



Summary: The Tentative Decision was distributed for public review between July 15, 2021 and July 29, 2021. The City received a comment letters from the City engineer and Albany Fire as well as verbal comments from Dan Gubser who owns a neighboring property.

Staff has approved the partition subject to the revised conditions of approval, finding that all criteria and standards were met with conditions of approval based on the accepted facts shown below. Staff relied on facts from the Staff Report, the applicant's materials, the City's Comprehensive Plan, State Rules and Statutes, City Codes and Ordinances provisions for the basis of the decision. This final decision can be appealed within 15 days to the Planning Commission.

Matt Straite
City Planner

Proposal: The applicant is requesting approval to partition a 2.94-acre parcel into two parcels of approximately 92,782.8 square feet (2.13 acres), and 3,528.36 square feet (0.81 acres) with access from Kathryn Street.

I. BACKGROUND

- A. Applicant: Alton Sullivan
38426 Mt. Hope Drive
Lebanon, OR 97355
- B. Project Location: 3025 and 3075 Kathryn Street
11S 3W 04BC Tax Lot 0201
- 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 a 14 day 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 July 15, 2021. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.07.060 Partitions

F. Current Zoning: Limited Industrial (LI)

G. Proposed Zoning: N/A

H. Property Size: 2.94 Acres

I. Background: There are currently two industrial buildings constructed on the property. This map proposes to place each structure on its own legal lot. It is important to note that the two structures were built assuming that they would remain on one property, in other words, the two buildings are linked in many ways. These include parking, fire suppression, water, and many others.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on July 15, 2021: City of Albany, Albany Fire Department, City of Millersburg Engineer, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and PacifiCorp. Any comments received have been addressed in this final decision.

Public:

Notice of the tentative decision was sent out to neighbors of the site on July 15, 2021. The notice was mailed to all property owners within 100 feet of the property. Any comments received are addressed in the final decision.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Chapter 5

Section 5.07.060 Partition Decision Criteria

The following analysis is in addition to any analysis included in the applicants' narrative, which is included here by reference. 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 Limited Industrial (LI) Zone. The LI Zone does not require any specific lot area size, except that the proposed lot shall be sufficient to meet setbacks. There are no setbacks for the LI zone unless the property is located adjacent to a residential zone. In this case, there is neighboring residentially zoned property to the south of the site. The zone requires a 10 foot setback along the southern boundary. The project site features two existing structures. The structure with the address 3075 is located 10 feet from the southern property limit and the structure with the address 3025 is about 27 feet

from the property line. Regarding the lot coverage, the zone allows up to 90%. The applicant's narrative explains that the coverage would be 34% for parcel 1 and 59% for parcel 2. 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. Currently there are two structures on the site. Both will be primary structures for the use in this zone; there are no accessory structures on the property. All structures will meet the setbacks of the proposed parcel lines.

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 applicant's narrative explains:

- 4.1 *Section 3.01.030 Application of Public Facility Standards. This section explains the improvements that are required for partitions. All improvements adjacent to the site are already constructed. A hydrant is shown at the west termination of Kathryn Street on Linn County Survey no. 22858 that will serve the applicant's partition.*
- 4.2 *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. Parcels 1 and 2 will have shared access to Kathryn Street, that is improved with a paved travel lane in each direction, curbs, and gutters.*

- 4.3 Section 3.02.070 Sidewalks. All development in the city is required to construct sidewalks. A partition is considered development. Sidewalks can be deferred. Kathryn Street is not improved with sidewalks and therefore, does not necessitate a sidewalk connection across the property's frontage.
- 4.4 Section 3.04 Storm Drainage. All development in the city is required to provide for storm drainage. The subject property is a developed site that included review/approval of storm drainage system during the building/public work permit process.
- 4.5 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. The subject property is a developed site that included payment of connection fees during the building/public work permit process.

Staff concurs with most of this analysis. It should be noted that section 3.02.030 calls for the connection and extension of local street patterns. NE Fir Street is located south of the project site and terminates at the southern property line of the project site. The design of Fir Street appears to have anticipated a future extension of the street northerly, into the project site. However, the City approved the construction of industrial buildings on the applicant's property, which lies in the path of any possible street extension of Fir. As such, the extension of Fir Street into the site is no longer possible and it is not called for in the Transportation System Plan.

Sidewalks are required. See discussion in the analysis of the standards (section IV of the staff report).

FINDING: Based on the analysis above, 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 fully comply, or Code standards that require analysis to explain how they meet the requirements, are shown below.

Section 3.01.030 Application of Public Facility Standards

This section explains the general improvements required for partitions. More specifically the Code requires the following, as shown in Table 11:

Land Use Activity	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike & Ped
Partition (with	No, unless	C-2*	Yes	Yes	Yes	No	C-2

utilities)	required by Fire						
------------	------------------	--	--	--	--	--	--

*C-2 requires full street improvements including sidewalks for lots under 2.5 acres and discusses street frontage fee requirements.

ANALYSIS: The proposed partition features structures that are fully built out. All utilities exist at the site. An 8" water main runs down Kathryn Street, terminating near the property line. An 8" sewer line gravity feeds to the west connecting both north and south to offsite lines. The two existing structures each share a water system. Proposed parcels must each have their own connection to city water and sewer. Both lots are currently connected to sewer through separate sewer connections. Both existing buildings are currently served from a single water service. The current water connection is on Proposed Parcel 1. A new connection to city water must be constructed for Proposed Parcel 2. Applicant shall be responsible for all costs associated with making utility connections before the final plat map records. Permits are required and system development charges will be required at the time of connection as well.

Albany's InfoHub shows that there is a stormwater collection system on the property.

Kathryn Street is shown as an industrial local on figure 2 of the Transportation System Plan. An industrial local should have a right-of-way width of at least 60 feet with 5-6' sidewalks on both streets and street trees. Kathryn Street is currently constructed and features a curb to curb width of 40 feet, which does not meet the required street ROW width. There are no sidewalks or street trees.

Sidewalks are regulated by Section 3.02.070. The applicant's exhibit explains that the street dedication was completed through the recording of document MF 753-487 which explains that an 8 foot public utility easement and sidewalk easement was platted on the property. The sidewalks were never constructed. Section 3.02.070 Subsection 1 of the City Development Code explains that sidewalks can be deferred if the property owner signs what is called a waiver of remonstrance which requires a property owner to pay their fair share of sidewalk construction at the time the City elects to construct a sidewalk. Because the properties along Kathryn Street are already developed, the City is electing to use the waiver to meet the requirements of the Code.

The street right-of-way is only 40 feet and covers only the curb to curb improvements. At the time this street was dedicated, this was sufficient. Today's standards would require at least 50 feet. There is, however, an 8 foot public utility easement on each side of the street. The document that dedicated the street to the City in 1995 explains that the PUE is also a sidewalk easement. Therefore, with 40 feet of ROW and 16 feet of sidewalk easement (8 on each side), the total width available for improvements is 54 feet. While this does not meet the letter of the current requirements, because the PUE is not within the ROW, it meets the intent.

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

Section 3.02.030 General Street Provisions

All streets must be built to conform with the Transportation System Plan. Any 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 pointed out previously the right-of-way for Kathryn is substandard based on the current industrial local standards. As discussed above, the current conditions meet the intent of the Transportation System Plan.

FINDING: Based on the analysis above, 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.

ANALYSIS: As noted above, no sidewalks are required as part of the proposed partition. A waiver of remonstrance is required.

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

CONDITION OF APPROVAL: Prior to the City signing the final plat, the applicant shall provide a signed waiver of remonstrance indicating that the sidewalk is not to be constructed at this time, but the property owner will pay their fair share of costs when and if the City elects to build sidewalks on Kathryn Street.

Section 3.03 Parking

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

ANALYSIS: Based on the Development Code requirements, based on the use within each structure (warehouse), each building is required to park at a ratio of 1 space for every 3,000 square feet. It seems that at the time the buildings were created there was enough parking for both structures. However, it seems that the parking for the smaller structure used parking that would not be provided in an area that would not be exclusively on the larger parcel. This would leave the smaller structure with no place to provide the required parking. The smaller structure is 21,000 square feet and would require 7 parking spaces. These 7 spaces can still be provided on the neighboring property, but that would require a reciprocal access parking agreement between the two structures (properties). A condition of approval has been added to either require such an agreement, or for the applicant to prove that the 7 spaces can be accommodated onsite of the smaller structure (on proposed parcel 2). Parking on the street is not permitted because of the substandard width of the street discussed previously.

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

CONDITION OF APPROVAL: Prior to the City signing the final plat, the applicant's shall provide the City with evidence that off-street parking standards (number of stall and size of stalls) based on Section 3.03 of the Millersburg Development Code are provided. Alternatively, the application may provide a private shared parking agreement to be recorded prior to or upon the final plat. The agreement must also show the appropriate number and size of required stalls based on uses in the structures at the time of approval.

Section 3.04 Storm Drainage

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

ANALYSIS: The project site is currently built out with two industrial buildings. All drainage was addressed when the structures were constructed.

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

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 site is fully built out. All utilities are installed. The City engineer has required that the two parcels have separate water and sewer systems. This has been added as a condition of approval.

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 on a regular street or 25 feet on a cul-de-sac.
- 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: Industrial parcel maps are exempt from the lot width and depth standards. The cul-de-sac provides at least 25 foot of frontage for each of the proposed parcels. Most of the other standards do not apply to this kind of partition.

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

Section 4.02.050 Improvement Requirements- Partition

Required improvements include:

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

ANALYSIS: This section explains that proper right-of-way is required to be dedicated if needed. The street dedication is discussed above. The current existing conditions on the site feature completed paved access to both proposed parcels, full completed installation of public utilities, and fully improved streets.

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

V. FINAL ACTION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff approves the Partition Application No. PA 21-04, Sullivan Partition, pursuant to the conditions of approval listed below.

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 6/24/21 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.

Prior to Approval of the Final Plat

4. The applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter dated July 15, 2021 have been met. Specifically this includes the following:
 1. *Each structure will have its own address, and the "A" and "B" will be removed. Address numbers will be placed in the upper third of each structure, at least 6" in height with a ½" stroke and contrasting in color from their background.*
 2. *Each structure will be required to have its own dedicated fire sprinkler and fire alarm system. Location of the private fire service mains and their appurtenances will require prior approval through the Building and Fire departments.*
 3. *All buildings with a fire alarm or fire suppression system shall be provided with an approved fire department key box mounted at a location to be approved by the Fire Department. (OFC 506)*
5. 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.
6. The Final Plat shall include any required access or utility easements.
7. Prior to the City signing the Final Plat, the applicant shall provide a signed waiver of remonstrance indicating that the sidewalk is not to be constructed at this time, but the property owner will pay their fair share of costs when and if the City elects to build sidewalks on Kathryn Street.
8. Prior to the City signing the final plat, a new connection to city water must be constructed for Proposed Parcel 2. Applicant shall be responsible for all costs associated with making utility connections. In the event that the ownership of the two parcels stays the same, the property can share a water meter as permitted by Millersburg Municipal Code Section 11.10.110(3).
9. Water connection permits are required for connections to public water. System Development Charges (SDCs) are due at the time of connection, prior to the City signing the final plat.
10. Prior to the City signing the final plat, the applicant's shall provide the City with evidence that off-street parking standards (number of stall and size of stalls) based on Section 3.03 of the Millersburg Development Code are provided. Alternatively, the application may provide a private shared parking agreement to be recorded prior to or upon the final plat. The agreement must also show the appropriate number and size of required stalls based on uses in the structures at the time of approval.

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. All roof drains and yard drainage must be piped or trenched to an approved discharge point.
2. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.
3. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
4. 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.
5. The Final Plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.
7. 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.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
9. **This approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
10. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
11. 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.
12. The submittal by the applicant for Final Plat review and approval shall include but not be limited to the following: a Final Plat application; 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.
13. 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.

14. An electronic version of the Final Plat must be submitted to the City Planner.
15. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
16. 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.
17. 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.
18. 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. Vicinity Map
- B. Zoning Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative
- E. City Engineer Letter dated July 30, 2021
- F. Albany Fire Letters provided July 15, 2021 and August 3, 2021

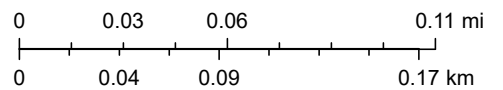
Vicinity Map PA 21-04



7/13/2021, 11:03:30 AM

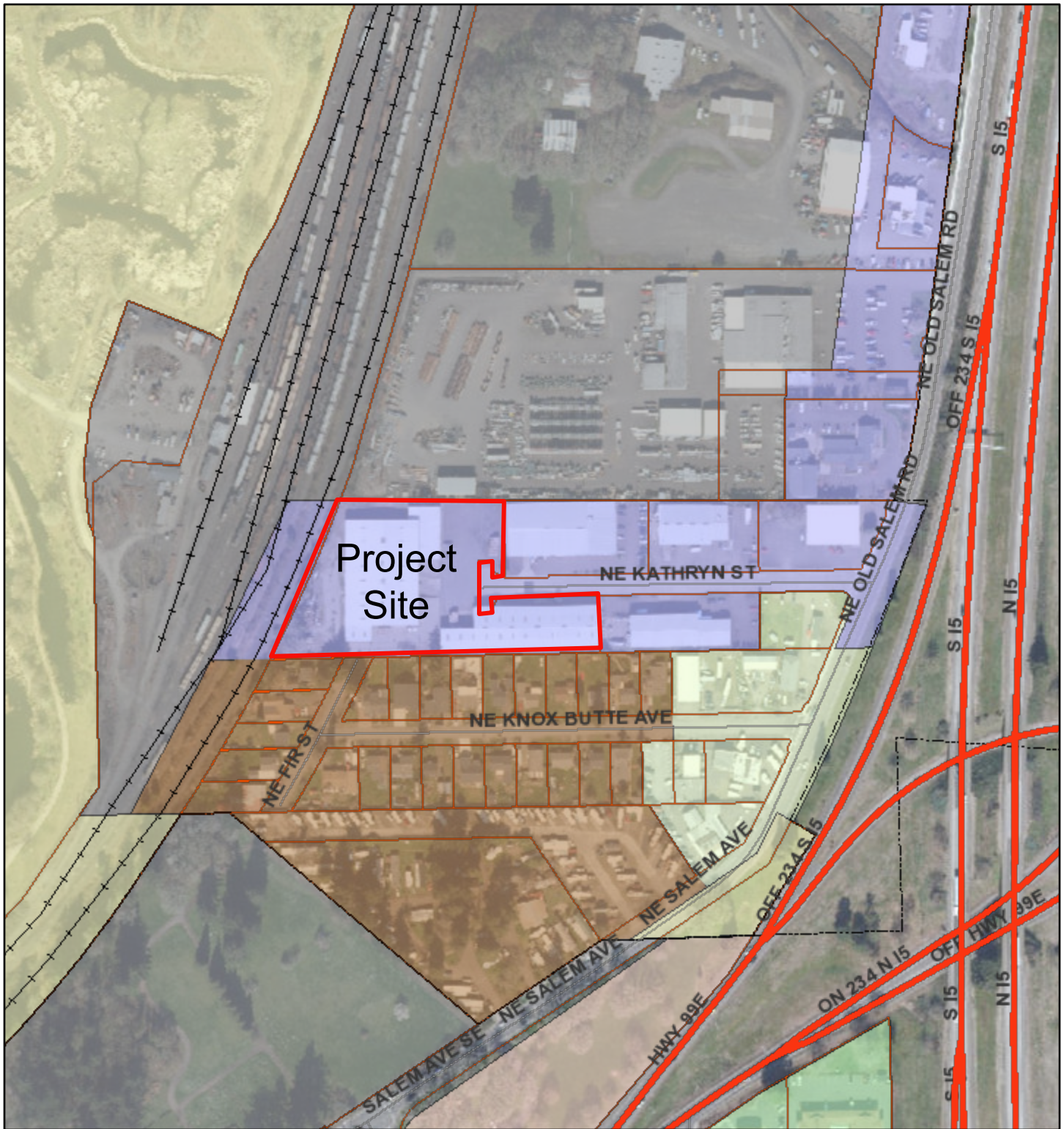
1:4,514

-  Railways
-  City Limits
-  Highways
-  Tax Lots
-  Roads



Linn County GIS

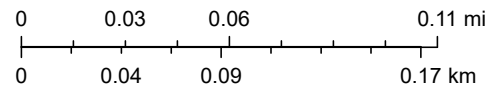
Zoning Map PA 21-04



7/13/2021, 11:06:48 AM

1:4,514

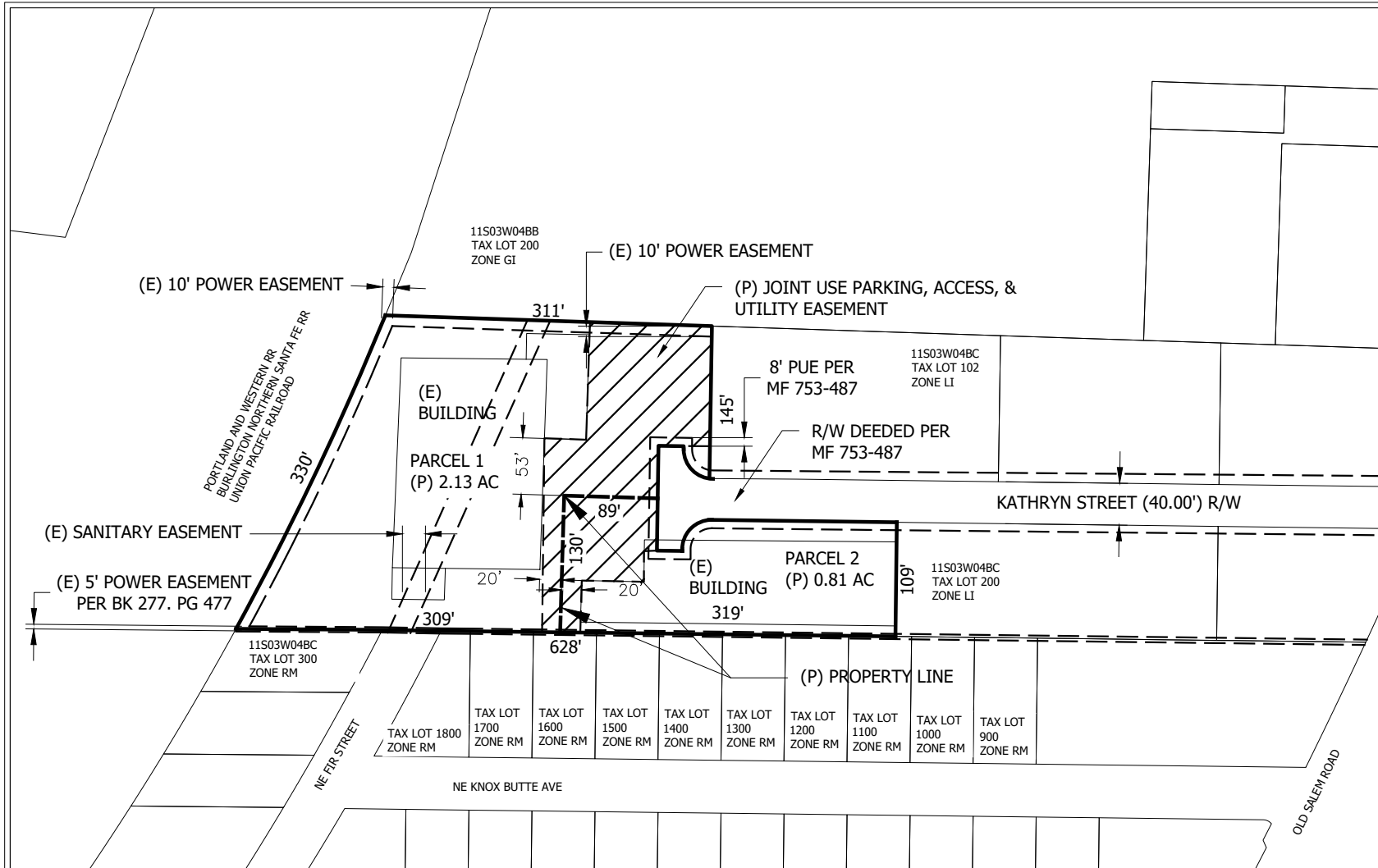
- +— Railways
 - Highways
 - Roads
 - - - City Limits
 - Tax Lots
- | | |
|-------------|------------------------------|
| City Zoning | □ C-1, COMMERCIAL |
| | □ CB -- CENTRAL BUSINESS |
| | □ CC -- COMMUNITY COMMERCIAL |
| | □ CC-CENTRAL COMMERCIAL |



Linn County GIS

Map created using the Linn County Oregon web mapping application

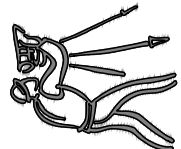
This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the



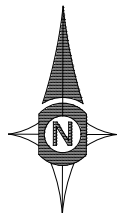
UDELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

TENTATIVE PARTITION PLAT
ALTON SULLIVAN
3025 & 3075 NE KATHRYN ST.
ALBANY, OREGON

Date 06-24-21
Project 21-220 SULLIVAN
KATHRYN ST. PP
Drawn by LLL
Checked by BSV



SHEET 01
of 01
SCALE: AS NOTED



SCALE: 1" = 150'

0' 150'

LEGEND

(E) EXISTING
(P) PROPOSED
APPROX APPROXIMATE
PL PROPERTY LINE
R/W RIGHT OF WAY
AC ACRES
TL TAX LOT

PROPERTY INFORMATION

ZONE: LIMITED INDUSTRIAL
LAND USE: INDUSTRIAL
OWNER: ALTON SULLIVAN
ADDRESS: 3025 & 3075 NE KATHRYN STREET
ASSESSORS MAPS: 11S03W04BC
TAX LOT: 201
AREA: 2.94 AC

NOTE: BUILDING FOOTPRINTS, CONTOURS AND TREE LINE DRAWN BY SUPERIMPOSING AN AERIAL PHOTO. LOCATIONS ARE APPROXIMATE.

PARTITION APPLICATION

Submitted to: City of Millersburg
Planning Division
4222 NE Old Salem Road
Albany, OR 97321

Applicants/Property Owners: Alton Sullivan
38426 Mt. Hope Drive
Lebanon, OR 97355

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 3025 and 3075 NE Kathryn Street

Linn County Assessor's Map No.: 11S-03W-04BC Tax Lot 201

Site Size: ±2.94-acres

Existing Land Use: Residential

Comprehensive Plan Designation: Industrial

Zone Designation: Limited Industrial (LI)

Surrounding Zoning: North: General Industrial (GI)
South: Residential Mixed Density (RM)
East: Limited Industrial (LI)
West: Public Facilities (PE)

Surrounding Uses: North: Industrial
South: Residential
East: Industrial
West: Railroad

I. Executive Summary

A Tentative Partition Plat is proposed for the property address as 3025 and 3075 NE Kathryn Street and identified by Linn County Tax Assessor's Map No. 11S-03W-04BC Tax Lot 201. The proposal will divide an existing ± 2.94 -acre parcel into two parcels. As shown on the Tentative Partition Plat (Attachment A), Parcels 1 and 2, which are both developed with industrial buildings and are ± 2.13 -acre and ± 0.81 -acre, respectively.

This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

II. Analysis of Development Code Criteria

1. Chapter 5.07 provides an overview of the preliminary partition plat review procedures. Subsection 5.07.020 states that land divisions consisting of not more than three parcels of land are processed using a Type II review procedure under Chapter 5.18 using the review criteria under Section 5.07.060. Section 5.07.080 states that preliminary plat approval is effective for one year from the date of approval.

2. The application submittal requirements for a preliminary partition plat application are found under Section 5.07.050 and include: application forms, fee, and preliminary plat drawings and supplementary written narrative.

3. SECTION 5.07.060 PARTITION DECISION CRITERIA

Section 5.07.060 of the Millersburg Development Code (MDC) includes the following review criteria that must be met for a preliminary plat to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

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

1.1 The subject site is zoned Limited Industrial (LI). As shown on the Tentative Plat, the tentative partition is to create two parcels that are ± 2.13 -acres and ± 0.81 -acre, respectively (see Attachment A). The subject property is a developed site. Parcel 1 features an existing approximate 32,000 square foot building. Parcel 2 features an existing approximately 21,000 square foot building.

1.2 MDC 2.09.050, Table 8, shows the development standard for the LI zone district. According to 2.09.050, Table 8, lots must be sufficient to meet setback and development requirements, including a minimum 10 foot plus 5 foot per story setback when abutting residentially zoned land. No other setbacks are required.

The proposed partition does not alter the perimeter parcel lines and, therefore, does not alter the distance the existing buildings and associated improvements that are set back from the street frontage and interior property lines of abutting parcels. The proposed

partition will divide the existing parcel between the two existing buildings, maintaining an approximately 20 feet from each side of the proposed property line.

1.3 According to 2.09.050, Table 8, The maximum lot coverage is ninety percent. Based on the proposed parcel size and coverage area, Parcel 1 and Parcel 2 will have a coverage area of 34 percent and 59 percent, respectively.

1.4 Therefore, the proposed partition satisfies the minimum and maximum development standards. This criterion is met.

2. The parcel shall meet the Development Standards for Land Division of Chapter 4.02.

2.1 Section 4.01.010 states that 4.02 and 4.03 address specific requirements related to the division of land, including partitions and subdivisions.

2.2 A preliminary partition application for a land division creating three or fewer parcels has been submitted in accordance with Section 4.02.020(1).

2.3 Section 4.02.030 provides the following standards for all partitions and subdivisions.

- i. Minimum lot area. There is no minimum numeric standard for lot area in the LI zone. However, parcels/lots must be sufficient to meet setback and development requirements.
- ii. Lot Width and Depth. There is no minimum numeric standard for lot width and depth in the LI zone. However, parcels/lots must be sufficient to meet setback and development requirements.
- iii. Access. All new lots must have a minimum of 40 feet of frontage on an existing or proposed public street, or 25 feet of frontage along a cul-de-sac, except residential lots or parcels may be accessed by a public street or private access easement developed in accordance with the provision of Chapter 3.10 under certain conditions.

Both parcels share access to Kathryn Street via a shared access easement.
- iv. Flag Lot. A flag lot configuration is not proposed with this application. Therefore, this standard is not applicable.
- v. Through Lots. Through lots are not proposed with this application. Therefore, this standard is not applicable.
- vi. Lot side Lines. All lot lines, as far as practicable, run at right angles to the public street, and private access easement upon which the lot or parcel faces.
- vii. Utility Easements. All existing and proposed utility easements are shown on the tentative plat and conform to adopted Engineering Standards (see Attachments A-D).

2.4 Section 4.02.050 requires the following improvements:

Private Access. As shown on the tentative plat, both parcels will have frontage on and access to Kathryn Street via a shared access easement.

- i. Street Frontage Improvements. See Right-of-Way deeded per MF 753-487 as shown on Linn County survey no. 22858 (see Attachment B).
 - ii. Public Facilities. City streets, sanitary sewer, water, and/or storm lines are adjacent to or within the project.
 - iii. Connection Charge. No connection charges are necessary as public utilities adjacent to or within the project.
 - iv. Completion Requirements. The subject property is a developed site with access and public utilities adjacent to or within the project. there are no required improvements.
 - v. Therefore, the Development Standards for Land Division. This criterion is met.
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.***

3.1 Setbacks are addressed under Criterion 1 above and incorporated herein by reference.

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 City policy.***

4.1 Section 3.01.030 Application of Public Facility Standards. This section explains the improvements that are required for partitions. All improvements adjacent to the site are already constructed. A hydrant is shown at the west termination of Kathryn Street on Linn County Survey no. 22858 that will serve the applicant's partition (see Attachment B).

4.2 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. Parcels 1 and 2 will have shared access to Kathryn Street, that is improved with a paved travel lane in each direction, curbs, and gutters.

4.3 Section 3.02.070 Sidewalks. All development in the city is required to construct sidewalks. A partition is considered development. Sidewalks can be deferred. Kathryn Street is not improved with sidewalks and therefore, does not necessitate a sidewalk connection across the property's frontage.

4.4 Section 3.04 Storm Drainage. All development in the city is required to provide for storm drainage. The subject property is a developed site that included review/approval of storm drainage system during the building/public work permit process.

4.5 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. The subject property is a developed site that included payment of connection fees during the building/public work permit process.

III. OVERALL CONCLUSION

Based on the analysis in this report, the proposed preliminary partition plat meets all the applicable review criteria as outlined above.

IV. ATTACHMENTS

- A. Tentative Partition Plat
- B. Linn County Survey No. 22858
- C. Linn County Survey No. 19771
- D. Linn County Survey No. 1754

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: July 30, 2021
SUBJECT: PA 21-04 - Engineering Comments

Engineering has reviewed the above project and has the following comments:

1. Proposed parcels must each have their own connection to city water and sewer. Both lots are currently connected to sewer through separate sewer connections. Both existing buildings are currently served from a single water service. The current water connection is on Proposed Parcel 1. A new connection to city water must be constructed for Proposed Parcel 2. Applicant shall be responsible for all costs associated with making utility connections.
2. Water connection permits are required for connections to public water. System Development Charges (SDCs) are due at the time of connection.
3. The Final Plat shall include any required access or utility easements.
4. 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.



TO: Matt Straite, Planner

From: Lora Ratcliff, Fire Marshal

DATE: July 15, 2021

SUBJECT: PA 21-04 – 3025 Kathryn St NE – Commercial Partition– Fire Department Comments

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments.

**** NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee***

1. Each structure will have its own address, and the "A" and "B" will be removed. Address numbers will be placed in the upper third of each structure, at least 6" in height with a ½" stroke and contrasting in color from their background.
2. Each structure will be required to have its own dedicated fire sprinkler and fire alarm system. Location of the private fire service mains and their appurtenances will require prior approval through the Building and Fire departments.
3. All buildings with a fire alarm or fire suppression system shall be provided with an approved fire department key box mounted at a location to be approved by the Fire Department. (OFC 506)

LAR/lar

Lora.ratcliff@cityofalbany.net

541.917.7728



TO: Matt Straite, Planner

From: Lora Ratcliff, Fire Marshal

DATE: August 3, 2021 (Updated Comments)

SUBJECT: PA 21-04 – 3025 Kathryn St NE – Commercial Partition– Fire Department Comments

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments.

**** NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee***

1. Each structure will have its own address, and the "A" and "B" will be removed. Address numbers will be placed in the upper third of each structure, at least 6" in height with a ½" stroke and contrasting in color from their background.
2. It appears the structures have a shared fire sprinkler and fire alarm system. If the parcel is to be portioned, each structure will be required to have its own dedicated fire sprinkler and fire alarm system. Location of the private fire service mains and their appurtenances will require prior approval through the Building and Fire departments.
3. All buildings with a fire alarm or fire suppression system shall be provided with an approved fire department key box mounted at a location to be approved by the Fire Department. (OFC 506)

LAR/lar

Lora.ratcliff@cityofalbany.net

541.917.7728