



Proposal: The applicant is requesting approval to partition a 0.67-acre parcel into two parcels of approximately 19,179 square feet and 10,000 square feet with access from Alexander Lane and the proposed Royal Drive.

I. BACKGROUND

- A. Applicant: Perlinfein Properties LLC
Ed Perlinfein
1527 Industrial Way SW
Albany, OR 97322
- B. Project Location: 2710 NE Alexander Lane
10S 3W 21D Tax Lot 80
- C. Review Type: Table 5.01.030 of the Millersburg Development Code explains that a partition requires a Type II review, which is a staff level review with notice provided to the neighbors.
- D. Public Notice: Notice has been provided pursuant to Chapter 5.07 and 5.18 of the Millersburg Development Code. Notice was provided to all neighbors within 100 feet and all responsible agencies on June 8, 2021. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.07.060 Partitions
- F. Current Zoning: Residential Low (RL)
- G. Proposed Zoning: N/A
- H. Property Size: 0.67 Gross Acres
- I. Background: The property to the south of the site has been under construction with a proposed subdivision. To the immediate west of the applicant's property is a road that is currently under construction - Royal Drive. There is an existing home on the property and a shed. The home is proposed to remain; the shed is not.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on June 8, 2021: City of Albany, Albany Fire Department, Linn County Sheriff's Office (LCSO), City of Millersburg

Engineer, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and PacifiCorp. Any comments received will be addressed in the final decision.

Public:

Notice of this tentative decision was sent out to neighbors of the site on June 8, 2021. The notice was mailed to all property owners within 100 feet of the property. Any comments received will be addressed in the final decision.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Chapter 5

Section 5.07.060 Partition Decision Criteria

Approval of a partition shall be subject to the following decision criteria:

- (1) **Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.**

ANALYSIS: The proposed partition is in the Residential Low (RL) Zone. The lot dimensional standards in the RL zone are a 10,000 square foot minimum. The proposed parcels approximately 19,179 square feet and 10,000 square feet. All zone standards are met.

FINDING: Based on the analysis above, the project meets the criterion.

- (2) **The parcels shall meet the Development Standards for Land Division of Chapter 4.02.**

ANALYSIS: The Development Code includes standards for lot/parcel designs from Article 4. These are covered below in more detail in section IV of this staff report. All Article 4 standards are met with conditions of approval.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

- (3) **Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.**

ANALYSIS: The tentative partition is proposing two parcels. Parcel 1 features an existing home. Parcel 2 currently features an accessory building that is proposed to be removed. The existing home on parcel 1 meets all setbacks based on the proposed lot lines. A patio cover exists within the setbacks, which is permitted by the Code (Section 3.08.040).

FINDING: Based on the analysis above, the project meets the criterion.

- (4) **Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy.**

ANALYSIS: The project site is proposing to leave the current access for Parcel 1 as it is today, taking access from Alexander Lane. These have been added as a condition of approval.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

IV. STANDARDS

The proposed land division design complies with all the specifications and design requirements of Article 3 and 4 of the Millersburg Development Code. Areas that require additional conditions of approval to full comply or Code standards that require some analysis to explain how they meet the requirements are shown below.

Section 3.01.030 Application of Public Facility Standards

This section explains the improvements that are required for partitions. All improvements are already constructed, or are being constructed, as part of the Sarah Meadows subdivision currently building south of the project site. A hydrant is shown on the plans for the Sarah Meadows subdivision that will serve the applicant's partition.

ANALYSIS: The Sarah Meadows subdivision has not yet recorded and the streets and the public utilities are not yet been accepted by the City. By the time the applicant's partition (PA 21-02) records, the Sarah Meadows subdivision will likely have recoded and all infrastructure will have been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal, including fire hydrants, storm, sewer, water, and all street improvements between Alexander Lane and the proposed driveway location to Parcel 2. This has been captured in a condition of approval.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standard.

CONDITIONS OF APPROVAL:

- In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted by the time PA 21-02, the White Partition, records, the applicant's partition will be responsible to build all infrastructure required to address the applicant's proposal, including fire hydrants, storm, sewer, lighting, water, and all street improvements between

Alexander Lane and the proposed driveway location to Parcel 2.

Section 3.02.030 General Street Provisions

All streets must be built to conform with the Transportation System Plan. The street must follow logical patterns, provide for the continuation of streets within and outside of the proposed project site, provide for future street extensions, and provide improvement of any unimproved street adjacent to the property.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Parcel 1 will take access from Alexander Lane, which is fully improved. Parcel 2 proposes to use Royal Drive. Assuming Royal Drive is completed and accepted, all access exists and is constructed.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standard.

Section 3.02.070 Sidewalks

All development in the City is required to construct sidewalks. A partition is considered development. While sidewalks can be deferred, the project must meet the requirements of a subdivision which requires full sidewalk construction.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Sidewalks exist along Alexander Lane. There are no sidewalks planned or proposed for the west side of Royal Drive, though sidewalks are under construction on the east side of Royal Drive. No additional sidewalks are required for the proposed partition.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standard.

Section 3.04 Storm Drainage

All development in the City is required to provide for storm drainage. A partition is considered development.

ANALYSIS: The Sarah Meadows subdivision does not include any accommodations for drainage on the proposed partition. A storm drainage plan was not provided by the applicant but will be required to assure the project meets the standards of this section. A condition of approval has been added to require the submittal and approval of a plan prior to any development of the property.

FINDING: Based on the analysis above, with conditions of approval, the project

meets the standard.

CONDITION OF APPROVAL:

- Prior to City approval of the final plat, the applicant shall submit for approval a storm drainage plan for the site, including public infrastructure, that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer. Construction of the approved storm drainage facilities is required prior to approval of the final plat.

Section 3.05 Utility Lines and Facilities

All development in the City is required to provide for connection to utilities. A partition is considered development. All public facility improvements are required to be designed and constructed in compliance with Engineering Standards.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Proposed water and sewer connections are shown on the proposed map for parcel 2. Construction of approved utilities is required prior to approval of the final plat.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standard.

Section 4.02.030 Standards for Lots or Parcels

This section includes many standards for partitions. These include:

- Lot to depth requirements - the depth shall not be more than three times the width.
- All new lots shall provide at least 40 feet of frontage.
- Flag lots must have an access strip of at least 25 feet in width with an improved surface, and the access strip cannot exceed 150 feet in length without a turnaround.
- Through lots shall be avoided.
- Lot lines shall run at right angles when possible.
- Utility easements may need to be provided.

ANALYSIS: The project proposes two parcels. Parcel 1 is proposed to be about 230 feet deep and about 88 feet wide; parcel 2 is proposed to be about 120 feet deep and about 88 feet wide. These meet the lot to width ratio requirements. Parcels 1 and 2 have more than the 40 feet of frontage required. None of the parcels are considered through parcels, and all lot lines are some form of a right angle.

FINDING: Based on the analysis above, the project meets the standard.

Section 4.02.050 Improvement Requirements - Partition

Required improvements include:

- Paved access.

- Dedication of any needed street right-of-way.
- Street improvements.
- Public facilities.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Alexander Lane is fully improved. Royal Drive is currently being improved. No additional improvements are required should the subdivision record and all streets are accepted.

FINDING: Based on the analysis above, the project meets the standard.

V. TENTATIVE ACTION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff tentatively approves the Partition Application No. PA 21-02, White Partition, pursuant to the conditions of approval listed below. A final determination will be issued after the agency/public comment period and all comments are taken into consideration.

VI. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative partition development plans submitted by the applicant, dated 1/4/21 and included in this staff report, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer and the Building Official (Linn County). All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
2. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final Plat.
4. Proposed Parcels must connect to City water and sewer.
5. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted by the time PA 21-02, the White Partition, records, the applicant will be responsible to build all infrastructure required to address the applicant's proposal, including fire hydrants, storm, sewer, lighting, water, and all street improvements between Alexander Lane and the proposed driveway location to Parcel 2.

Prior to Approval of the Final Plat

6. The applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter have been met.
 7. The Final Plat shall be submitted for review by City staff prior to recording said plat with the County. The plat shall be drawn by a licensed land surveyor.
 8. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
 9. The Final Plat shall include any required access or utility easements.
 10. Prior to City approval of the Final Plat, the applicant shall submit for approval a drainage plan for the site that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer.
 11. Prior to City approval of the Final Plat, the application shall construct all required drainage facilities or provide bonding (or similar) for all improvements approved by the City.
-

VIII. NOTICES TO THE APPLICANT

The applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. Connection Charges for water, sewer, street, and stormwater are not applicable to this project. The applicant may request a Reimbursement Agreement for constructed water and sewer infrastructure, in accordance with the City's adopted connection charges policy.
2. All roof drains and yard drainage must be piped or trenched to an approved discharge point.
3. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.
4. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
5. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.

6. The Final Plat shall include any required access or utility easements.
7. All agreements required as conditions of this approval must be signed and recorded.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
9. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
10. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by Linn County, and provide verification of such to the City Engineer.
13. The submittal by the applicant for Final Plat review and approval shall include but not be limited to the following: a Final Plat application; Final Plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the Final Plat; and any other materials required to demonstrate compliance with the conditions of approval.
14. The Final Plat shall show the City Manager as the City's approving authority within the signature block of the Final Plat and all private access easements, utility easements, and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note, and associated document, shall be reviewed and approved by the City Planner.
15. An electronic version of the Final Plat must be submitted to the City Planner.
16. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
17. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
18. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the

construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

19. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

IX. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative