

PUBLIC WORKS REFERRAL
TENTATIVE PARTITION - GENERAL CRITERIA

Plat: Auld-Johnston
Planning No: PT06-43
Tax Lot: 17-03-31-32 TL6900
From: Ed Haney
To: Shawna Adams
Date: August 23, 2006

The following referral comments from Public Works staff reflect a preliminary evaluation of compliance with applicable approval standards and criteria. These referral comments include draft findings and recommended conditions of approval, as well as related informational items, relevant to surveying, engineering, transportation, and maintenance issues identified by Public Works staff in the context of the applicable standards and criteria.

These referral comments are intended for review by Planning staff, for incorporation into the City's written decision on the subject application, however, they do not represent a final determination of compliance with the applicable approval standards and criteria. It is acknowledged that these referral comments are subject to revision upon further coordination with other affected City departments and utility providers.

9.8215 Partition, Tentative Plan Approval Criteria - General.

(1) The proposed partition complies with the following:

(a) Lot standards of EC 9.2000 through 9.3915 regarding applicable parcel dimensions and density requirements.

Per Planning Review

(b) EC 9.6800 through EC 9.6870 Standards for Streets, Alleys, and Other Public Ways. 9.6805 Dedication of Public Ways

The proposed partition has frontage on West 13th Avenue, which is identified on the adopted street classification map (Fig. 60 ACSP), as a minor arterial street. West 13th Avenue does not have a planned right-of-way width (Fig. 61 ACSP). Per EC Table 9.6870, the range of right-of-way widths for a minor arterial street is 65'-100' and the paving width range is 46'-70'. West 13th Avenue, which was originally improved to City standards in the early 1950's under City Contract No. 0032-0858, was overlaid under City Contract No. 1985-0018. The paved surface that is adjacent to the proposed partition is 36 feet wide in an existing 66 feet of right-of-way.

Eugene Code 9.8215(1)(b) requires that the applicant comply with the street, alley and other public way standards set forth in EC 9.6800 through 9.6870. Pursuant to EC 9.6805 "[a]s a condition of any development, the city may require dedication of public ways for ... streets and alleys, provided the city makes findings to demonstrate consistency with constitutional requirements. Public ways

for streets and alleys to be dedicated to the public by the applicant shall conform with the adopted Street Right of Way Map, and EC Table 9.6870.” EC 9.6870 provides in part: “When a street segment right-of-way width is not designated on the Street Right-of-Way map, the required street width shall be the maximum shown for its type in Table 9.6870 Right of Way and Paving Widths unless a lesser width is approved by the planning director and public work director based on adopted plans and policies, adopted ‘Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways’ or other factors which in the judgment of the planning and public works director allow for a lesser street width.”

Even though the maximum right-of-way width for a minor arterial street is 100’, West 13th Ave. is an example of an existing street in an older developed area of the City, for which a 66’ right-of-way width is sufficient and appropriate. For more detail regarding the characteristics of these streets, see pages 110-114 of the Arterial & Collector Street Plan (ACSP). Staff recognizes that there may be a future need for rapid transit along West 13th, however, because there are fewer space constraints in the property on the south side of West 13th, it is more likely that, if the street is widened, it will be widened on the south side and not on the north side (where the proposed partition is located). Because the street is fully developed to City standards and the existing right-of-way of West 13th Ave. is consistent with the design characteristics of existing streets in older developed areas, there is no requirement that the applicant dedicate additional right-of-way, establish special setbacks or make any improvements to West 13th Avenue as a condition of approval for this partition.

The proposed partition is also abutted by West 12th Alley on its northerly plat boundary. West 12th Alley has an existing 14’ right-of-way which was dedicated in the *James Huddleston Extended Addition to Eugene* subdivision. The alley, which has not been improved to City standards, has a gravel surface adjacent to the three most westerly tax lots and a 9’ wide asphalt surface adjacent to the two most easterly tax lots, including TL 6900, which is the subject property. A field check by staff confirmed that the alley is in marginal condition, including the asphalt section which has at least two areas where the subsurface failure has resulted in large depressions in the asphalt.

Eugene Code 9.8215(1)(b) requires that the applicant comply with the street, alley and other public way standards set forth in EC 9.6800 through 9.6870. Pursuant to EC 9.6805, “[a]s a condition of any development, the city may require dedication of public ways for ... streets and alleys, provided the city makes findings to demonstrate consistency with constitutional requirements.” As discussed above in EC 9.7250, which is incorporated herein by reference, under R-2 zoning, seven units are currently allowed on TL 6900, all of which could take access from the alley. Following the partition, only six units will be allowed on Parcel 2; all six units will have take primary access off of the alley. Since the proposed partition could not result in an increased usage of the alley (beyond what is currently allowed on the property), the City staff are unable to make the findings needed to require additional right-of-way as a condition of partition approval. However, as discussed in EC 9.6750, which is incorporated herein by reference, in order to ensure that sufficient public right-of-way is available to allow the improvement of West 12th Alley to the standards required in **EC 9.6505 Improvements – Specifications**, a special setback for future right-of-way acquisition at a distance of 10’ from the centerline of West 12th Alley is required to be shown on the final plat.

9.6810 – Block Length

This criterion is not applicable because West 13th Avenue is not a local street.

9.6815 – Connectivity for Streets

The street infrastructure surrounding the subject property is fully developed with a complete network of public streets and sidewalks, meeting the requirements of street connectivity for this site. There are no undeveloped or partially developed properties to which additional streets must be extended, nor are any additional street connections or extensions of any kind required. Secondary access is readily available. The proposed partition complies with the street connectivity standards of EC 9.6815(2).

9.6820 – Cul-de-Sacs

No cul-de-sacs are proposed. This criterion is not applicable.

9.6830 – Intersections of Streets and Alleys

No new intersections are proposed or required, this criterion is not applicable.

9.6835 – Public Accessways

There are no existing or potential accessways on adjacent sites that dictate the dedication or construction of a public accessway, this criterion is not applicable.

9.6840 Reserve Strips

There are no requirements for a reserve strip.

9.6845 Special Safety Requirements

Because there are no proposed or required street improvements, there are no special safety requirements.

9.6850 Street Classification Map

The classification of West 13th Avenue was discussed in EC9.6805, which is incorporated herein by reference.

9.6855 Street Names

No streets are proposed or otherwise required. This criterion is not applicable.

9.6860 Street Right-of-Way Map

No amendments to the Street Right-of-Way map are proposed or required.

9.6865 Transit Facilities

[Per Planning Review]

9.6870 Street Width

As addressed in EC 9.6805, which is incorporated herein by reference, there is no requirement to widen the existing 36' paved surface in West 13th Avenue.

9.6875 Private Street Design Standards

Private streets are not proposed, this criterion is not applicable.

(c) EC 9.6500 through EC 9.6510 Public Improvement Standards.

9.6500 Easements

There are no proposed public utility easements. Additionally, Public Works staff confirms that no public easements for wastewater or stormwater facilities are required of the property to address present or future development of the area.

If any public utility easements are shown on the final plat, the final plat will also be required to include the following restriction in accordance with EC 9.6500(3): "No building, structure, tree or other obstruction shall be placed or located on or in a Public Utility Easement."

9.6505 – Improvements – Specifications

This section requires that all public improvements be designed and constructed in accordance with adopted plans and policies, the procedures specified in Chapter 7 of this code, and standards and specifications adopted pursuant to Chapter 7 of this code. Additionally, all developments are required to make and be served by the following infrastructure improvements (see EC9.6505 (1-5) and EC 9.610 below):

1) Water Supply - [Per EWEB review]

2) Sewage –

The existing residence in Parcel 2 (933 West 13th Avenue) is currently connected to the existing 22" public wastewater mainline in West 12th Alley. The applicant proposes to cut back the existing private service to Parcel 2 in order to provide service to Parcel 1 and also proposes to construct a new 4" private service line to Parcel 2 within a proposed 5' private utility easement along the west boundary of Parcel 1. This proposal is acceptable, subject to the following condition. Prior to final plat approval, the applicant shall abandon the existing service line to the house at 933 West 13th Avenue within 5 feet of the northerly property line of Parcel 1. The applicant shall also construct a 6" public lateral and install a 4" private wastewater service line in the proposed 5' private utility easement in order to provide continued service to the existing house at 933 West 13th Avenue. A plumbing permit may be obtained at the Permit and Information Center at 99 West 10th

Avenue. Alternatively, the applicant shall submit a deed restriction which stipulates that prior to the sale of either parcel, the existing private service line to Parcel 2 shall be relocated into the proposed private utility easement along the westerly boundary of Parcel 1. The draft deed restriction shall be subject to review and approval by City staff prior to concurrent recording with the final plat. The applicant shall also create a private wastewater easement in the location of the existing service to Parcel 2 as it crosses Parcel 1. The private wastewater easement shall include language noting that the easement shall be terminated at such time that the existing wastewater service is relocated into Parcel 2. The draft easement shall be subject to review and approval by City staff prior to concurrent recording with the plat. Additionally, the applicant shall include a note on the final plat which states that the easement document includes language of termination.

3 & 4) Streets and Alleys, Sidewalks

As previously discussed in EC 9.6805, which is incorporated by reference, West 12th Alley is not improved to City standards, *i.e.*, it lacks paving that has been constructed to city standards with respect to width and structure and also lacks storm drainage facilities.

Eugene Code 9.6870(2) states that “all streets and alleys shall be designed and constructed according to adopted council policy and standards and specifications adopted pursuant to Eugene Code Chapter 7.” Eugene Code 9.6505(3)(b) further states that “the developer shall pave streets and alleys adjacent to the development site to the width specified in EC 9.6870 Street Width unless such streets and alleys are already paved to that width, provided the City makes findings to demonstrate consistency with constitutional requirements.” As discussed in EC 9.6750 Special Setback Standards, which is incorporated herein by reference, West 13th Alley functions as a primary access alley. Table 9.6870 identifies the paving width for alleys which serve as primary access to be 20’ for two-way traffic and 12’ for one-way traffic. However, as discussed in EC 9.6805, which is incorporated herein by reference, the impacts from the proposed partition could not result an increase of alley usage above what is already allowed on the site. Therefore, even though the alley is in marginal condition, City staff are unable to make the findings needed to require alley improvements as a condition of partition approval. In order to construct the alley to City standards in the future, the applicant shall submit an Irrevocable Petition for alley improvements West 12th Alley to include paving and storm drainage. The irrevocable petition will allow the City to complete the alley improvements in the future and will obligate the property owners to pay their assessable portion of the construction costs. It should be noted that at such time that improvements in the alley are initiated, City staff note that a 12’ wide one-way alley may be a practical design.

As addressed in EC 9.6805, which is incorporated herein by reference, there is no requirement for public improvements in West 13th Avenue.

5) Bicycle Paths and Accessways -

Per the findings in EC 9.6820 and EC 9.6835 which are incorporated herein by reference, no bicycle paths or public accessways are required.

9.6510 – Stormwater Drainage

Public storm drainage is available in West 13th Avenue. The applicant's proposal to direct stormwater runoff towards weepholes in the curb West 13th Avenue is acceptable; however storm drainage flowing from Parcel 1 across Parcel 2 must be located within a private storm drainage easement. As a condition of approval, the applicant shall create on the final plat, a private easement across Parcel 2 for the benefit of Parcel 1 to enable storm drainage disposal from Parcel 1.

(d) Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.

The property, which is within the unprinted FIRM map panel 41039C - 1136F, dated June 2, 1999 is not located within an identified FEMA floodplain boundary or floodway and is not subject to the provisions of EC9.6706 through EC9.6709

(e) EC 9.6710 Geological and Geotechnical Analysis.

The proposed development is not a tentative PUD, subdivision, or site review and it does not include the dedication and construction of a public street or alley or the construction of public drainage systems or public wastewater sewers. This criterion is not applicable.

(f) EC 9.6735 Public Access Required.

Both lots have frontage on West 13th Avenue.

(g) EC 9.6750 Special Setback Standards.

2) Special Setback for Streets -

As described in **EC 9.6750(1)**, the purpose of Special Setbacks is to “[ensure] that buildings are constructed in such a manner that they will conform with the setbacks required by specific zones when the streets on which they front are widened to the city standard.” It is also noted that proper public right-of-way width is required to allow the improvement of streets to the standards required in **EC 9.6505 Improvements – Specifications**.

EC 9.6750(2) provides that when there is no planned public right-of-way width for the street, the special setback shall be a distance of one-half of the “the maximum right-of-way width allowed according to Table 9.6870.” Since West 12th Alley is not designated on the street right-of-way map, the right-of-way width is set forth in Table EC 9.6780. Pursuant to Table 9.6870, the right-of-way width for alleys which serve as primary access is 20’ and the right-of-way width for alleys which serve as secondary access is 14’. Under existing conditions, West 12th Alley serves as primary access for at least one lot (*i.e.* TL 6602 which was created by Land Partition Plat Number 96-P0881). Based on aerial photography, it appears that the alley is also the primary access for several other structures located along the alley. As a primary access alley, the required alley right-of-way width is 20’.

As previously noted in EC 9.6805, there is no requirement for right-of-way in West 12th Alley as a requirement of the proposed partition. Therefore, as a condition of approval, the applicant shall show a special setback line for future right-of-way acquisition at a distance of 10 feet from the centerline of West 12th Alley. This will ensure that sufficient public right-of-way is available to

allow the improvement of West 12th Alley to the standards required in **EC 9.6505 Improvements – Specifications.**

As discussed in EC 9.6805, West 13th Avenue is an example of an existing street in an older developed area of Eugene, for which a 66' right-of-way is appropriate. Since the existing right-of-way is 66', there is no requirement for a special setback.

3) Special Setback for Utility Easements -

There are no known planned utility easements or long range infrastructure plans within this development site which dictate a special setback for future public utility easement acquisition to be noted on the final plat.

(h) EC 9.6775 Underground Utilities.

Per Planning Review

(i) EC 9.6780 Vision Clearance Area.

No streets are proposed or otherwise required. This criterion is not applicable.

(j) All other applicable development standards for features explicitly included in the application.

Per Planning Review.

(k) The applicable adopted plan policies beginning at EC9.9500.

Per Planning Review

(2) The proposed partition will not create a new nonconforming situation.

Per Planning Review

(3) Partitions abutting collector and arterial streets **(will) comply with access management guidelines of the agency having jurisdiction over the street.**

As noted in EC 9.6805 which is incorporated herein by reference, West 13th Avenue is a minor arterial street under City jurisdiction. The City of Eugene does not currently have adopted access management guidelines.

(4) If the provisions of EC 9.8215(1) require a public street, or if the applicant proposes the creation of a public street, all of the following criteria also apply:

A public street is not required; the following criteria are not applicable.

- (a) The proposal will not impede the future best use of the remainder of the property under the same ownership or adversely affect the development of the remainder or any adjoining land or access thereto.

Per Planning Review

- (b) The proposed partition will:

1. Not result in unreasonable risk of fire, flood, geological hazards, or other public health and safety concerns;
2. Provide adequate transportation systems, water supply, sewage disposal, drainage, and other public utilities;
3. Not hamper the adequate provision of publicly owned open space for recreation needs.

- (c) The proposed partition provides safe, convenient, and direct bicycle and pedestrian access to nearby and adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and industrial areas, and provides safe, convenient and direct transit circulation, provided the city makes findings to demonstrate consistency with constitutional requirements. "Nearby" means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can be reasonably expected to be used by bicyclists.

- (5) As far as practicable, lot side lines run at right angles to the street upon which the lots face, except that on curved streets they are radial to the curve.

Per Planning Review

- (6) On R-1 zoned property, if the partition results in a lot greater than 13,500 square feet in size based on EC 9.2761(5) (b), the application shall indicate the location of parcel lines and other details of layout that show future division of the parcel may be made without violating requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. If the planning director deems it necessary for the purpose of future land division, any restriction of buildings within Future Street, bicycle path, and accessway locations shall be made a matter of record in the tentative plan approval.

Per Planning Review

Requirements:

- On the final plat, show a special setback line for future right-of-way acquisition at a distance of 10' from the centerline of West 12th Alley.
- Submit an Irrevocable Petition for alley improvements in West 12th Avenue to include paving and storm drainage facilities.

- Prior to final plat approval, the applicant shall abandon the existing service line to the house at 933 West 13th Avenue within 5 feet of northerly property line of Parcel 1. The applicant shall also construct a 6” public lateral and install a 4” private wastewater service line in the proposed 5’ private utility easement in order to provide continued service to the existing house at 933 West 13th Avenue. A plumbing permit may be obtained at the Permit and Information Center at 99 West 10th Avenue. Alternatively, the applicant shall submit a deed restriction which stipulates that prior to the sale of either parcel, the existing private service line to Parcel 2 shall be relocated into the proposed private utility easement along the westerly boundary of Parcel 1. The draft deed restriction shall be subject to review and approval by City staff prior to concurrent recording with the final plat. The applicant shall also create a private wastewater easement in the location of the existing service to Parcel 2 as it crosses Parcel 1. The private wastewater easement shall include language noting that the easement shall be terminated at such time that the existing wastewater service is relocated into Parcel 2. The draft easement shall be subject to review and approval by City staff prior to concurrent recording with the plat. Additionally, the applicant shall include a note on the final plat which states that the easement document includes language of termination.
- On the final plat, create a private easement across Parcel 2 for the benefit of Parcel 1 in order to facilitate storm drainage disposal from Parcel 1 to West 13th Avenue.

Other Final Plat Requirements and Informational Items:

- A plat-check fee will be required at the time of final plat application. These fees are subject to change; plat-check fees will be assessed according to the fee schedule in effect when the final plat application is submitted. Please consult the City website for current application fees.
- A current title report must be submitted with the final plat. The final plat must show all easements listed in the title report, and interest-holders must sign the Declaration or submit concurrences.
- The final plat must show the relationship between the property boundary and right-of-way centerline monuments.
- If any public utility easements are shown on the final plat, the final plat will also be required to include the following restriction in accordance with EC 9.6500(3): “No building, structure, tree or other obstruction shall be placed or located on or in a Public Utility Easement.”
- All City liens and assessments must be paid or segregated prior to final plat approval. As of August 17, 2006, there are no identified liens or assessments for 17-03-31-32 TL6900.
- Taxes for the current year must be paid prior to recording of the final plat. The applicant should contact the Lane County Surveyor’s Office to make arrangements.