (building), 20-foot front (vehicle entrance), 10-foot side, unless the provisions of 9.210 or 8.270(3) apply. Maximum height is 45 feet and maximum lot coverage is 70 percent.

No development is proposed in association with this request. A Site Plan Review application for development on Parcel 1 is under simultaneous review. Proposed Parcel 2 is developed with a detached single dwelling unit. All setbacks to existing development exceed the minimum setback standards of the RM zoning district. Building height was reviewed in association with the building permit. Lot coverage is less than the maximum coverage standard of the RM zoning district.

- 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.

- 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 1.7 above, the proposed parcels meet the development standards of the underlying zoning.

- 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 2 is more than double the minimum area designated by the zoning district; therefore, an urban conversion plan has been submitted in association with this application, which indicates a future street connection from Creel Avenue to Spicer Drive SE.

- 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 includes a right-of-way dedication along the east property of Parcel 1. The urban conversion plan depicts a future street connection from Creel Avenue to Spicer Drive SE.
- 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.

No development is proposed in association with this application. A Site Plan Review application for development on Parcel 1 is under simultaneous review. The development proposal includes a ½ street improvement along the Creel Avenue property frontage, a right-of-way dedication along the east property frontage of Parcel 1, and full street improvements within the dedicated right-of-way.

- 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 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.

No development is proposed in association with this application. A Site Plan Review application for development on Parcel 1 is under simultaneous review. The development proposal includes a new intersection at Creel Avenue and Goldfish Farm Road.

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 proposal meets the underlying development and lot and block standards of the RM 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 ±8.61-acres property into two parcels. Proposed Parcel 1 and 2 are to be ±2.19 acres and ±6.41-acres, respectively.

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 Properties to the north are within a platted subdivision and have frontage public streets. The single property to the east has frontage on both Creel Avenue and Spicer Drive. The two properties to the west each have a frontage on a public street (Creel Avenue and Spicer Drive). The single property to the south has a frontage on Spicer Drive.
- 3.3 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 frontage on Creel Avenue SE and Goldfish Farm Road. Proposed Parcel 1 will retain frontage on Creel Avenue SE. A roadway dedication is proposed along the east property line of Parcel 1 that terminates at the north property line of proposed Parcel 2. Proposed Parcel 2 will retain frontage on and access to/from Spicer Drive.

- 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.

The Albany Transportation System identifies a planned future street extension across the subject property with new intersection at Creel Avenue and Spicer Drive. Included in this application is a proposed street dedication in association with development of Parcel 1 and an urban conversion plan depicting a future street alignment through Parcel 2.

No development is proposed in association with this application. A Site Plan Review application for development on Parcel 1 is under simultaneous review. The development proposal includes completion of a new intersection at Creel Avenue and Goldfish Farm Road and right-of-way termination at the north property line of proposed Parcel 2.

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 The subject property has frontage on both Creel Avenue and Spicer Drive. The proposal is to divide the subject property into two parcels: Parcel 1 having frontage along Creel Avenue and Parcel 2 having frontage along Spicer Drive.
- 4.2 The subject property is improved with a single residential dwelling unit. The dwelling unit has access to Spicer Drive. Once divided, the dwelling will be contained within Parcel 2 and will continue to utilize the existing driveway encroachment.
- 4.3 No development is proposed in association with this application. A Site Plan Review application for development on Parcel 1 is under simultaneous review. The development proposal includes a ½ street improvement along the Creel Avenue property frontage, a right-of-way dedication along the east property frontage of Parcel 1, and full street improvements within the dedicated right-of-way.

Conclusions

- 5.1 A Tentative Partition Plat denoting transportation improvement has been submitted that demonstrates conformance with standards of Article 12.

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 terminating at the site's north property line within the Goldfish Farm Road right-of-way.
- 5.2 The existing dwelling on proposed Parcel 2 is served by a private septic system.

- 5.3 No development is proposed in association with this application. A Site Plan Review application with preliminary utility plans for development on Parcel 1 is under simultaneous review.
- 5.4 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

- 5.5 City utility maps show an 8-inch public water main along the north boundary of the subject property in the Creel Avenue SE right-of-way; a 24-inch public water main through the subject property from Creel Avenue to Spicer Drive; and 24-inch public water main along the southwest boundary of the subject property in Spicer Drive.
- 5.6 No development is proposed in association with this application. A Site Plan Review application with preliminary utility plans for development on Parcel 1 is under simultaneous review.
- 5.7 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

- 5.8 City utility maps show a 15-inch public storm drainage main along the north boundary of the subject property in the Creel Avenue SE right-of-way; a 12-inch public storm drainage main terminating at the site's north property line within the Goldfish Farm Road right-of-way; and 12-inch public storm drainage main along the southwest boundary of the subject property in Spicer Drive.
- 5.9 No development is proposed in association with this application. A Site Plan Review application with preliminary utility plans for development on Parcel 1 is under simultaneous review.

Conclusions

- 5.1 Public sanitary sewer, water, and storm mains are available to both proposed parcels.

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. 41043C0531G, dated September 29, 2010, the subject property is located within the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain. However, a subsequent Letter of Map Amendment approved by the Federal Emergency Management Agency removes the subject from the SFHA (See LOMR Case No. 20-10-0492A).
- 6.4 Article 6: Wetlands. Comprehensive Plan Plate 6 shows the presence of wetlands on the subject property. The subject property is included in the Albany local wetlands inventory. 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 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 A Letter of Map Amendment approved by the Federal Emergency Management Agency removes the subject from the SFHA (See LOMR Case No. 20-10-0492A). Therefore, 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 Partition Plat, Sheet 1 of 1
- B. Urban Conversion Plan, Sheet 1 of 1



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF ALBANY, LINN COUNTY, OREGON	A parcel of land, as described in the Quit Claim Deed recorded as Document No. 2007-03103, in the Office of the County Clerk, Linn County, Oregon
	COMMUNITY NO.: 410137	
AFFECTED MAP PANEL	NUMBER: 41043C0531G DATE: 9/29/2010	
FLOODING SOURCE: COX CREEK TRIBUTARY		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.623304, -123.048886 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	4400 Spicer Drive SE	Property	X (unshaded)	238.5 feet	--	236.6 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

INTERVENING HIGH GROUND - NO FILL
ZONE A
STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

INTERVENING HIGH GROUND - NO FILL PLACED (This Additional Consideration applies to the preceding 1 Property.)

Although the subject of the determination is below the elevation of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), it is outside the Special Flood Hazard Area because of intervening high ground. Intervening high ground is natural high ground that exists between a property and/or structure and the flooding source, providing the property and/or structure protection against inundation from the base flood.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration