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# Land Division Application— Tentative Replat

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
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**TO BE FILLED OUT BY STAFF**

File No. \_\_\_\_\_ Date of Preapplication Conference \_\_\_\_\_

REVIEW FEE: \$247 (RLD)

Date Fee and Application Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Received By: \_\_\_\_\_

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## LAND DIVISION (REPLAT) APPLICATION CHECKLIST

Before you submit the application to the Planning Division, please check this list to verify you are not missing essential information. An incomplete application will delay the approval process.

- BASIC INFORMATION.** Provide all the requested basic information about the site and proposal.
- REVIEW CRITERIA RESPONSES.** On a separate paper, briefly describe how this proposal complies with each of the review criteria. See Attachment B for an example.
- TENTATIVE PLAT.** Submit **NINE (9)** full-size copies (typically 18 x 24-inch or larger paper) and **NINE (9)** reduced-size copies (8 ½ x 11-inch or 11 x 17-inch paper) of the proposed tentative plat. The scale of the full-size drawing must be large enough that all dimensions and distances can easily be measured for accuracy. The map must include all the required items. If any item listed for inclusion on the map is not provided, please include a written explanation.
- URBAN CONVERSION MAP.** If this Land Division request results in any parcels or lots which are divisible again in the future, or there is an undeveloped remainder, submit a separate map that shows how the rest of the site can be developed to City standards with City services.
- PROPERTY NOTIFICATION LIST.** Submit one copy of a list of the names, addresses and County Tax Assessor's map and tax lot identification of all properties within 100 feet for a partition (3 or fewer parcels) or 300 feet for a subdivision (four or more lots) of the subject property. This list must be signed and dated by the preparer; the source of the data should also be indicated. See Attachment A for an example.
- SURROUNDING PROPERTY MAP.** Submit one map (usually a County Tax Assessor's map) that outlines the area used to prepare the notification list.
- APPLICANT/PROPERTY OWNER INFORMATION.** List all current owners of record and others to be notified, such as your surveyor or engineer. All property owners of record must sign the form. Agents may sign only with an attached power of attorney or letter of authorization from the actual owner(s).
- NEIGHBORHOOD MEETING REPORT.** If a neighborhood meeting was required (the area to be replatted involves 10 or more lots) submit a report of that meeting as outlined in Section 1.207(7) of the Development Code.
- REVIEW FEE.** Submit a check made payable to the City of Albany in the appropriate amount for this application. See the front of the application form for the current fee.

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## REPLAT OVERVIEW

“Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. [ORS 92.010(12)]

**When is a Replat of a land division needed?** When property owners want to move or change the location of property lines or public easements that were created by the platting of a partition or subdivision.

**Replatting vacates the existing property lines of lots or parcels and public easements within an existing recorded Plat, with the following conditions:**

1. A Replat only applies to a recorded Plat.
2. Notice shall be provided as described in ORS 92.225(4) when the Replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.
3. Notice by the City shall be provided to the owners of property adjacent to the exterior boundaries of the Tentative Subdivision Replat.
4. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified consistent with a governing body’s notice to owners of property continuous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body writing within 14 days of the mailing or other service of the notice.
5. A Replat will not vacate any public street or road.
6. A Replat will comply with all subdivision provisions of ORS Chapter 92 and all applicable ordinances and regulations adopted under this Chapter 92.
7. The Replat of a portion of a recorded plat will not vacate any recorded covenants or restrictions.

A Replat is a land division. Whether a subdivision (four or more lots) or a partition (three or fewer parcels), the review process is in two stages. The first stage is the Tentative Plat to review the application against the review criteria; standards of the zoning district; connection to and/or extension of public facilities such as streets, sanitary sewer, storm drainage, and water; consideration for natural features such as floodplain, wetlands, significant vegetation, steep slopes, and drainage ways; and compliance with other applicable standards of the Development or Municipal Codes. The second stage is review of the final plat before it is recorded for conformance to the approved Tentative Plat.

**Can I prepare the Tentative and Final Plats myself?** An individual may prepare the Tentative Plat, but Oregon Revised Statutes requires that the Final Plat recorded with the County Surveyor be prepared by a registered land surveyor or engineer, according to specified regulations. Given the technical nature of the platting process, we recommend that you have the Tentative Plat prepared by a registered land surveyor or engineer.

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# REPLAT APPLICATION

**NOTE: The Replat process does not vacate any existing recorded private covenants or restrictions or public streets or roads.**

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## BASIC INFORMATION

Briefly describe the project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List the addresses of each parcel or lot in the Replat area: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Assessor's Parcel Map No(s). \_\_\_\_\_ Tax Lot No(s). \_\_\_\_\_

Zoning designation of the land in the Replat area \_\_\_\_\_

Total area of the land to be replatted \_\_\_\_\_

Does the Replat area contain any existing easements, structures, private wells, septic tanks, drain fields? \_\_\_\_\_

If yes, describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Current uses of each of the properties \_\_\_\_\_

Type of surface of existing driveways within the Plat area \_\_\_\_\_

Are you requesting to use any density bonus provisions? \_\_\_\_\_

If yes, attach a separate narrative outlining in detail which bonus provisions and how they apply to this site.

What is the average square footage of all lots/parcels after applying any bonus provisions? \_\_\_\_\_

What are the existing uses and zoning on the properties adjacent to the Replat area (including across the street):

North \_\_\_\_\_

South \_\_\_\_\_

East \_\_\_\_\_

West \_\_\_\_\_

Are any of the lots/parcels large enough to be divided again in the future? \_\_\_\_\_

If yes, you must also submit an "Urban Conversion Plan" for that area.

To assess whether the City will need additional information and/or whether you must obtain additional permits or applications from other agencies or departments, please answer the following questions.

Will the development:

- a) Require removal or demolition of any existing structure(s)? Yes \_\_\_\_ no \_\_\_\_
- b) Affect historic structures or historically significant features? Yes \_\_\_\_ no \_\_\_\_
- c) Be located within a 100-year floodplain? Yes \_\_\_\_ no \_\_\_\_
- d) Be located within the designated Willamette Greenway? Yes \_\_\_\_ no \_\_\_\_
- e) Affect an identified wetland? Yes \_\_\_\_ no \_\_\_\_
- f) Require a Variance or Adjustment from a development standard? Yes \_\_\_\_ no \_\_\_\_
- g) Involve fill or removal of contaminated soils or hazardous material? Yes \_\_\_\_ no \_\_\_\_
- h) Involve grading/fill: within the 100-year floodplain or a watercourse, as shown on the City's Drainage Master Plan; over an existing public storm drain, sanitary sewer or waterline; or more than 50 cubic yards in areas that have an average slope of 12% or greater? Yes \_\_\_\_ no \_\_\_\_
- i) Involve land that has a current average slope of 12% to 25%? Yes \_\_\_\_ no \_\_\_\_
- j) Involve removal of vegetation or trees (diameter of 8 inches or greater)? Yes \_\_\_\_ no \_\_\_\_
- k) Be within the Airport Approach District? Yes \_\_\_\_ no \_\_\_\_
- l) Involve access onto an Oregon State Highway? Yes \_\_\_\_ no \_\_\_\_

If you answered yes to any of the above, contact the Planning Division before submitting your application.

## LAND DIVISION REVIEW CRITERIA

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Replat land division complies with each of the following review criteria [ADC 11.180]. Each criterion must have at least one finding of fact and conclusion statement. See Attachment B for an example.

1. ***Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.*** Can the proposed land area be further divided? **If yes, submit a separate expanded Plat map, called an "Urban Conversion Plan,"** that shows how the property can be further divided, and how access and utilities complying with the various regulations of the Development Code can be provided. An Urban Conversion Plan is used only to evaluate the current request against the review criteria and does not convey any approval rights.
2. ***Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.*** Assess each adjoining parcel/lot for further development potential. For example, will any adjoining lot depend upon this application's property for access? If so, this application may need to provide a street stub.
3. ***The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*** Describe how the plan makes the best use of existing and proposed streets for access to the proposed parcels/lots, including for pedestrians and bicycles.
4. ***The location and design allows for development to be conveniently served by various public utilities.*** Indicate the location and size of each of the nearest public facilities for water, sewer, and storm drainage, and explain how the project will connect to those facilities. If public facilities are not available, how will the property be served?
5. ***Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and utilized.*** If physical features of the land (hillside, wetlands, natural vegetation, floodplain, etc.) or nearby land uses (historic district, Willamette River Greenway, open space overlay district, airport overlay district, etc.) limit

development of the property, explain how the Land Division plan addresses those limitations. Refer to Development Code Articles 6 and 7 for Special Purpose Districts.

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## TENTATIVE PLAT MAP REQUIREMENTS

Submit **NINE (9)** full-size copies (typically 18 x 24-inch or larger paper) and **NINE (9)** reduced copies (on 8½ x 11 or 11 x 17-inch paper) of the proposed map. The map must include the following:

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed land division site.
- Names and addresses of the owner(s), developer(s), surveyor and engineer, as applicable.
- Date map was drafted and north arrow.
- Scale of map. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) Map must be clearly readable and measurable.
- Total gross and net land areas of the entire site. ("Net" is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Label and show the area of any land to be dedicated to the public; include purpose and square footage.
- Label and show the lengths of all *existing* and *proposed* property lines.
- Indicate existing zoning and uses on the subject property and on adjacent property within 100 feet.
- Label and show the approximate dimensions, net square footage, and proposed identification number of each lot/parcel.
- Label and show the locations of all existing driveways, structures, wells, septic tanks and drain fields, and distances between them and the existing and proposed property lines and each other. Indicate what is to be removed, moved, and/or retained.
- Label and show the locations of all public improvements to be constructed as part of the development of the site (e.g., streets, sidewalks, and utilities).
- Label and show the sizes and locations of all *existing* and *proposed* public sewer and water mains and private service lines from the main to the lots/parcels; culverts, ditches, and drain pipes, and electric, gas and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way. Include invert elevations of sewer lines at points of proposed connections.
- Label and show the locations, widths, and names of all *existing* or *platted* adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as city boundary lines.
- Label and show the locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any plan approved by the City or proposed with this application.
- Label and show the locations, widths, ownership, and purpose of all *existing* and *proposed* easements on the site and on adjoining properties.

- Label and show *existing* and *proposed* contour (topography) lines drawn at the following intervals:
  - m) One-foot intervals for ground slopes less than five percent.
  - n) Two-foot intervals for ground slopes between five and ten percent.
  - o) Five-foot intervals for ground slopes exceeding ten percent.

Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.

**Additional map needs. The following may not apply to every site. If an item does apply, show the information on the proposed Tentative Plat Map and check the box. Write "NA" in the box if the item does not apply to this proposal, and attach a short explanation.**

- Label and show the width, direction and flow of all watercourses on the site.
- Label and show areas within the 100-year floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Label and show the boundaries of all jurisdictional wetlands. Sources: Plate 6 of the Comprehensive Plan, the National Wetland Inventory, and Local Wetland Inventory maps. Land not on these maps still may contain wetlands.
- Label and show location of the following significant natural resources: 1) significant wetlands identified on the City's Local Wetlands Inventory; 2) riparian areas on the city's Riparian Inventory; 3) existing channels as shown on Figure 7.1 of the draft North Albany Storm Water Master Plan; and 4) slopes greater than 25 percent.
- Label and show the locations of the following natural features: 1) non-significant wetlands identified on the city's Local Wetlands Inventory; 2) wooded areas with 5 or more trees over 12 inches in diameter measured 4½ feet from the ground; and 3) springs.
- Label and show proposed plat phase lines.
- If the project is a subdivision*, give the tentative plat a name. Check with the appropriate County to see if the desired name is available for use. This is necessary with street name choices as well.
- Label sites allocated for multiple-family dwellings, shopping centers, churches, industry, parks, schools, playgrounds, and public or semi-public buildings.

## VICINITY INFORMATION

If the Tentative Plat does not have room, you may submit **six** copies of a separate map to show the following:

- Current zoning, names of owners of record, and location of structures on all properties contiguous to the site.
- All existing subdivisions, streets, and tract lines of acreage parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
- How proposed streets and alleys in the proposed land division may connect with existing or proposed streets and alleys in adjacent properties for the most advantageous development of the neighborhood. If adjacent sites have future development potential, to support the design layout for

your plat, show how public facilities may be extended onto and within the adjacent properties. Check the City Transportation Master Plan for future street patterns.

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## NEIGHBORHOOD MEETING PROCEDURES

If a neighborhood meeting was required for this proposed development (see ADC 1.203), this application must include a report documenting the meeting results and including:

- a) The dates and locations of all meetings where citizens were invited to discuss the proposal;
  - b) The method(s) of publicizing each meeting;
  - c) The number of people who attended the meeting or otherwise contacted the applicant;
  - d) A summary of the concerns, issues, and problems raised by neighbors;
  - e) A discussion of how the applicant has addressed or intends to address concerns, issues, and problems; and
  - f) A discussion of any concerns, issues, and problems the applicant is unable or unwilling to address and why.
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## LIST OF SURROUNDING PROPERTY OWNERS

The notification area includes the property to be replatted and the tax lots that surround the area to be replatted. If the Replat is a partition (three or fewer parcels), the notification area is 100 feet from the boundary of the parcels to be replatted. If the Replat is a subdivision (four or more lots), the notification area is 300 feet from the boundary of the lots to be replatted.

- Using the County Tax Assessor's maps, submit a map that shows the subject property to be developed and outlines or highlights the appropriate notification area. In addition, using the County Tax Assessor database, prepare a typed (or clearly printed) list of names, addresses, and map and tax lot numbers for all tax lots within the notification area. (See Attachment A for approved format.)
  - At the bottom of the notification list, indicate the name of the preparer, the date the list was compiled, and the source of the data.
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## APPLICATION AUTHORIZING SIGNATURES

***I hereby apply for approval of the Replat Land Division as requested in this application, and certify that the information provided is accurate. I further certify that I am authorized to make the application and that there are no private covenants, conditions, or restrictions that may limit or prohibit the land division.***

**Property Owner(s)**. Each current property owner of record must sign the application or provide a letter authorizing an agent or representative to act on his or her behalf.

Name (print or type) \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Email (optional) \_\_\_\_\_

Signature \_\_\_\_\_

Name (print or type) \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Email (optional) \_\_\_\_\_

Signature \_\_\_\_\_

**Authorized Agent or Representative**. ***Authorized agents may sign for a property owner only if they include evidence of their authority to act on the property owner's behalf. Either a letter from the property owner or a legal document such as a Power of Attorney is acceptable.***

Name (print or type) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Email (optional) \_\_\_\_\_

Name of property owner you represent \_\_\_\_\_

Signature of Agent \_\_\_\_\_

**Engineer or Surveyor**

Name (print or type) \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Email (optional) \_\_\_\_\_

Signature \_\_\_\_\_



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# ATTACHMENT B

## EXAMPLE OF FINDINGS OF FACT

### CRITERIA FOR FINDINGS OF FACT:

A Land Division will be approved if the approval authority finds the application conforms to the criteria found in Section 11.180 of the Albany Development Code, and with applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

### FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

### EXAMPLE:

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

**Fact:** State fact(s) relating to the question – “The proposed Land Division divides all of the land area within the subdivision boundary into 11 lots, so there is no remainder. None of the proposed lots is large enough to divide further at the current zoning category. The developer does not own any of the adjacent properties.”

**Conclusion:** State conclusion – “There is no remainder of land to consider with this application.”