



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

June 28, 2018

Rosemarie and James Wilson
2746 Gibson Hill Rd. NW
Albany, OR 97321
and
Michelle Lisper and Renate Riffe
2710 Gibson Hill Rd. NW
Albany, OR 97321

Dear Applicants:

PROPERTY LINE ADJUSTMENT FOR PROPERTIES LOCATED AT 2710 & 2746 GIBSON HILL ROAD NW; BENTON COUNTY ASSESSOR'S MAP NO. 10S-04W-035DA; TAX LOTS 200 AND 202; PLANNING FILE LA-03-18

City staff has received your request for a property line adjustment affecting the properties at 2710 & 2746 Gibson Hill Road 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.**

The proposal will adjust approximately 51,766 square feet of land from Tax Lot 202, herein referred to as "Parcel A," to Tax Lot 200, herein referred to as "Parcel B." A new lot will *not* be created by the property line adjustment. Currently, both Tax Lot 202, (Parcel A) and Tax Lot 200, (Parcel B) have legal access to Gibson Hill Road NW. The property line adjustment will not change the existing legal access to Gibson Hill Road. The proposed property line adjustment would not create a new lot or a landlocked parcel, consistent with ADC 11.120(1).

All property that is involved in this Property Line Adjustment request are 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

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and lot depth of 100 feet. After the property line adjustment is completed, Tax Lot 202 (Parcel A) will be 44,243 square feet in size and approximately 151 feet wide and at least 267 feet deep. After the property line adjustment, Tax Lot 200 (Parcel B) will be at least 102,446 square feet in size and more than 280 feet deep. This is shown on the attached plans for the lot line adjustment. Given the above, the reconfigured parcels meet the minimum lot area, width, and depth standards of the RS-10 zone, and will not otherwise violate standards in the ADC or adopted Building Codes, consistent with ADC 11.120(2).

City utility maps show an eight-inch public sanitary sewer main in Gibson Hill Road, and an eight-inch main along the east boundary of Tax Lot 200. Both subject properties are currently served by the public sanitary sewer system.

City utility maps show a 24-inch public water main in Gibson Hill Road, an eight-inch main in Ashley Loop (at the south boundary of Tax Lot 202), and a two-inch line that runs along the common boundary between the subject properties. Both subject properties are currently served by the public water system through services/meters connected to the 2-inch line that runs through the site. It is unknown if a public utility easement exists over this public water line. Public utility easements of at least 15 feet in width, centered over the main, are required for all public water lines and appurtenances per ADC 12.370. Permanent structures are not allowed to encroach on a public utility easement or be placed over a public water line (AMC 11.01.290).

City utility maps show an 18-inch public storm drainage main along the east boundary of Tax Lot 200. Gibson Hill Road is not constructed to city standards and collects stormwater runoff in roadside ditches.

The proposed lot line adjustment will not impact utility service to the subject properties; however, the applicant must provide a public utility easement over the existing two-inch water line that runs through the property. If an easement exists, the applicants must submit a recorded copy of the easement for City review. If no easement exists, or it is determined to be inadequate, the applicants must provide an easement that satisfies City requirements.

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 will comply with all applicable review criteria with the following condition:

Condition of Approval: Before the City will sign the final map, the applicants must submit a copy of a recorded public utility easement that lies over the existing public water line that runs through the site. If no public utility easement exists, or it is determined to be inadequate, the applicants must provide an easement according to City standards.

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 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,



Bob Richardson
Planning Manager

MA:eo

Enclosures

- c: Building Division (Johnathan Balkema)
Finance Department (Denise Valentino)
GIS (Dave Jacobus)
Public Works Engineering (Mike Leopard)
Public Works Engineering (Gordon Steffensmeier)
Public Works Transportation (Ron Irish)
Fire Services (Lora Ratcliff)
Benton County Surveyor's Office
Benton County Assessor
File: LA-03-18

Information for the applicant

Engineering: The City of Albany’s infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.

Fire Department: The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If several lots share an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

- a. **An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal.**
 - b. **A “no-parking” restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire apparatus access.**
2. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
 3. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)

The location and spacing requirements for fire hydrants are based on four project-specific criteria:

- The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
- The calculated “fire flow” of the proposed building(s)
- The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the properties.
- The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.



PLANNING APPLICATION APPLICANT/OWNER & AUTHORIZING SIGNATURES

COMMUNITY DEVELOPMENT
333 Broadalbin St. SW
Albany, OR 97321
Phone (541) 917-7550
Fax (541) 917-7598
www.cityofalbany.net

To be included with ALL City of Albany planning submittals
Send completed application and checklist(s) to epplans@cityofalbany.net

- Adjustment (AD)
- Alternative Setback
- Annexation (AN)
- Comprehensive Plan Amendment (CP)
 - Map Amendment
 - Map Amendment; Concurrent w/ Zoning
 - Text Amendment
- Conditional Use (Type II or III) Circle one (CU)
 - Existing Building: Expand or Modify
 - New Construction
 - Home Business (Type III only)
- Development Code Text Amendment (DC)
- Floodplain Development Permit (FP)
- Historic Review (HI)
 - Exterior Alteration (Type I or III)
 - New Construction (Type III or I-L)
 - Demolition or Moving (Type III)
 - Substitute Materials (Type III)
- Interpretation of Code (CI)
 - Quasi-Judicial (Type II)
 - Legislative (Type IV)
- Land Division (check all that apply)
 - Partition (PA)
 - Tentative Plat (Type I-L or III)
 - Final Plat (Type I)
 - Subdivision (SD)
 - Tentative Plat (Type III)
 - Final Plat (Type I)
 - Tentative Re-plat Type I-L (RLD)
- Modification - Approved Site Plan or Conditional Use
- Natural Resource Boundary Refinement
- Natural Resource Impact Review (NR)
- Non-Conforming Use (MN)
- Planned Development (PD)
 - Preliminary (Type III)
 - Final (Type I)
- Property Line Adjustment (PLA)
- Site Plan Review (SP)
 - Accessory Building
 - Change of Use, Temporary or Minor Developments
 - Manufactured Home Park
 - Modify Existing Development
- New or Existing Parking Area Expansion
- New Construction
- Tree Felling
- Temporary Placement (TP)
- Urban Growth Boundary (UGB)
- Vacation (VC)
 - Public Street or Alley
 - Public Easements
- Variance (VR)
- Willamette Greenway Use (WG)
- Zoning Map Amendment (ZC)
 - Quasi-Judicial (Type IV)
 - Legislative (Type IV)
- Other Required (check all that apply)
 - Design Standards
 - Hillside Development
 - Mitigation
 - Parking / Parking Lot
 - Traffic Report
 - Other _____

Location / Description of Subject Property(ies)

Site Address(es): 2746 NW Gibson Hill Rd / 2710 NW Gibson Hill Rd Albany OR 97321

Assessor's Map No(s): 104350A Tax Lot No(s): 202, 200

Comprehensive Plan designation: _____ Zoning designation: RS10

Size of the subject property(ies): 102,541 Related Land Use Cases: _____

Project Description: Lot Line adjustment

- Historic Overlay Natural Resource Overlay District Floodplain or Floodway Overlay

Applicant Information (must be signed)

Name: Rosemarie Wilson Signature: [Signature]

Mailing Address: 2746 NW Gibson Hill Rd Date: 4/20/18

City: Albany State: OR Zip: 97321

Phone #: (541) 760-3249 Fax #: _____ Email: jim@custombilletworks.com

FILE #(s): _____ Date Fee & Application Received: _____

PRE-APP FILE #(s): _____ Pre-app meeting date: _____

Amount Paid: _____ Received By: _____

Property Owner Information (must be signed)

Same as Applicant

Name: Michelle A Lispe Signature: [Signature]
(If Legal Representative, provide supporting documentation)

Mailing Address: 2710 NW Gibson Hill Rd Date: 3/28/18

City: Albany State: OR Zip: 97321

Phone #: 5412205900 Fax #: _____

Email: malrr56@gmail.com

Authorized Agent or Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____

Name: _____ Signature: _____

Mailing Address: _____ Date: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax #: _____

Email: _____

Relationship to property owner(s): _____

Other Representative (must be signed, if applicable)

**IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH.
THEY WILL BE SENT ALL CITY NOTICES.**

Choose One: Engineer Architect Other _____

Name: _____ Signature: _____

Mailing Address: _____ Date: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax #: _____

Email: _____

Other Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____

Name: _____ Signature: _____

Mailing Address: _____ Date: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax #: _____

Email: _____



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.

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 Rosemarie and James M. Wilson
Address 2746 NW Gibson Hill Rd, Albany, OR 97321
Phone number (541) 760-3249 / (541) 760-7292 Fax number jim@custombilletworks.com
Assessor's Parcel Map No. 10435 DA Tax Lot No 202
Current square footage of the parcel ≈ 102,541. 599.66' x 171'
This property is zoned RS 10

Property B

Name of property owner Michelle Lisper
Address 2710 NW Gibson Hill Rd, Albany, OR 97321
Phone number (541) 220-5900 Fax number _____
Assessor's Parcel Map No. 10435 DA Tax Lot No 200
Current square footage of the parcel 50,680
This property is zoned RS10
The area to be transferred from Property A to Property B is 51,766 sq. ft.

181' x 286'

The square footage of Property A after the transfer will be 44,243 sq. ft.
The square footage of Property B after the transfer will be 102,446 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

- 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.
- 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.
- 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.
- 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.

April 20, 2018

To: City of Albany
Community Development Department

From: Rosemarie and Jim Wilson
2746 NW Gibson Hill Rd.
Albany, Oregon
(541) 760-3249 and (541) 760-7292

Property Line Adjustment
Criteria Responses

1. No. The new proposed lot line adjustment does not create a new lot or land locked parcel.
2. No. Both properties are well above the RS 10 zone minimum square footage.
3. Yes. Both properties are in compliance with any adopted transportation, public facilities or neighborhood plan.
4. Yes. The adjusted properties comply with any previous requirements or conditions imposed by a review body.

Thank you for your consideration in this matter.
Rosemarie and Jim Wilson