



COMMUNITY DEVELOPMENT

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Dividing Land in the City of Albany

Basic Information for a Potential Applicant

There are two categories of land divisions. A “Partition” divides land into two or three parcels. A “Subdivision” results in creation of four or more lots. The City’s regulations for land divisions, including special types of land divisions, such as Condominium, Cluster Development, Planned Developments, Expedited and Middle Housing Land Divisions are found in Development Code (ADC) Article 11.

All land divisions are reviewed in two stages. The first stage is the Tentative Plat to review the application primarily for design compliance aspects, such as lot/parcel area and dimension standards of the zoning district; connection to and/or extension of public facilities such as streets, sanitary sewer, storm drainage, and water (Article 12); consideration for natural features such as Floodplain, Wetlands, Riparian Corridors, steep slopes, and Willamette River Greenway (Article 6); and compliance with other applicable standards of the Development or Municipal Codes. The second stage is the staff review of the Final Plat to ensure it conforms to the approved Tentative Plat. Per ORS 92.050, the survey and final plat of a land division must be prepared by a registered professional land surveyor.

STEP 1: PRE-APPLICATION MEETING WITH CITY STAFF.

(No fee) This meeting must be held before an application is submitted for review, when required by the Director. The intent of this meeting is to provide interested parties advanced information about readily identifiable issues and potential conditions of approval that would affect a land division proposal. Topics of discussion include road widths and improvements; sewer, water, and storm drainage availability; natural resource issues, such as Wetlands and Floodplains; topography and environmental issues, such as Hillside Development and vegetation preservation; and any known neighborhood concerns. *While staff does its best to address the potential conditions of approval, once a complete comprehensive application is filed for review, other issues may arise which were not discussed at the conference.*

The pre-application meeting will be scheduled two to four weeks from the day the Planning Division receives pre-application materials, or draft of the proposal. The materials essentially consist of a short, written description of your intentions, and a simple map, which shows all the existing property lines and improvements on the site, including driveway locations and where the proposed new property lines are to be located. If possible, the map should be drawn to scale.

STEP 2: NEIGHBORHOOD MEETING.

Subdivisions creating more than 10 lots (excluding expedited and middle housing land divisions), Cluster Developments, and Planned Developments of any size must hold a neighborhood meeting **before submitting the application** (see ADC Section 1.140). The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The notice area is all properties within 300 feet of the boundaries of the subject property, and to any representative of any City-recognized neighborhood association. The notice area for land divisions proposing more than 50 dwelling units, lots or spaces have a notice area of 1,000 feet. Notice shall be sent at least 10 days but no more than 30 days before the meeting. A report of the meeting shall be turned in with the application, documenting the results of the meeting as outlined in ADC Section 1.140(6).

STEP 3: SUBMIT SIGNED APPLICATION AND ITEMS ON THE LAND DIVISION TENTATIVE PLAT OR REPLAT CHECKLIST. (Review fee due with application)

Applications are obtained from the Planning Division or from the City's website. In addition to providing copies of a Tentative Plat map and filling out basic information about the property and surrounding area, the applicant will prepare a separate narrative addressing each of the review criteria. Although it is not required at this stage, you are encouraged to have the Tentative Plat prepared by a registered professional land surveyor because by state law, a surveyor will need to prepare the survey of the plat and final plat itself for signatures and recording.

Basic Elements of a Plat. The following list highlights basic regulations in Articles 11 and 12:

- Lot/Parcel arrangement; spacing, dimensions.
- Public rights-of-way designed for potential carrying capacity.
- Connectivity to adjacent properties for vehicles and pedestrians.
- Logical extension of public facilities, such as sewer, water, and storm drain lines.
- Retention of significant natural features such as trees and other vegetation.

STEP 4: DECISION TIMEFRAME.

Staff and affected agencies have up to 30 days to assess the application for completeness. "Completeness" means that sufficient information has been provided to make a decision on the proposal. Once the application is deemed complete, Oregon law allows the City up to 120 days (about 17 weeks) to issue a written decision on the application, unless the application is filed under the Expedited Process outlined in state law (ORS 197.360-380). However, if the application does not involve complex issues, staff typically issues a decision within 8 to 12 weeks unless there are a substantial number of applications in process. If the land division requires a public hearing, it is typically scheduled 45-60 days from the date of a complete application. There are other exceptions to the 120-day review process.

STEP 5: THE REVIEW PROCESS.

A Tentative Plat is reviewed under the Type I-L limited land use procedure where staff is the decision maker, or a Type III (public hearing) procedure for Planned Developments or Cluster Developments of any size. The Planning Commission or Hearings Board is the decision maker on a Type III application.

For Type I-L land divisions, the City will mail a notice of filing of the application to the surrounding property owners within the 300-foot notice area (50 lots or less) or 1,000-foot notice area (more than 50 lots). These parties have up to 14 days from the mailing date to submit written comments related to the review criteria to the City so that they can be taken into consideration.

For Type III land divisions, the City will mail a notice of public hearing to property owners within 300 feet (50 lots or less) or 1,000-foot notice area (more than 50 lots), and to the applicant notifying them of a land use public hearing.

STEP 6: TENTATIVE PLAT DECISION.

Type I-L's: After all comments from internal staff and affected parties have been submitted, the assigned planner prepares a staff report and issues a notice of decision either approving, approving with conditions, or denying the application. Parties who have submitted written comments will be sent a copy of the decision. Affected parties with standing may appeal staff's decision to the Planning Commission within 10 days of the date on the notice of decision. The Tentative Plat approval is valid for three years from the date of the decision unless it was approved for phasing. Subdivisions that are approved for phasing have up to five years to record all Plats (all phases).

Type III's: The Planning Commission (PC) or Hearings Board (HB) will decide on the application and the conditions of approval following the public hearing. Persons that provided written or oral testimony can appeal the PC or HB decision to City Council, and the Council's decision can be appealed to LUBA. If no appeal is filed, the decision is final. The Tentative Plat approval is valid for three years from the date of the decision unless it was approved for phasing. Subdivisions that are approved for phasing have up to five years to record all Plats (all phases).

STEP 7: FINAL PLAT APPLICATION, REVIEW, AND APPROVAL. (Review fee due with application)

The Final Plat, which eventually is recorded with the appropriate County Surveyor, is what creates the new parcels or lots. Title to the parcels or lots cannot be conveyed (transferred) until the Plat is recorded. The City's review is a Type I process (staff review). Staff compares the Final Plat and other required information against the Tentative Plat and the conditions of approval, if any, listed in the notice of decision. When the conditions have been completed to the satisfaction of the City's representatives, the City will sign the final plat and return it to the applicant for recording at the appropriate County.

There will be review and recording fees payable to the County where the Plat will be filed. In addition, property taxes and assessments may be due at the time of recording. Contact the appropriate County for information about their processes and time frames.

Miscellaneous:

- **Financing.** In-lieu-of Assessments, Improvement Assurances and System Development Charges may be required and can be financed through the City Finance Department.
- **System Development Charges.** For sanitary sewer, water, parks, and transportation are due at the time of building permit issuance. These are separate from any other assessments.