



COMMUNITY DEVELOPMENT

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

Staff Report

Tentative Partition Plat

RL-05-22

November 4, 2022

Summary

This proposal is a request to adjust existing platted lot lines between two adjacent parcels. The subject properties include 410 and 420 First Ave SW. The applicant is proposing to combine the two lots into one lot. Land Division criteria contained in Albany Development Code (ADC) 11.180 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Replat of two lots, moving an existing lot line
Review Body:	Planning Staff (Type I-L review)
Staff Report Prepared By:	Alyssa Schrems, project planner
Property Owner/Applicant:	Sable Drive LLC, C/O Scott Lepman, 100 Ferry St NW, Albany, OR 97321
Applicant's Representative:	Laura LaRoque; Udell Engineering & Surveying LLC 63 E. Ash St, Lebanon, OR 97355
Address/Location:	410 and 420 First Ave SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-06CC; Tax Lot 8100
Zoning:	Historic Downtown (HD)
Comprehensive Plan:	Village Center
Overlay Districts:	Downtown Historic District
Total Land Area:	10,159 square feet (total)
Existing Land Use:	Vacant - Printing Business and Hotel
Neighborhood:	Central Albany
Surrounding Zoning:	North: Historic Downtown (HD) East: HD South: HD West: HD
Surrounding Uses:	North: Commercial- Store East: Parking Lot South: Commercial- Store West: Commercial- Store
Prior History:	SP-95-94: Site Plan Review for a change of use from a dance studio and a bicycle shop to allow for the expansion of an existing print shop. SP-67-95: Site Plan Review to expand a print shop into an adjacent area that was a bicycle shop.

HI-10-22: Historic Review of Exterior Alterations to remove a skylight on the roof of 406 First Avenue.

HI-09-22: Historic Review of Substitute Materials and Exterior Alterations to remove and replace the existing membrane roof covering, complete maintenance on the roof, remove and replace portions of the façade, restore upper residential windows, reconstruct the original first floor windows, renovate existing roof well, add new ventilation penetrations, construct a penthouse addition, reinstall the St. Francis sign, and add seismic updates.

Staff Decision

The subject application referenced above is APPROVED as described in this staff report. The approval expires three years from the date of tentative plat approval. The final plat must be recorded with the Linn County Records Division (ADC 11.065) unless an extension is approved by the City and the County Surveyor's Office.

Appeals

The City's decision may be appealed to the Albany Planning Commission if a person with standing files a completed notice of intent to appeal and the associated filing fee no later than 10 days from the date the City mails the notice of decision [ADC 1.220(7)].

Notice Information

A notice of filing was mailed to property owners identified within 300 feet of the subject properties on October 19, 2022, in accordance with ADC 1.220. At the time the comment period ended on November 2, 2022, the Albany Planning Division had received no comments.

Analysis of Development Code Criteria

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

Tentative Plat Review Criteria

Criterion 1

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

Findings of Fact

- 1.1 The subject site includes two properties: 410 and 420 First Ave SW. The properties are described as Lots 3 and 4 of Block 10, City of Albany, Oregon. The properties have previously been consolidated into one for taxation purposes only and are identified as Linn County Assessor's Map No. 11S-03W-06CC; Tax Lot 8100.
- 1.2 The underlying zoning district of the subject lots is Historic Downtown (HD). The HD district is intended for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, nightlife, and specialty shops. Height density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses.
- 1.3 As presented on the tentative replat (Attachment B), the proposal is to consolidate the two lots into on single property.
- 1.4 According to Article 5 of the ADC, Table 5.090-1, the minimum lot size for all uses is 1,000 square feet with a minimum lot width of 20 feet and a minimum lot depth of 50 feet. According to Linn County's Assessor Records, the combined lots consist of 10,159 square feet, with a minimum width of 99.6 feet and a minimum depth of 102 feet. The combined lots will comply with the minimum lot size, width, and depth after the proposed adjustment.
- 1.5 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. Tax Lot 8100 (Lots 3 & 4 combined) is developed with the St. Francis Hotel and attached Rhodes Building. As the entirety of the property is currently developed with these attached buildings, constructed prior to building codes and the adoption of the ADC, this section is met as there are no foreseeable difficulties with building permits.

- 1.6 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. The combined lots would be more than double the minimum area designated by the zoning district, however an urban conversion plan will not be required as the lots are already developed at an urban density.
- 1.7 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 is currently a corner lot and will continue to be a corner lot after the replat. This standard is met.
- 1.8 ADC 11.090(4) states side yards of lots shall run at right angles to the street the property faces. All parcels will have side yards that will run at right angles to the street frontage. This standard is met.
- 1.9 ADC 11.090(5) lists dimensional requirements when street blocks are created as part of the land division. The proposed replat does not create any new streets or blocks. This standard is not applicable.
- 1.10 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. Each property has access to a public street and existing off-street pedestrian pathways. This standard is met.
- 1.11 ADC 11.090(7) provides recommendations for the minimum distance between arterial street intersections. No new streets or intersections are proposed; therefore, this standard is not applicable.
- 1.12 ADC 11.090(8) regards developments located on a cul-de-sac lot. The proposed lot does not utilize a cul-de-sac; therefore, this standard is not applicable.
- 1.13 ADC 11.090(9) pertains to flag lots. No flag lot is proposed; therefore, this standard is not applicable.
- 1.14 ADC 11.090(10) regards street intersections and minimum curb radius. No street intersections are created or impacted by the proposed replat; therefore, this standard is not applicable.

Conclusions

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

Criterion 2

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

Findings of Fact

- 2.1 The proposed replat will combine Lots 3 & 4 of Block 10, City of Albany, Oregon into a single Lot.
- 2.2 The site is owned in its entirety by Sable Drive, LLC. There are no other adjacent properties under the same ownership.

Conclusions

- 2.1 The above criterion is satisfied; there will be no remainder of property to consider.

Criterion 3

Adjoining land can be developed, or is provided access that will allow its development, in accordance with this Code.

Findings of Fact

- 3.1 This review criterion has been interpreted by the city council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.
- 3.3 ADC 12.110 states new streets may be required to be located where the City Engineer determines additional access is needed to relieve, or avoid, access deficiencies on adjacent or nearby properties.
- 3.4 The subject properties and all adjoining lots have access to public streets. No new streets are proposed by this application.

Conclusions

- 3.1 All the adjoining land has, and will continue to have, access to public streets.
- 3.2 This criterion is met without conditions.

Criterion 4

The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

Findings of Fact

- 4.1 The site consists of two lots that are proposed to be combined into one property.
- 4.2 ADC 12.060 requires public street adjoining new development be improved to city standards. The property is a corner lot with frontage on First Avenue SW and Ferry Street SW.
- 4.3 First Avenue SW is classified as a Major Collector and is fully improved to city standards. The existing pavement has a width of 43 feet and a right-of-way width of 66 feet. Existing improvements include a curb, gutter, sidewalk, two vehicle lanes traveling in the western direction, an on-street bicycle lane, and on street parking on both sides of the street.
- 4.4 Ferry Street SW is classified as a Local Street and is fully improved to city standards. The existing pavement has a width of 43 feet and a right-of-way width of 66 feet. Existing improvements include a curb, gutter, sidewalk, a vehicle travel lane in both directions, and on street parking on both sides of the street.
- 4.5 A public alley is located between First Avenue SW and Second Avenue SW between Washington Street SW and Ferry Street SW. The pavement and right-of-way width of the alley is 20 feet.
- 4.6 The site is in the Downtown Parking Assessment District, in which off-street parking spaces are not required.
- 4.7 Albany's Transportation System Plan (TSP) does not identify any congestion or safety issues along the street frontages of the site.

ConclusionsThe properties have frontage on Ferry Street SW and First Avenue SW. Ferry Street SW is classified as a Local Street and First Avenue SW is classified as a Major Collector. Both streets are fully improved to city standards.

- 3.2 Albany's TSP does not identify any congestion or safety issues occurring next to the site.
- 3.3 This criterion is satisfied without conditions.

Criterion 5

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

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main in the alley behind (south) the subject property, and an 18-inch main in Ferry Street. The existing development on the subject property is connected to the public sewer system.
- 5.2 The proposal is to eliminate a lot line and consolidate two parcels. This consolidation will not adversely affect public sewer service to the site.

Water

- 5.3 City utility maps show a 10-inch public water main in 1st Avenue and a 12-inch main in Ferry Street. The existing development on the subject property is connected to the public water system.
- 5.4 The proposal is to eliminate a lot line and consolidate two parcels. This consolidation will not adversely affect public water service to the site.

Storm Drainage

- 5.5 City utility maps show a 24-inch public storm drainage main in 1st Avenue and a 12-inch main in Ferry Street. The existing development on the subject property is served by the public storm drainage system.
- 5.6 The proposal is to eliminate a lot line and consolidate two parcels. This consolidation will not adversely affect public storm drainage service to the site.

Conclusions

- 5.1 Public utilities (sanitary sewer, water, storm drainage) are available and adequate to serve the site. The existing development on the site is currently served by these public utilities.
- 5.2 This criterion is met without conditions.

Criterion 6

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

Findings of Fact

- 6.1 Article 4: Airport Approach District. Figure 4.410-1 of the ADC shows the subject property is not located within the Airport Approach district.
- 6.2 Article 6: Steep Slopes. *Comprehensive Plan Plate 7: Slopes*, does not show any steep slopes on this property.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5:* Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM# 41043C0213H, dated December 8, 2016) the subject property is located out of the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain.
- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show any wetlands on the property. The National Wetlands Inventory (NWI) does not show wetlands on the property. This property is not included in a local wetlands inventory.
- 6.5 Historic and Archaeological Resources. *Comprehensive Plan, Plate 9:* The subject properties are in the Downtown National Register Historic District. The subject properties are listed as historic contributing resources on the National Register of Historic Places. Approval for exterior alterations and use of substitute materials has been approved pursuant to planning file HI-09-22. There are no known archaeological sites on the property.

Conclusions

- 6.1 The proposed development is not located within special purpose districts described in Article 4 (Airport Approach) and 6 (Natural Resources).
- 6.2 There are no regulatory floodplains on the subject property, according to FEMA/FIRM Community Panel No. 41043C0213H, dated December 8, 2016.

- 6.3 Approval for exterior alterations and use of substitute materials on a historic contributing structure has been approved pursuant to planning file HI-09-22.
- 6.2 This criterion is met without conditions.

Overall Conclusion

As proposed, the application for tentative replat to adjust the property line between two properties satisfies all applicable review criteria as outlined in this report.

Attachments

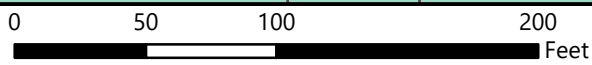
- A. Location Map
- B. Proposed Tentative Replat

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HD	Historic Downtown District
HI	Historic File Designation
NWI	National Wetland Inventory
ORD	Ordinance
RL	Replat File Designation
SFHA	Special Flood Hazard Area
SP	Site Plan Review File Designation



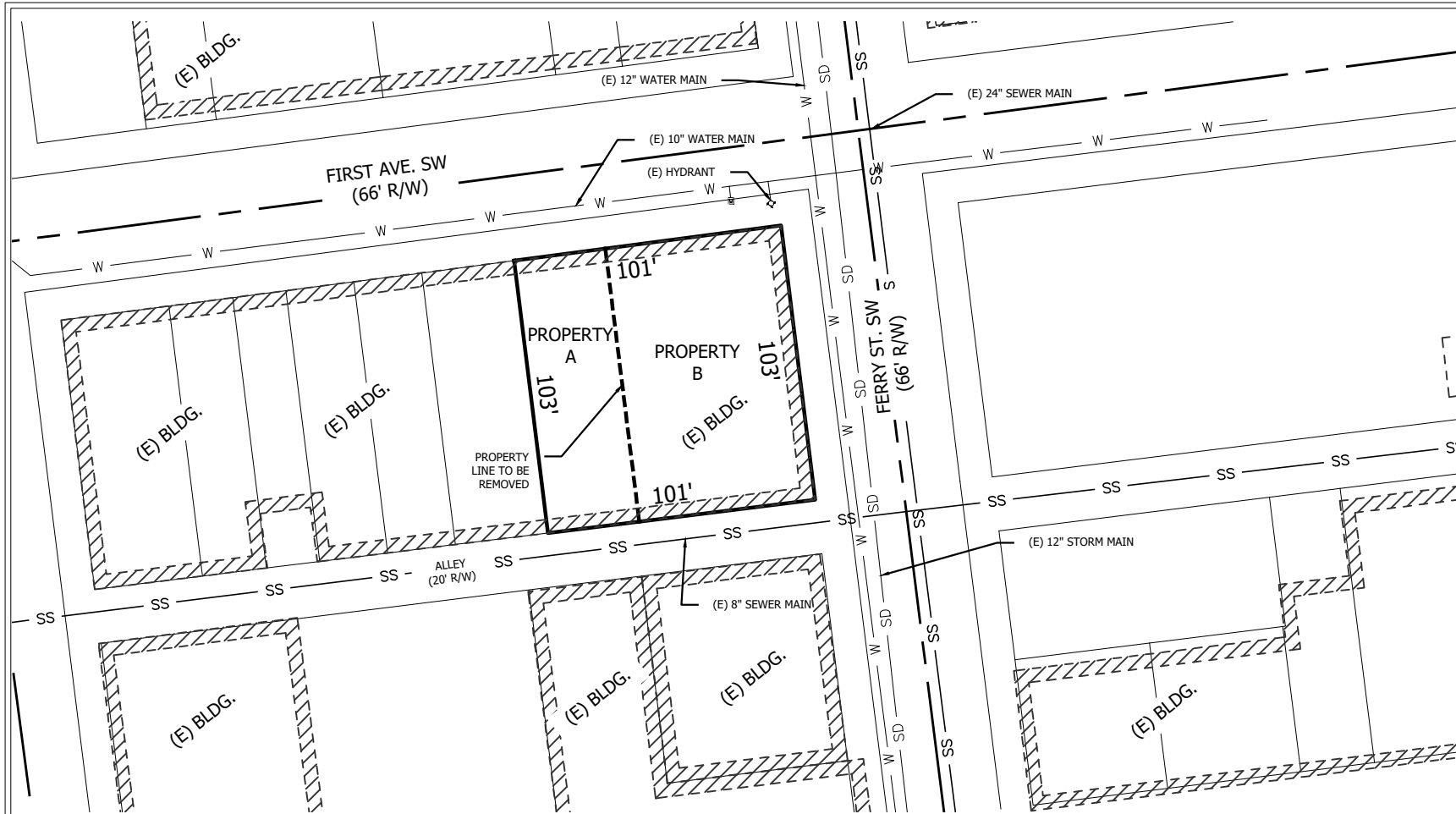
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410 1st Avenue SW

Date: 10/3/2022 Map Source: City of Albany

Location Map



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

TENTATIVE REPLAT

SABLE DRIVE LLC
100 FERRY STREET NW
ALBANY, OREGON 97321

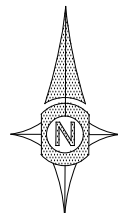
Date 8/30/22
Project LEPMAN REPLAT
22-033
Drawn by LLL
Checked by LLL

PROPERTY INFORMATION

ADDRESSES: 406, 410, 420 1ST AVENUE SW
110 & 120 FERRY STREET SW
ZONING: HISTORIC DOWNTOWN (HD)
LAND USE: COMMERCIAL
ZONING: SABLE DRIVE LLC
ASSESSORS MAP: 11S-03W-06CC
TAX LOT: 8100

PROPERTY A
ORIGINAL AREA: 0.08-AC
TRANSFER AREA B: +0.16-AC
PROPOSED AREA: 0.24-AC

PROPERTY B
ORIGINAL AREA: 0.16-AC
TRANSFER AREA B: -0.16-AC
PROPOSED AREA: 0.00-AC

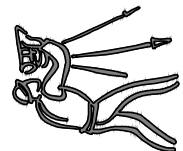


SCALE:



LEGEND

- | | | | |
|--|---------------------|------|--------------|
| | GRAVEL HATCH | R/W | RIGHT OF WAY |
| | PAVEMENT HATCH | AC | ACRES |
| | LOT LINE | BLDG | BUILDING |
| | EASEMENT LINE | (E) | EXISTING |
| | BUILDING OUTLINE | SF | SQUARE FEET |
| | OVERHEAD POWER LINE | TM | TAX MAP |
| | GAS LINE | | |
| | SEWER LINE | | |
| | WATER LINE | | |
| | STORM DRAIN LINE | | |



SHEET 1
of 1

SCALE: AS NOTED