



COMMUNITY DEVELOPMENT

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

September 6, 2018

Linsey Godwin
351 Juniper Lane NW
Albany, OR 97321

Dear Linsey:

PROPERTY LINE ADJUSTMENT FOR 351 JUNIPER LANE NW; BENTON COUNTY ASSESSOR'S MAP NO. 11S-4W-01CB TAX LOT 305; AND UNADDRESSED PROPERTY; BENTON COUNTY ASSESSOR'S MAP NO. 11S-4W-01CB, TAX LOT 300.

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.

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.

Criterion 1

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

The property owner is proposing a property line adjustment between two existing lots within the Residential Reserve (RR) zone. No new lots are being created and the existing lots will not be land-locked. Consistent with ADC 11.120(1), the proposed property line adjustment would not create a new lot or a landlocked parcel.

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.

All property that is involved in this Property Line Adjustment request is zoned Residential Reserve (RR). The RR zone has a minimum lot size of five (5) acres. However, ADC 3.190 (16) states that “a property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.” The RR zone does not have a minimum lot width or depth.

Property “A” and Property “B” is owned by Linsey Godwin. Presently, Tax Lot 305, herein referred to as “Property A,” has 45,302 square feet (1.04 acres); and Tax Lot 300, herein referred to as “Property B,” has 19,602 square feet (0.45 acres). When the common lot line is reconfigured, Property “A” will have 20,000 square feet (0.46 acres); and Property “B” will have 44,819 square feet (1.03 acres). This is shown in Attachment A.

According to Benton County Environmental Health Department, the north portion of Tax Lot 305 contains an existing and unused septic system, in addition to the septic system currently serving the house located on the same Tax Lot (351 Juniper NW). This unused septic system at one time served the house located at 348 Juniper Lane NW. However, 348 Juniper Lane NW has since constructed a septic system on its own lot, leaving the septic system on north portion of Tax Lot 305 unused. It is unclear if an easement exists over this septic system. If so, the easement should be eliminated. Before obtaining building permits for any future house on the proposed lot north of 351 Juniper Lane NW (Tax Lot 305), the developer must obtain septic approval from Benton County Environmental Health.

The proposed lot line adjustment will result in the unused septic system being located on Tax Lot 305. The house at 351 Juniper Lane NW and the associated septic system will be located on Tax Lot 300.

Given the above, the reconfigured parcels meet the minimum lot area of the RR zone in conformance with ADC 3.190 (16), and will not otherwise violate standards in the ADC or adopted Building Codes, consistent with ADC 11.120(2), which is provided in Attachment A.

Criterion 3

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

City utility maps show no public sanitary sewer facilities or public water facilities in this area. The existing house at 351 Juniper Lane NW is currently served by a private septic system and well. Likewise, City utility maps show no piped public storm drainage in this area.

Future development on the proposed lot north of 351 Juniper Lane NW must be served by a private septic system and well and must accommodate storm water runoff in a manner approved by the Building Official and City Engineer. Before a building permit would be issued for development on the proposed lot, the developer must obtain septic approval from Benton County Environmental Health.

The subject properties and proposed lot line adjustment are in compliance with adopted transportation, public facilities, or neighborhood plans.

Criterion 4

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

The subject properties were involved with two prior Lot Line Adjustments (LA-21-95 & LA-13-07). The requirements of these prior reviews have been met. There are no other known previous conditions or requirements imposed by a review body that remain unmet.

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 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

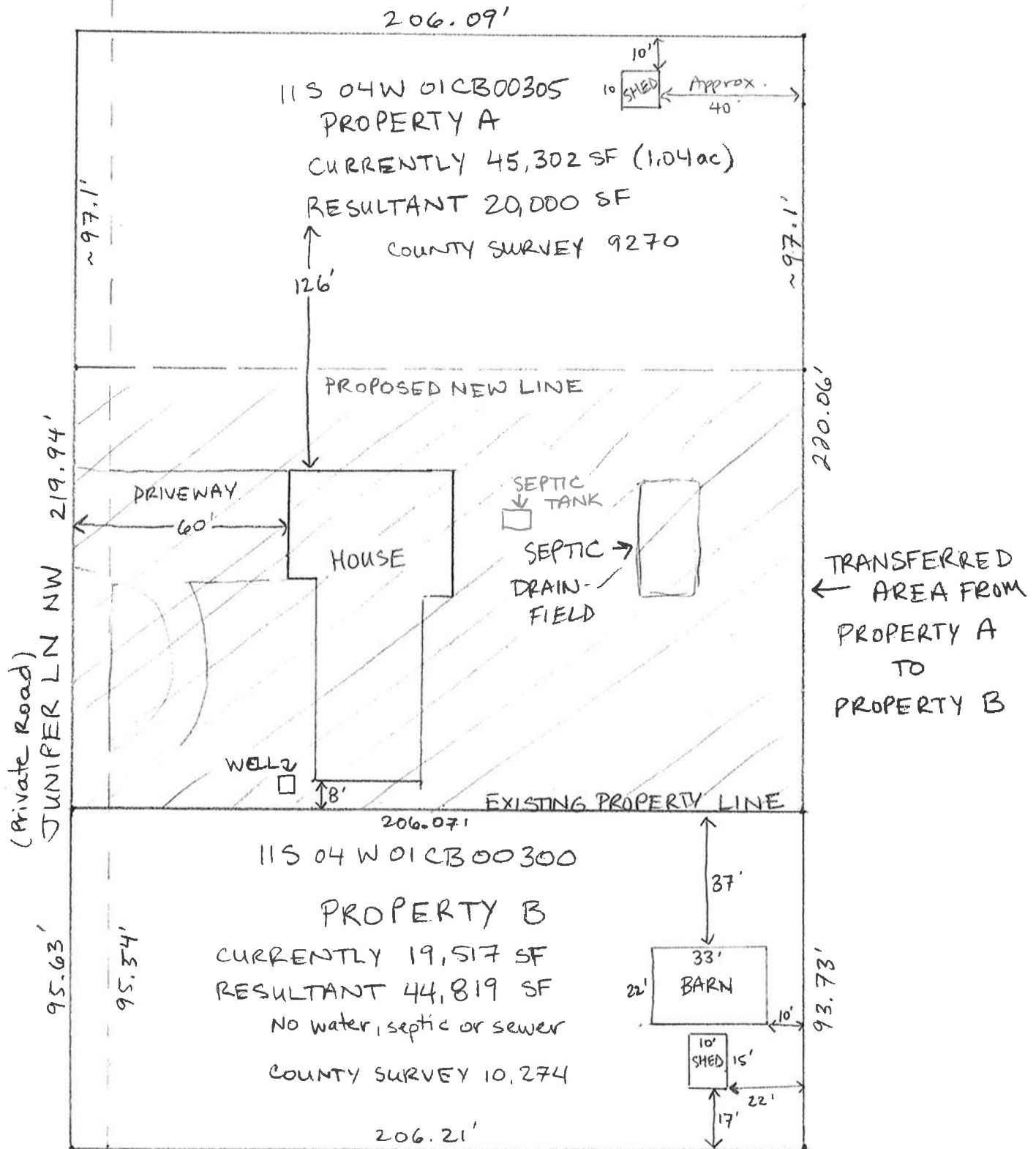
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Enclosure

c: Building Division (Johnathan Balkema)
Finance Department (Denise Valentino)
Public Works Engineering (Gordon Steffensmeier)
Public Works Transportation (Ron Irish)
Fire Services (Lora Ratcliff)
Benton County Surveyor's Office
Benton County Assessor
File: LA-06-18

Attachments: Property Line Adjustment Map, Albany Fire Department Comments

Revised Map Proposed Property Line Adjustment



CONNECTS TO HWY 20 ↓

← ROAD EASEMENT PER BK 179, PG 183

JULY 11, 2018
 SCALE: 1" = 40'





TO: Travis North, Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: July 23, 2018
SUBJECT: LA-0006-18 – 351 Juniper Ln NW – Albany Fire Department Comments

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

1. **These conditions apply to NEW residential structures, not existing ones.**
2. 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).
3. 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)
4. The proposed project is located within an “Unprotected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102, the maximum allowable fire flow of any one or two-family residential structure for this project is 1,500 gpm from approved water source (e.g. fire hydrants). This maximum fire flow limits the size of the structures to a maximum of 3,600 sq. ft. Residential structures in excess of 3,600 sq. ft. may be constructed if they are provided with acceptable mitigation such as an approved fire sprinkler system. (ORS 479.200, OFC 508 and Appendices B & C).

INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

5. If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.
 - a. Installation of an NFPA Standard 13D fire suppression system;
 - b. Installation of a partial NFPA Standard 13D fire suppression system;
 - c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
 - d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
 - e. Installation of fire-resistive exterior wall covering and roofing components; or
 - f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

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