

March 23, 2018

CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net
541-917-7500

**CITY MANAGER/
ECONOMIC DEVELOPMENT/
URBAN RENEWAL**
541-917-7500
FAX 541-917-7511

FINANCE
Finance/Recorder
541-917-7532
FAX 541-917-7511

Municipal Court
541-917-7740
FAX 541-917-7748

**COMMUNITY
DEVELOPMENT**
Planning
541-917-7550
FAX 541-791-0150

Building Division
541-917-7553
FAX 541-917-7598

FIRE ADMINISTRATION
541-917-7700
FAX 541-917-7716

HUMAN RESOURCES
541-917-7515
FAX 541-704-2324

INFORMATION TECHNOLOGY
223 Third Avenue SW
541-917-7599
FAX 541-791-0075

PUBLIC WORKS
Engineering
541-917-7676
FAX 541-917-7573

Water/Sewer Billing
541-917-7547
FAX 541-917-7794

Operations
310 Waverly Drive NE
Albany, OR 97321
541-917-7600
FAX 541-917-7615

Call-A-Ride
112 Tenth Avenue SW
Albany, OR 97321
541-917-7770
Fax 541-812-2571
TTD 541-917-7762

Transit
112 Tenth Avenue SW
Albany, OR 97321
541-917-7667
Fax 541-812-2571

Lynn Whitacre
1588 Valley View Place NW
Albany, OR 97321

Dear Lynn:

PROPERTY LINE ADJUSTMENT FOR PROPERTIES LOCATED AT 1582 AND 1588 VALLEY VIEW PLACE NW; BENTON COUNTY ASSESSOR'S MAP NO. 10S-4W-25CA; TAX LOTS 104 AND 114; PLANNING FILE LA-02-18

City staff has received your request for a property line adjustment affecting the properties at 1582 and 1588 Valley View Place NW and evaluated it against the applicable decision-making criteria, provided below.

11.120 Review Criteria. The Director will approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

- 1) The property line adjustment does not create a new lot or a land-locked parcel.**
- 2) The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Code, or the adopted building codes.**
- 3) The adjusted properties are in compliance with any adopted transportation, public facilities, or neighborhood plan.**
- 4) The adjusted properties comply with any previous requirements or conditions imposed by a review body.**

Tax Lot 104 (Parcel "A") is presently a land-locked parcel. Legal access to Parcel "A" will be provided through a 25-foot shared access easement with Parcel "B." Consistent with ADC 11.120(1), the proposed property line adjustment would not create a new lot or a landlocked parcel.

All property that is involved in this Property Line Adjustment request is zoned Residential Single Family (RS-10). The RS-10 zone has a minimum lot size of 10,000 square feet, with a minimum lot width of 65 feet and lot depth of 100 feet. The property is owned by the Dorothy Garrison Trust. Presently, Tax Lot 104, herein referred to as "Parcel A," has 23,958 square feet (0.55 acres); and Tax Lot 114, herein referred to as "Parcel B," has 174,240 square feet (4.00 acres). When their common lot line is reconfigured, Parcel "A" will have 102,366 square feet (2.35 acres); and Parcel "B" will have 95,832 square feet (2.20 acres). This is shown in Attachment A.

Given the above, the reconfigured parcels meet minimum lot area, width, and depth standards in the RS-10 zone, and will not otherwise violate standards in the ADC or adopted Building Codes, consistent with ADC 11.120(2), which is provided in Attachment B.

City utility maps show an eight-inch public sanitary sewer main in Valley View Drive at the northwest corner of the subject property. The existing houses on the subject parcels are not connected to the public sanitary sewer system but are served by private septic systems. A portion of the septic system serving Parcel "A" will lie on Parcel "B." The applicants are proposing to provide a private easement over that portion of the septic system.

City utility maps show an eight-inch public water main in Valley View Drive at the northwest corner of the subject property. The existing houses on the subject parcels are currently connected to the public water system. It appears that the existing water service for the house on Parcel B will cross a portion of the reconfigured Parcel A. The applicant is proposing to provide a private utility easement over the private plumbing from the water meter that will cross Parcel A.

City utility maps show no public piped storm drainage facilities adjacent to the subject properties. A drainage ditch runs along the north boundary of the subject property along the northwesternmost portion of the shared access.

There are no known previous conditions or requirements imposed by a review body that remain to be met.

Given the above analysis, the proposed property line adjustment complies with all applicable review criteria. The legal requirements that relate to property line adjustments are listed below.

1. The property line adjustment shall occur in substantial conformance to the plans submitted for review. **The Planning Division must approve any changes to the approved plan.**
2. In all cases, the adjusted property line created by the relocation of the common boundary between tax lots shall be surveyed and documented in accordance with Oregon Revised Statute (ORS), subsection 92.060(3). The map of the survey shall be prepared for recording to comply with ORS 209.250.
3. Conveyance of the property must be executed by deed. The applicants shall cause a deed to be prepared by a title company or an attorney. A legal description shall be prepared for the reconfigured property and for the land being conveyed. The deed shall contain the names of the parties, legal description of the land, references to original recorded documents, and signatures of all parties with proper acknowledgment.
4. To convey (transfer) the property, the deed with the legal description must be recorded with the Benton County Recorder and Surveyor (ADC 11.140). **Prior to recording**, all the documents shall be reviewed and approved by the City of Albany, Community Development Division. (For City review, deeds do not need signatures.)

5. When the legal documents are recorded, that portion being removed from one tax lot must be consolidated with the other. Consolidation is done by the Benton County Tax Assessor. Before the county tax assessor's office can approve a consolidation, the applicants must present evidence to it that the following are met:
 - a) The ownership interest must be exactly the same on each parcel involved (i.e., one cannot be contract purchaser on one parcel and deed holder of the other).
 - b) Taxes must be paid in full; no taxes can be owed on the parcels involved.
 - c) A tax lot under a mortgage **will not** be combined with a tax lot that is not covered by a mortgage, unless approved by the mortgage holder.

Contact the Benton County Assessor's office for additional information or assistance with the consolidation.

6. Prior to issuance of any building permits on the properties covered by this application, the applicants must return a copy of the recorded deed to the Planning Division.
7. This proposal must be initiated within three years of the date of this letter of approval.

Sincerely,

Signature on file

Bob Richardson,
Planning Manager

DM:eo

Enclosure

c: Building Division (Gary Stutzman)
Finance Department (Denise Valentino)
GIS (Dave Jacobus)
Public Works Engineering (Gordon Steffensmeier)
Public Works Transportation (Ron Irish)
Fire Services (Lora Ratcliff)
Benton County Surveyor's Office
Benton County Assessor
Planning and Development Manager, ODOT
File: LA-02-18

PROPERTY LINE
ADJUSTMENT
FOR
**LYNN WHITACRE &
DOROTHY GARRISON TRUST**

LOCATED IN
TAX LOTS 104 + 114 OF MAP 10-4-5CA
SW 1/4 SEC 5, T. 10 S., R. 4 S., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON
JANUARY 19, 2018

OWNER'S ADDRESS: **ENGINEER/SURVEYOR:**

TAX LOT 104
LYNN WHITACRE
1588 VALLEY VIEW PL NW
ALBANY, OREGON 97321

K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OREGON 97321
(541) 928-2583

TAX LOT 114
DOROTHY GARRISON TRUST
1582 VALLEY VIEW PL NW
ALBANY, OREGON 97321

NEW PARCEL A:
TAX LOT: 104
ASSESSOR'S MAP: 10-4-5CA

NEW PARCEL B:
TAX LOT: 114
ASSESSOR'S MAP: 10-4-5CA

ZONING:
RS-10 (RESIDENTIAL SINGLE FAMILY)
COMP: RESIDENTIAL LOW DENSITY

ZONING:
RS-10 (RESIDENTIAL SINGLE FAMILY)
COMP: RESIDENTIAL LOW DENSITY

CURRENT USE:
EXISTING RESIDENCE

CURRENT USE:
EXISTING RESIDENCE

SITE ADDRESS:
1588 VALLEY VIEW PL NW
ALBANY, OREGON 97321

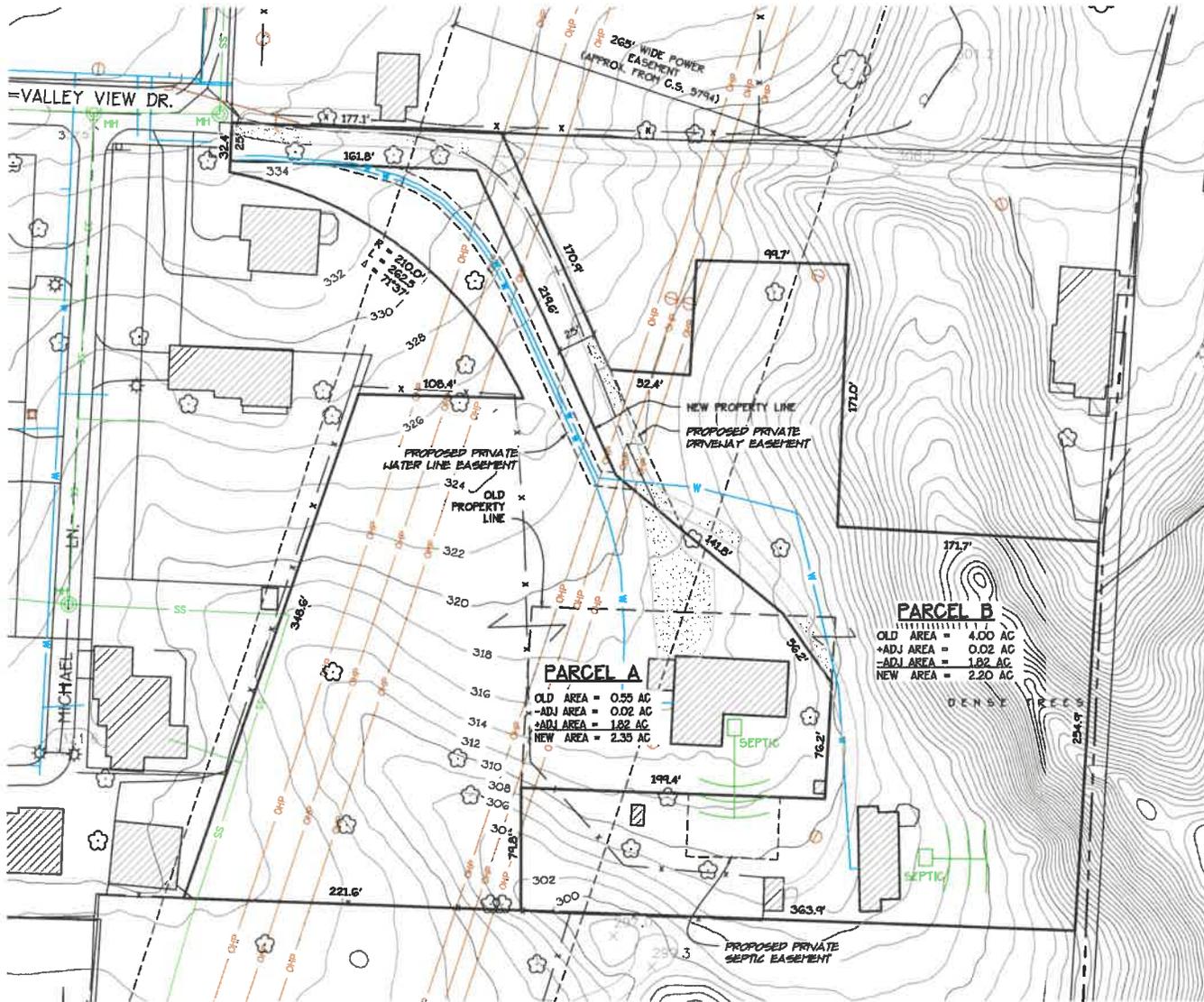
SITE ADDRESS:
1582 VALLEY VIEW PL NW
ALBANY, OREGON 97321

AREAS:
OLD AREA = 0.55 AC
-ADJ AREA = 0.02 AC
+ADJ AREA = 1.82 AC
NEW AREA = 2.35 AC

AREAS:
OLD AREA = 4.00 AC
+ADJ AREA = 0.02 AC
-ADJ AREA = 1.82 AC
NEW AREA = 2.20 AC

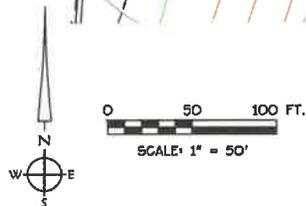
AREA FROM "A" TO "B"
AREA = 0.02± AC

AREA FROM "B" TO "A"
AREA = 1.82± AC



LEGEND:

- W— WATER LINE
- SS- SEWER LINE
- 196-
- DITCH LINE
- TREE

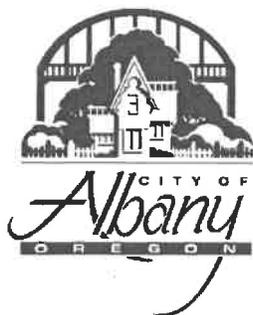


NOTES:

1. BASIS OF CONTOURS IS THE CITY OF ALBANY GIS DATA BASE.

Date: 1/25/2018 Time: 11:29
Scale: 1"=175'
File: dwg\2017\17-140-a\17-140_lp.dwg (George)

K+D K & D ENGINEERING, Inc.
676 N.W. Hickory Street P.O. Box 782
Albany, Oregon 97321
(541) 928-2583


COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division
 P.O. Box 490
 333 Broadalbin Street SW
 Albany, OR 97321
 Phone 541-917-7550
 Fax 541-791-0150
www.cityofalbany.net

Property Line Adjustment

Checklist & Review Criteria

INFORMATION AND INSTRUCTIONS:

- Filing Fee (*subject to change every July 1*): \$275 with additional \$75 if Natural Resource Impact Review is required. Staff will contact you for payment after submittal.
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to epplans@cityofalbany.net. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

PROPERTY LINE ADJUSTMENT SUBMITTAL CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES**
- REVIEW CRITERIA RESPONSES**

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed property line adjustment complies with each of the following review criteria. Each criterion must have at least one finding of fact and conclusion statement. The Director will approve, approve with conditions, or deny the application for a property line adjustment based on the following criteria [ADC Section 11.120]:

1. The property line adjustment does not create a new lot or a land-locked parcel.
2. The adjusted properties are not reduced below the minimum dimensions of the zoning district and do not otherwise violate standards of this Code, or the adopted building codes.
3. The adjusted properties are in compliance with any adopted transportation, public facilities, or neighborhood plan.
4. The adjusted properties comply with any previous requirements or conditions imposed by a review body.

URBAN CONVERSION PLAN. If this 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.

N/A

CLUSTER DEVELOPMENT. If you are applying the Cluster Development provisions to this project, attach written findings of fact that demonstrate how this project meets Albany Development Code (ADC) Sections 11.400 through 11.510.

SITE PLAN, including the following information listed below.

- The scale, north point and date of the map.
- The map and tax lot number identifying each parcel involved in the line adjustment.
- The location, width and purpose of any easements and driveway access to public right-of-way, existing or proposed.
- The area of each parcel, before and after the property line adjustment.
- The property lines and dimensions of each existing parcel.
- Locations of existing and proposed utility services and stubs, including water, sanitary sewer, drainage, power, gas and telephone.
- Locations, widths, and names of adjacent rights-of-way.
- Shade in the area to be transferred and show to which property it will be added.
- All existing structures and their distances from all existing and proposed parcel boundaries.

GENERAL INFORMATION ABOUT THE SITE AND PROPOSAL

Submit one sheet with the following information (or submit this page):

Property A

Name of property owner LYNN WHITACRE
 Address 1588 VALLEY VIEW PL. NW
 Phone number _____ Fax number _____
 Assessor's Parcel Map No. 10-4-5 CA Tax Lot No. 104
 Current square footage of the parcel 0.55 ACRES
 This property is zoned RS-10

Property B

Name of property owner DOROTHY GARRISON TRUST
 Address 1582 VALLEY VIEW PL. NW.
 Phone number _____ Fax number _____
 Assessor's Parcel Map No. 10-4-5 CA Tax Lot No. 114
 Current square footage of the parcel 4.00 ACRES
 This property is zoned RS-10

The area to be transferred from Property B to Property A is 1.82 ACRES sq. ft.
A TO B IS 0.02 ACRES

The square footage of Property A after the transfer will be 2.35 ACRES sq. ft.
 The square footage of Property B after the transfer will be 2.20 ACRES sq. ft.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

AFTER TENTATIVE APPROVAL, YOU MUST SUBMIT THE FOLLOWING:

- a) Final Map. Submit a final map prepared as described in ORS 92.190 for approval before the effective date or before the transfer of property is recorded.
- b) Legal descriptions. Submit a legal description (metes and bounds) of the area being transferred, and a revised legal description of Parcels/Lots A and B that reflects the transfer. These will be attached to deeds and recorded with the appropriate county recorder.

OTHER PERMITS, PLANS, OR REPORTS THAT MAY BE REQUIRED

- N/A **FLOODPLAIN DEVELOPMENT PERMITS.** If any of the property is within the Floodplain Development (/FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required.
- N/A **HILLSIDE DEVELOPMENT GEOTECHNICAL REPORT.** If any of the property is within this Hillside Development (/HD) overlay, refer to ADC Sections 6.170-6.230 to determine if Hillside Development standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards and provide a geotechnical report on the site.
- N/A **NATURAL RESOURCE IMPACT REVIEW.** If any of the property is within one of Albany's Significant Natural Resource (/SW, /RC, /HA) overlay districts, refer to ADC Sections 6.290-6.300 to determine if a Natural Resource Impact Review may be required.
- N/A **MITIGATION PLAN.** If the project is proposed within any of Albany's Significant Natural Resources overlay districts (/SW, /RC, /HA), a mitigation plan may be required. See ADC Sections 6.400 and 6.410 or Mitigation Supplement.

PROPERTY LINE ADJUSTMENT - PURPOSE AND PROCEDURE

Purpose (11.100) A property line adjustment means the relocation of a common property line between two abutting properties. It occurs when property lines separating two or three properties are moved to add and remove land from the properties. A property line adjustment does not result in the creation of a new lot.

Procedure (11.110) Property line adjustments are reviewed through the Type I procedure, with the Director acting as review body.

Review Criteria
Written Responses
Proposed Property Line Adjustment
Located at
1588 & 1582 Valley View Pl. NW.

The Applicant is proposing a Property Line Adjustment to modify the common boundary lines between two existing properties. Each property contains a single family residence. Each residence is served with City water. Each residence has a private septic system. The subject properties contain a wide BPA easement and steep slopes which limit the development potential of the property.

Criteria 1. Response: Property "A" and Property "B" currently access Valley View Pl. NW with a private driveway. Access easements will be created as shown on the tentative map.

Criteria 2. Response: The adjusted properties are about 2 acres each and exceed the RS-10 minimum of 10,000 SF. Existing buildings meet or exceed setback standards for the RS-10 zone.

Criteria 3. Response: The Applicant is not aware of any adopted transportation, public facilities, or neighborhood plan that the proposed adjustment would not be in compliance of.

Criteria 4. Response: The Applicant is not aware of any previous requirements or conditions imposed by a review body.