

COMMUNITY DEVELOPMENT

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

July 26, 2019

Gordon Steffensmeier
City of Albany
333 Broadalbin Street SW
Albany, OR 97321

Dear Mr. Steffensmeier:

**CITY OF ALBANY PLANNING FILE NO. LA-04-19
APPLICATION FOR PROPERTY LINE ADJUSTMENT
LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-18AB; TAX LOTS 100 & 101
ADDRESS: 730 19TH AVENUE SE AND 2275 THURSTON STREET SE**

City staff has received your request for a property line adjustment affecting the properties listed above and evaluated it against the applicable decision-making criteria provided below.

Property Line Adjustment Review Criteria (ADC 11.120)

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

Criterion 1

The property line adjustment does not create a new lot or a land-locked parcel.

Findings of Fact and Conclusions

- 1.1 The applicant proposes to adjust a common boundary line between two adjoining parcels. As such, no new lot will be created.
- 1.2 After the proposed property line adjustment, both Property "A" (GAPS Tax Lot 100) and Property "B" (City Tax Lot 101) will have direct frontage and access to Thurston Street.
- 1.3 Therefore, the proposed property line adjustment will not create a new lot or a landlocked parcel, consistent with ADC 11.120(1).

Criterion 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.



Findings of Fact and Conclusions

- 2.1 The subject properties are zoned RS-6.5 – Residential Single-Family District. The RS-6.5 zone has a minimum lot size of 6,500 square feet, with a minimum width of 50 feet and depth of 80 feet. After the property line adjustment, Property “A” will be 0.92 acres (40,174 square feet) in size, a minimum of approximately 110 feet in width and 325 feet in depth; and Property “B” will be 4.90 acres (213,346 square feet) in size, and a minimum of approximately 50 feet in width and 375 feet in depth. The RS-6.5 zone also requires a minimum of a five-foot setback from property lines for one-story structures. After the property line adjustment, all of the existing structures will be setback at least five feet from any property line.
- 2.2 Therefore, the subject properties will not be reduced below the minimum size and dimensions of the underlying zoning district and will not otherwise violate standards in the ADC or adopted Building Codes, consistent with ADC 11.120(2).

Criterion 3

The adjusted properties are in compliance with any adopted transportation, public facilities, or neighborhood plan.

Findings of Fact and Conclusions

- 3.1 Sewer: City utility maps show no public sanitary sewer facilities adjacent to the two affected parcels. One parcel is a City park (without restroom facilities) and the other parcel is undeveloped. Neither parcel is developed with structures requiring sewer service.
- 3.2 Water: City utility maps show a 4-inch public water main in Thurston Street. Both of the existing parcels currently have access to the public water facilities in Thurston Street. The resultant parcels will continue to have direct access to the public water system in Thurston Street.
- 3.3 Stormwater Drainage: City utility maps show a 10-inch public storm drainage main along the west boundary of the City parcel (Tax Lot 101) and running south to 24th Avenue. Thurston Street is improved with curb
- 3.4 Therefore, the proposed property line adjustment will not adversely impact the utility service to the subject properties consistent with ADC 11.120(3).

Criterion 4

The adjusted properties comply with any previous requirements or conditions imposed by a review body.

Findings of Fact and Conclusions

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

Overall Conclusion

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 Linn 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 Linn 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.
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 Albany Planning Division.
7. This proposal must be initiated within three years of the date of this letter of approval.

Sincerely,

Signature on file

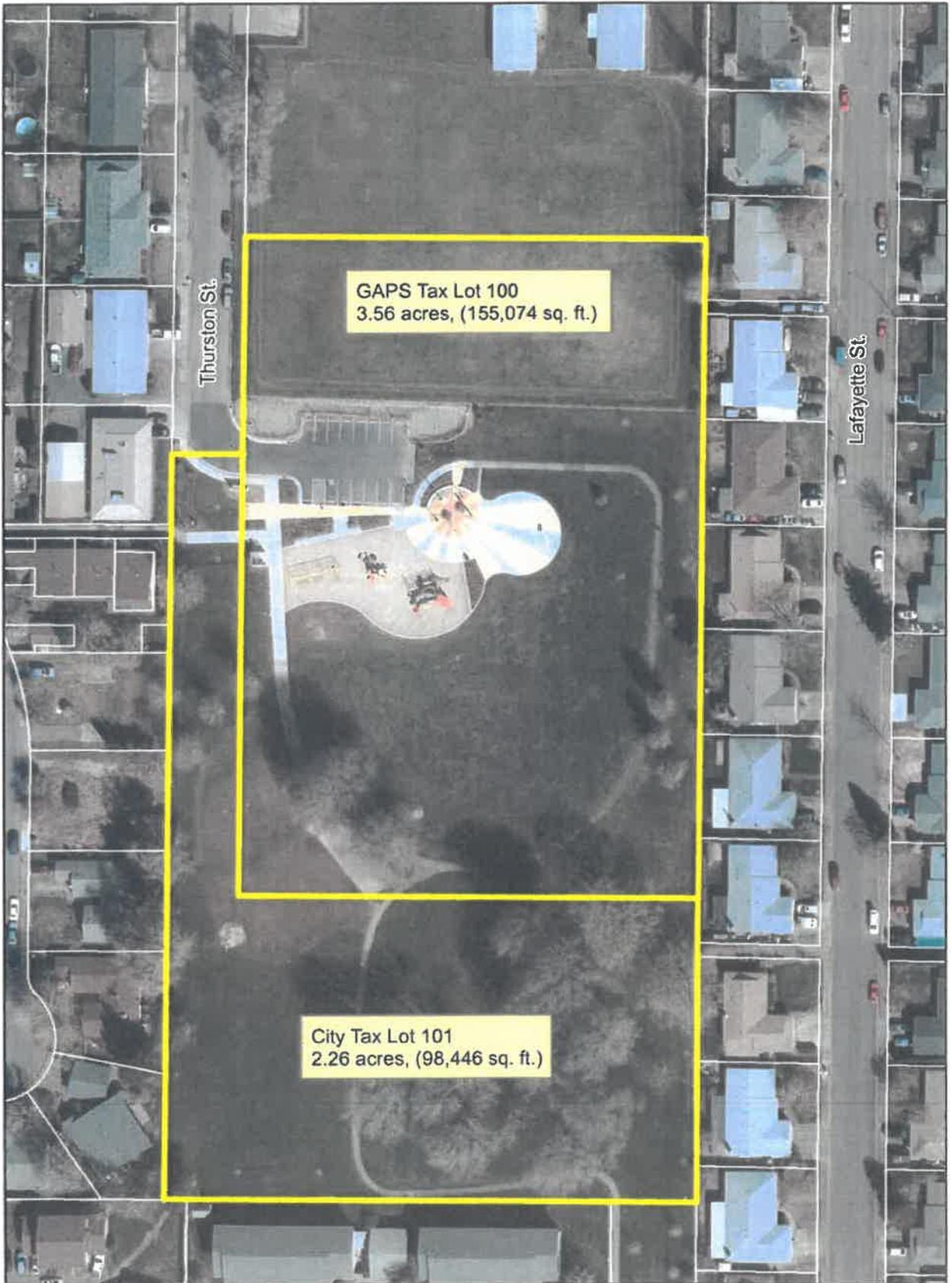
David Martineau
Planning Manager

LL:ss

Enclosures (2)

- c: Building Division (Johnathan Balkema)
Finance Department (Denise Valentino)
Greater Albany Public Schools (Russ Allen)
GIS (Dave Jacobus)
Public Works Engineering (Mike Leopard)
Public Works Engineering (Gordon Steffensmeier)
Public Works Transportation (Ron Irish)
Fire Services (Lora Ratcliff)
Linn County Surveyor's Office
Linn County Assessor
File: LA-04-19

Existing Parcels



Scale - 1 inch = 100 feet

Area to be transferred



Scale - 1 inch = 100 feet

Resulting Parcels



Scale - 1 inch = 100 feet