



## COMMUNITY DEVELOPMENT

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

June 6, 2022

Neil and Sara Schmidt  
1092 Mirada Drive NW  
Albany, OR 97321

Dear Applicant:

**PROPERTY LINE ADJUSTMENT FOR PROPERTIES LOCATED AT 1066 AND 1092 MIRADA DRIVE NW, BENTON COUNTY ASSESSOR'S MAP 10S-04W-35DD, TAX LOT 102 AND 10S-04W-36CC, TAX LOT 1100 (PLANNING FILE LA-05-22)**

Planning staff has reviewed your request for a property line adjustment to the above-mentioned properties and found it to comply with the standards specified in the Albany Development Code (ADC) and any previous land use decisions affecting these properties.

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. Conveyance of the property must be executed by deed. The applicant 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.
3. In order 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 of the documents shall be reviewed and approved by the City of Albany, Community Development Division. (For the City review, the deeds do not need signatures.)
4. 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.

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

Sincerely,

*signature on file*

Vitsi Magana  
Planner I

VM;jv

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## PROPERTY LINE ADJUSTMENT APPLICATION

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Submitted to: City of Albany  
Planning Division  
P.O. Box 490  
Albany, Oregon 97321-0144  
541-917-7550  
[cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net)

Property Owner/Applicant: Neil Schmidt  
1092 Mirada Drive NW  
Albany, OR 97321  
(541) 619-6494  
[Neilschmidt@live.com](mailto:Neilschmidt@live.com)

Property Owner: Sean and Belinda McCully Family Trust  
1066 Mirada Drive NW  
Albany, OR 97321

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355  
Laura LaRoque  
(541) 990-8661  
[laura@udelleng.com](mailto:laura@udelleng.com)

Site Location: 1066 and 1092 Mirada Drive NW, Albany, OR  
97321

Benton County Assessor's Map No.: 10S-04W-35DD Tax Lot 102  
10S-04W-36CC Tax Lot 1100

Site Size: ±3.36-acres (Tax Lot 102)  
±0.42-acres (Tax Lot 1100)

Existing Land Use: Single Family Residential

Zone Designation: Residential Single Family (RS-10) / Hillside (/HD)  
Overlay District

Comprehensive Plan Designation: Residential Low Density

Surrounding Zoning: North: RS-10  
South: RS-10/Residential Reserve (RR)  
East: RS-10  
West: RS-10

Surrounding Uses:

North: Residential  
South: Residential  
East: Residential  
West: Residential

## I. Executive Summary

This application is for a Property Line Adjustment to adjust a common property line between Tax Lots 102 and 1100 (i.e., Area A and Area B). The subject properties are addressed 1066 and 1092 Mirada Drive NW, and identified as Benton County Assessor's Map No. 10S-04W-35DD Tax Lot 102 and 10S-04W-36CC Tax Lot 1100. Area A and B are proposed to be ±1.72-acres and ±2.06-acres, respectively. Both parcels are improved with existing single-family dwellings and associated site improvements. Area A will have frontage on and access to Mirada Drive. Area B will have frontage on and access on Briarwood Place.

Property line adjustment criteria contained in Albany Development Code (ADC or Code) 11.120 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

## II. Property Line Adjustment Decision Criteria

ADC 11.120 includes the following review criteria for a property line adjustment, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

### Criterion 1

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

Finding of Facts and Conclusions

- 1.1 As presented on the Tentative Replat (Attachment A), an adjustment of the common property line between Tax Lots 102 and 1100 is proposed. No additional units of land will be created as a result of the proposed property line adjustment.
- 1.2 Tax Lot 102 has and will retain access to and 256-foot frontage on Briarwood Place. Tax Lot 1100 has and will retain access to and 135-feet of frontage on Mirada Drive NW. The proposed property line adjustment will not affect the existing access or frontage of either parcel.
- 1.1 Therefore, consistent with ADC 11.120(1), the proposed property line adjustment would not create a new lot or a landlocked parcel.

### Criterion 2

#### 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.**

Finding of Facts and Conclusions

- 2.1 The subject properties are zoned Residential Single Family (RS-10).

- 2.2 According to Table 3.190-1, the RS-10 zoning district has a minimum lot size of 10,000 square feet, with a minimum lot width of 65 feet and lot depth of 100 feet.
- 2.3 The proposed property line adjustment will only alter one existing setback, the interior property line of Tax Lots 102 and 1100. The west interior setback from the existing structure of Area B exceeds the minimum 5-foot minimum setback requirement found in Table 3.190-1.
- 2.4 Maximum lot coverage in the RS-10 zoning district is 50 percent. The proposed lot coverage is five percent. Therefore, this standard is met.
- 2.5 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**

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

Finding of Facts and Conclusions

- 3.1 Transportation: Tax Lot 102 has and will retain access to and 256-feet frontage on Briarwood Place. Tax Lot 1100 has and will retain access to and 135-feet of frontage on Mirada Drive NW.
- 3.2 Sewer: City utility maps show an 8-inch public sanitary sewer main in Mirada Drive NW along the east boundary of Tax Lot 1100 and Briarwood Place at the southeast corner of Tax Lot 102. The existing dwellings on Tax Lot 110 (i.e., Area A) and Tax Lot 102 (i.e., Area B) are both connected to the public sewer system.
- 3.3 Water: City utility maps show an 8-inch public water main in Mirada Drive NW along the east boundary of Tax Lot 1100 and a 12-inch public water main in Mirada Drive NW at the south boundary of Tax Lot 102. The existing structure(s) on the subject properties are currently connected to the public water system.
- 3.4 Stormwater Drainage: The proposed property line adjustment will have no impact on stormwater runoff from the subject properties.
- 3.5 The subject property is not identified in a neighborhood plan.
- 3.6 Therefore, the proposed property line adjustment will not adversely impact adopted transportation, utility, and neighborhood plan(s) consistent with ADC 11.120(3).

**Criterion 4**

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

Finding of Facts and Conclusions

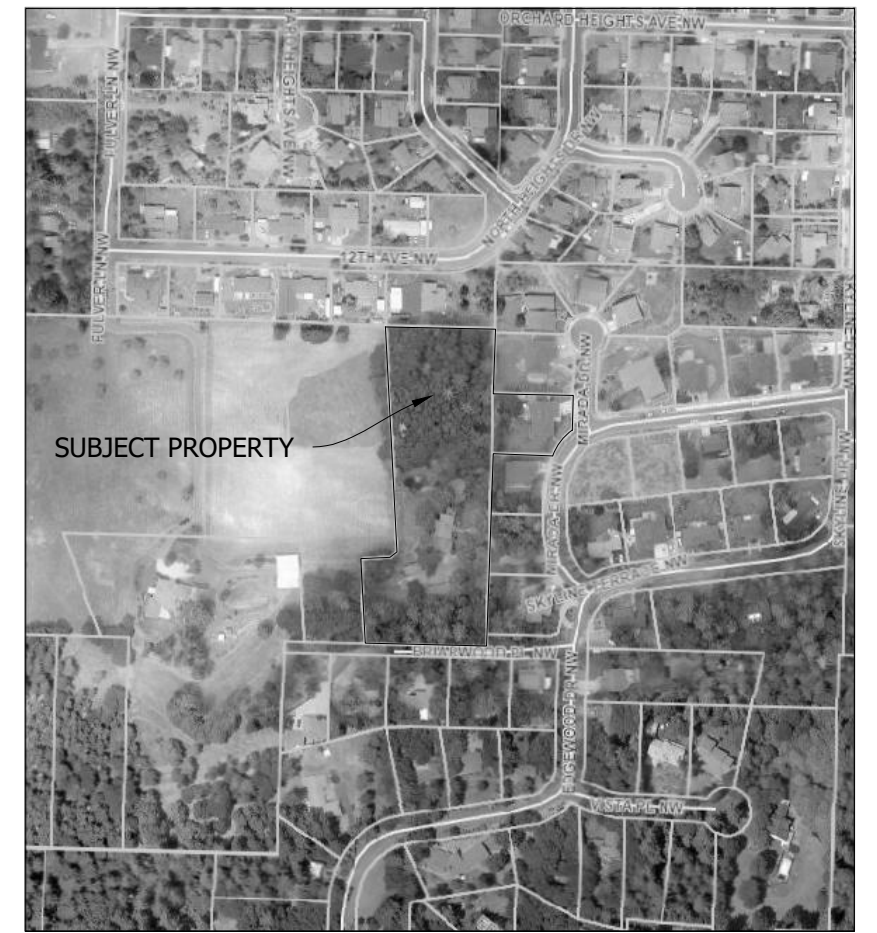
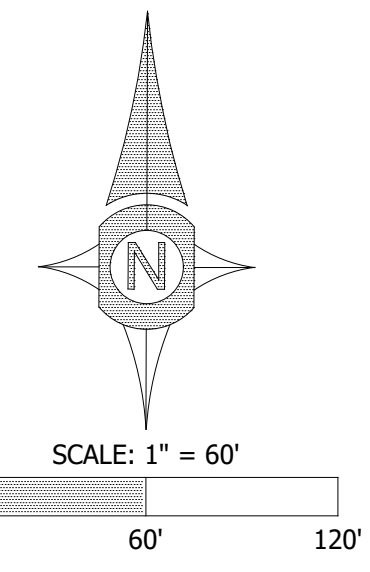
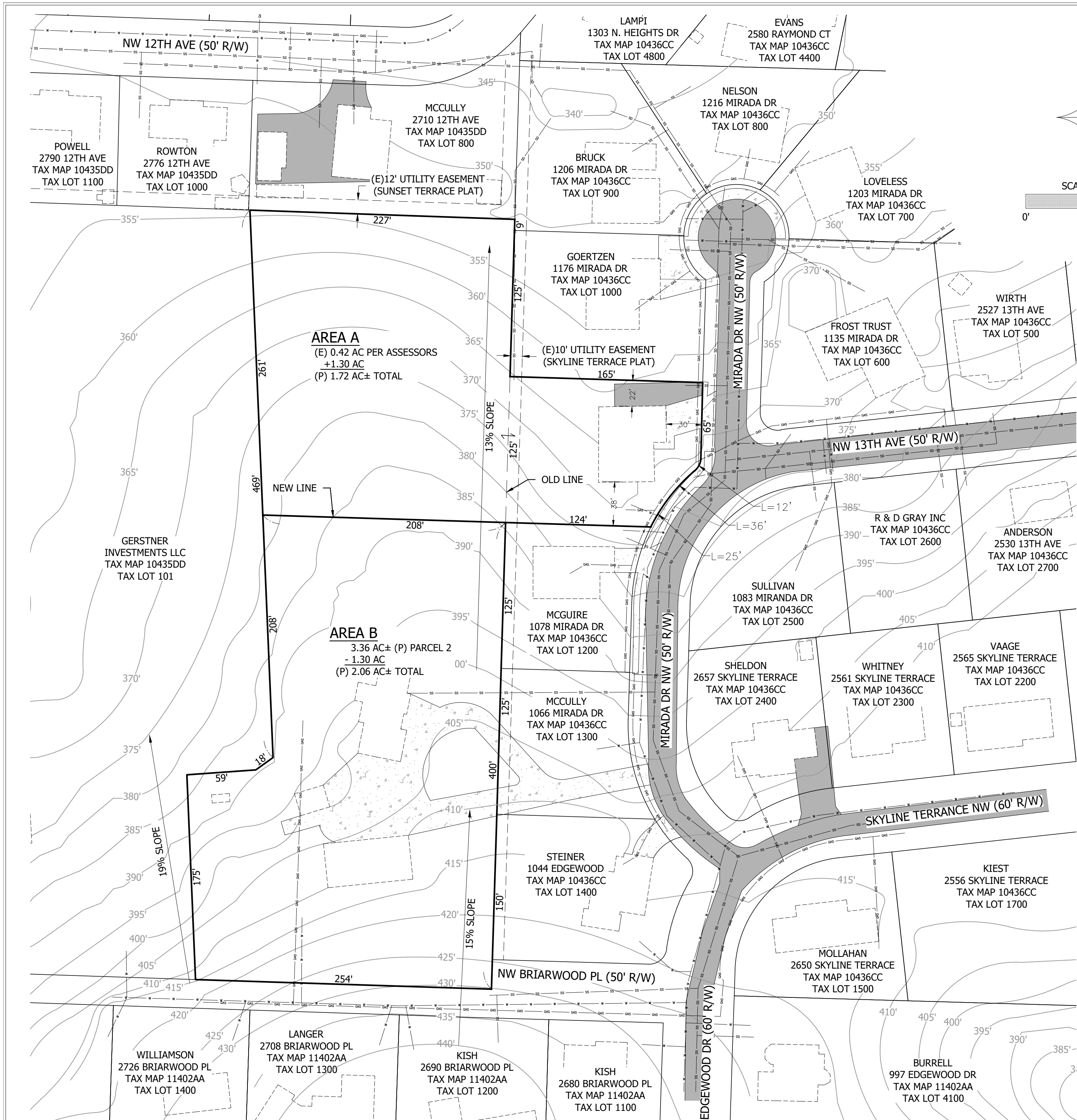
- 4.1 There are no known previous conditions or requirements imposed by a review body that remain to be met.

**III. Conclusion**

Based on the above analysis, the proposed property line adjustment meets all the applicable review criteria as outlined above.

**IV. Exhibits**

- A. Primarily property line adjustment



VICINITY MAP  
1" = 400'

**PROPERTY LINE ADJUSTMENT**  
**NEIL & SARA SCHMIDT**  
 A REPLAT OF  
**LOT 4, BLOCK 1, SKYLINE TERRACE**  
 IN THE  
**SW 1/4 SEC. 36, T. 10 S., R. 4 W. &**  
**SE 1/4 SEC. 35, T. 10S., R. 4 W., W.M.**  
**BENTON COUNTY, OREGON**  
 APRIL 28, 2022

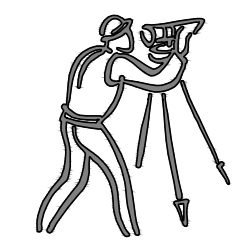
**LEGEND**

- R/W RIGHT OF WAY
- AC ACRES
- BLDG BUILDING
- PL PROPERTY LINE
- (E) EXISTING
- (P) PROPOSED
- BLDG BUILDING
- SF SQUARE FEET
- CONC CONCRETE
- CONC CONCRETE HATCH
- GRAVEL GRAVEL HATCH
- PAVEMENT PAVEMENT HATCH
- BOUNDARY BOUNDARY
- LOT LINE LOT LINE
- EASEMENT EASEMENT LINE
- BUILDING BUILDING OUTLINE
- OLD OLD BOUNDARY
- OPH OVERHEAD POWER LINE
- GAS GAS LINE
- SEWER SEWER LINE
- WATER WATER LINE
- SD STORM DRAIN LINE

**PROPERTY INFORMATION**

|                |                         |
|----------------|-------------------------|
| <b>AREA A</b>  |                         |
| ZONING:        | RS-10                   |
| LAND USE:      | SINGLE FAMILY RESIDENCE |
| OWNER:         | NEIL & SARA SCHMIDT     |
| ASSESSORS MAP: | 10436CC                 |
| TAX LOT:       | 1100                    |
| <b>AREA B</b>  |                         |
| ZONING:        | RS-10                   |
| LAND USE:      | VACANT                  |
| OWNER:         | SEAN & BELINDA MCCULLY  |
| ASSESSORS MAP: | 10435DD                 |
| TAX LOT:       | 102                     |

NOTE: BUILDING LINES ARE DRAWN FROM A SUPERIMPOSED AERIAL IMAGE. LOCATIONS ARE APPROXIMATE.



**FOR PLANNING PURPOSES ONLY**

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