



## COMMUNITY DEVELOPMENT

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

December 6, 2019

Troy Plum  
TKP Engineering LLC  
PO Box 374  
Corvallis, OR 97339

Dear Mr. Plum:

**City of Albany Planning File No. LA-07-19  
Application for Property Line Adjustment  
Benton County Assessor's Map No. 11S-04W-01BB; Tax Lots 300 & 401  
Address: 2313 West Thornton Lake Drive NW**

City staff has received your request for a property line adjustment affecting the subject properties and evaluated it against the review criteria for property line adjustments under Albany Development Code (ADC) 11.120. An analysis of this criteria is provided below.

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

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

The subject properties are located on approximately 4.83 acres as shown on Benton County Tax Map 11S-04W-01BB, Tax Lots 300 and 401. Tax Lot 401 is referred to as Parcel A and Tax Lot 300 is referred to as Parcel B on the plan sheets. Both properties are owned by the applicant. As shown on the attachments, the applicant proposes to adjust a common boundary line between two adjoining parcels; no new lot will be created by the proposed property line adjustment.

An existing home is located on Tax Lot 300 with an existing gravel access to West Thornton Lake Drive. Tax Lot 401 is currently landlocked and requires frontage to West Thornton Lake Drive. The proposed property line adjustment will provide Tax Lot 401 frontage along West Thornton Lake Drive. Tax Lot 300 will maintain frontage along West Thornton Lake Drive. As shown on the preliminary drawing (Sheet PLA.300), a 40-foot wide access easement across the reconfigured Tax Lot 401 will be created, which will encompass the existing driveway and will be shared by both parcels. The resulting property line adjustment will provide street frontage for both lots, and the existing driveway access to the house will be preserved through an access easement.

Therefore, the proposed property line adjustment will not create a new lot or a landlocked parcel, consistent with ADC 11.120(1).

**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.**

The subject properties are zoned Residential Reserve (RR). The minimum lot size is five acres and there are no minimum lot dimensions in the RR zone. Currently, Tax Lot 401 (Parcel A) is 3.12 acres and Tax Lot 300 (Parcel B) is 1.71 acres, for a total of 4.83 acres. After the property line adjustment, Tax Lot 401 will be 4.13 acres and Tax Lot 300 will be 0.70 acres. Both properties, individually and combined, are less than five acres.

There is an existing house located on Tax Lot 300 (Parcel B), which is served by an existing septic drain field and City of Albany domestic water service. The proposed property line adjustment will provide all required frontage and setback standards for the existing house. The closest property line is set back 34 feet or more from the existing house or septic drain field. The street frontage will be 72.75 feet along West Thornton Lake Drive.

Tax Lot 401 is currently vacant, and no improvements are proposed as part of this land use application. Any future development on Tax Lot 401 will have ample area to meet setback standards for a single-family home on the proposed 4.13-acre lot.

Therefore, neither existing property, or their combination, is greater than five acres; both lots are considered existing legal non-conforming lots in the RR zoning district, and the property line adjustment will not impact the legal non-conforming status of the lots. The property line adjustment will not otherwise violate standards in the ADC or adopted Building Codes, consistent with ADC 11.120(2).

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

Sewer: City utility maps show no public sanitary sewer facilities in this area. The existing house on the site is served by a private septic system. Public sanitary sewer is not available to serve the resultant parcels. As shown on Sheet PLA.100, the entire septic system is located within the proposed property line adjustment on Tax Lot 300 (Parcel B). The proposed lot line adjustment will not adversely impact the existing septic system to the existing house. If and when Tax Lot 401 is developed, septic system permit approval will be required from Benton County.

Water: City utility maps show a four-inch public water main in West Thornton Lake Drive and west of the subject properties. The existing house on the site is currently served by a service/meter connected to the main west of the site. The proposed lot line adjustment will not impact the existing water service but will provide direct access to the public water system in West Thornton Lake Drive to proposed Parcel A (Tax Lot 401). Because of the size of the existing public water facilities in this area, limited development would be allowed on the subject parcels, either in their current configuration or after the proposed lot line adjustment.

Stormwater Drainage: City utility maps show a combination of ditches and culverts along this section of West Thornton Lake Drive. West Thornton Lake Drive and the associated storm drainage facilities are under the jurisdiction of Benton County. There is also a drainage way running through the site from north to south, discharging to West Thornton Lake Drive. The proposed lot line adjustment will not impact public storm drainage.

Transportation: Albany's Transportation System Plan identifies West Thornton Lake Drive as a major collector street and does not identify any needed transportation facilities interior to this site. The proposed property line adjustment will not alter the right of way or alignment of West Thornton Lake Drive.

Therefore, the proposed property line adjustment will not adversely impact the utility service to the subject properties, and the adjusted properties will be in compliance with the Transportation System Plan, consistent with ADC 11.120(3).

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

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 adjustment 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 Benton County Tax Assessor's office can approve a consolidation, the applicants must present evidence to them 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 of 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.

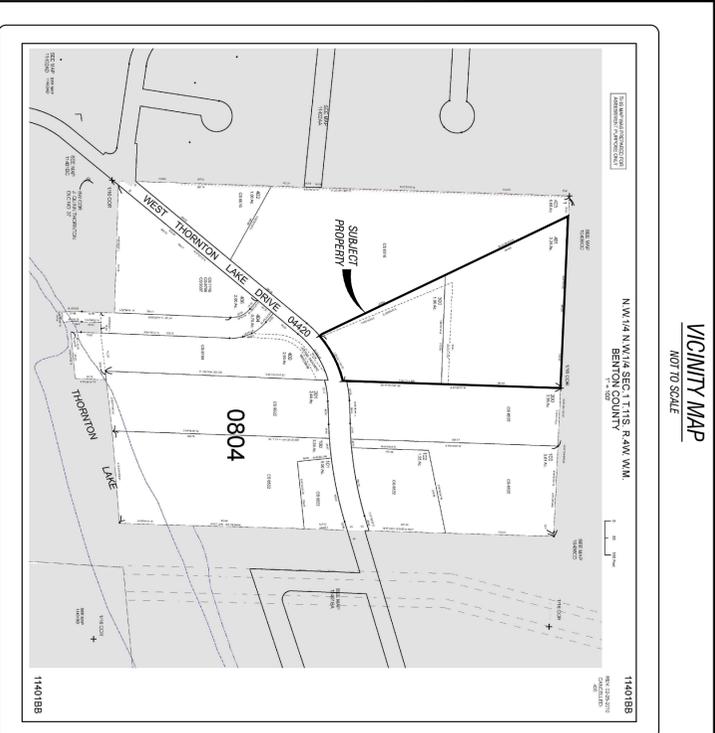
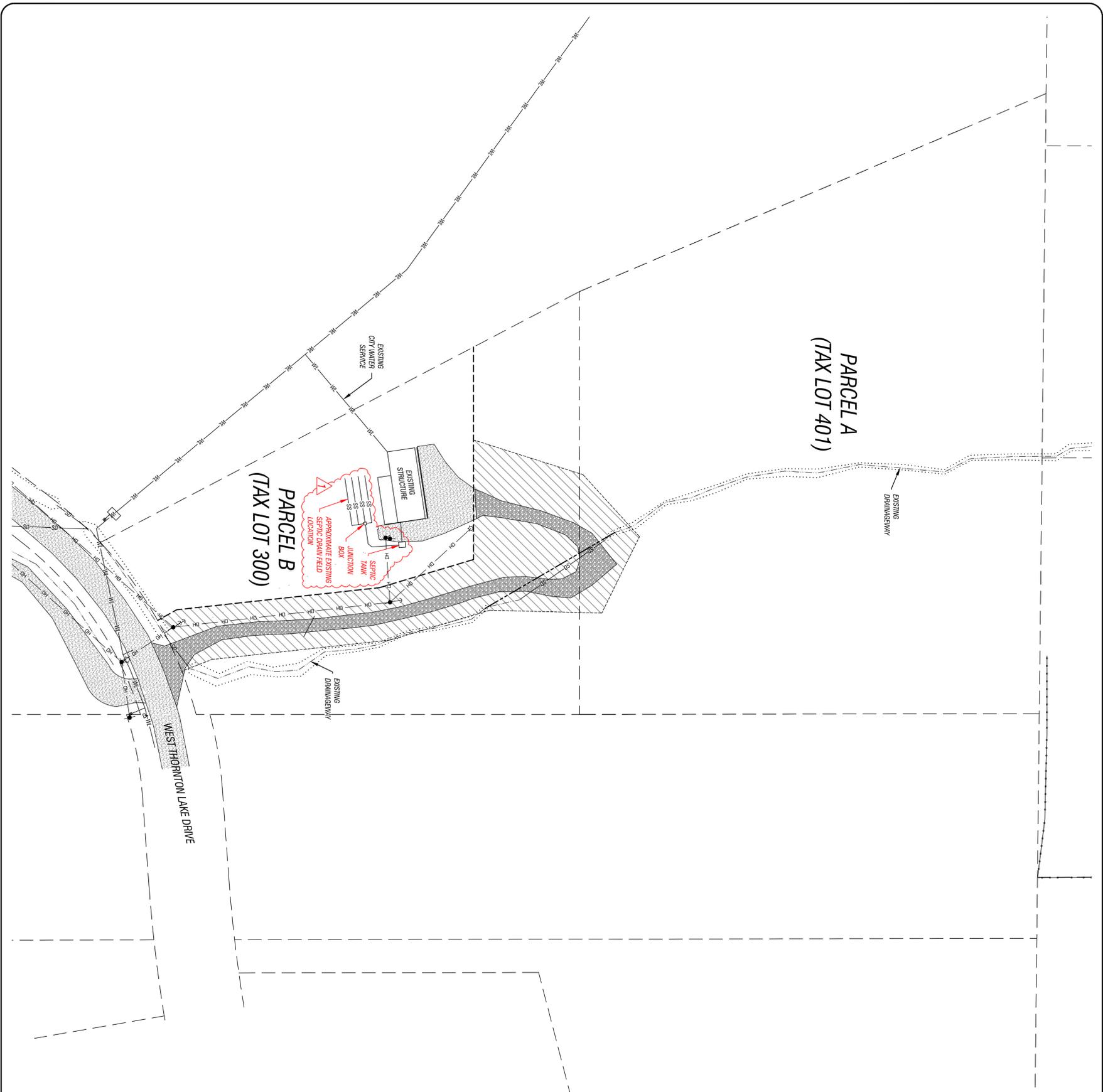
Sincerely,

*Signature on file*

David Martineau  
Planning Manager

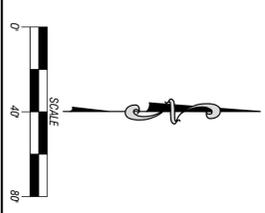
MA:js  
Enclosures

- c: Gary and Patty Davenport, Property Owners
    - Building Division; Johnathan Balkema (via email)
    - GIS; Dave Jacobus (via email)
    - Public Works Engineering; Mike Leopard (via email)
    - Public Works Engineering; Gordon Steffensmeier (via email)
    - Public Works Transportation; Ron Irish (via email)
    - Fire Services; Lora Ratcliff (via email)
    - Benton County Surveyor's Office (via email)
    - Benton County Assessor (via email)
    - Benton County Environmental Services; Rob Turkisher (via email)
- File: LA-07-19



**LEGEND**

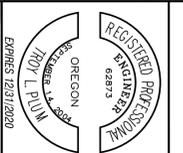
- EXISTING**
- SD— Storm Drainage
  - SS— Sanitary Sewer
  - M— Waterline
  - UG— Underground Power
  - DU— Overhead Utilities
  - GAS— Natural Gas
  - UGT— Phone
  - CITY— Cable
  - CITY— City
  - CITY— Cable
  - CITY— Cable
- PROPOSED**
- PROPERTY LINE
  - EASEMENT LINE
  - ▨ PROPOSED EASEMENT
- PROPERTY DATA**
- SITE ADDRESS: 2313 WEST THORNTON LAKE DR  
 TAX MAP: BENTON COUNTY 11S-04M-07B8  
 TAX LOTS: 300 & 401  
 GROSS LAND AREA: ± 4.83 ACRES  
 ROW DEDICATION: ± 0.00 ACRES  
 NET LAND AREA: ± 4.83 ACRES  
 ZONE: RESIDENTIAL RESERVE (RR)
- DEVELOPMENT TEAM**
- OWNER**  
 GARY DAVENPORT  
 P.O. BOX 3164  
 ALBANY, OR 97321
- ENGINEER**  
 TKP ENGINEERING LLC  
 TROY L. PLUM, PE  
 120 NW 4TH STREET  
 CORVALLIS, OR 97330  
 PH: (541) 760-2205  
 FAX: (866) 861-5704
- SUPERVISOR**  
 NORTHSTAR SURVEYING  
 120 NW 4TH STREET  
 CORVALLIS, OR 97330  
 PH: (541) 751-8630
- INDEX OF DRAWINGS**
- PLA.100 COVER SHEET  
 PLA.200 PROPERTY TRANSFER AREA  
 PLA.300 PROPOSED PROPERTY LINE ADJUSTMENT



**TKP ENGINEERING**  
 P.O. BOX 374  
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 Fax (866) 861-5704

COVER SHEET

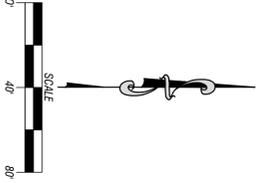
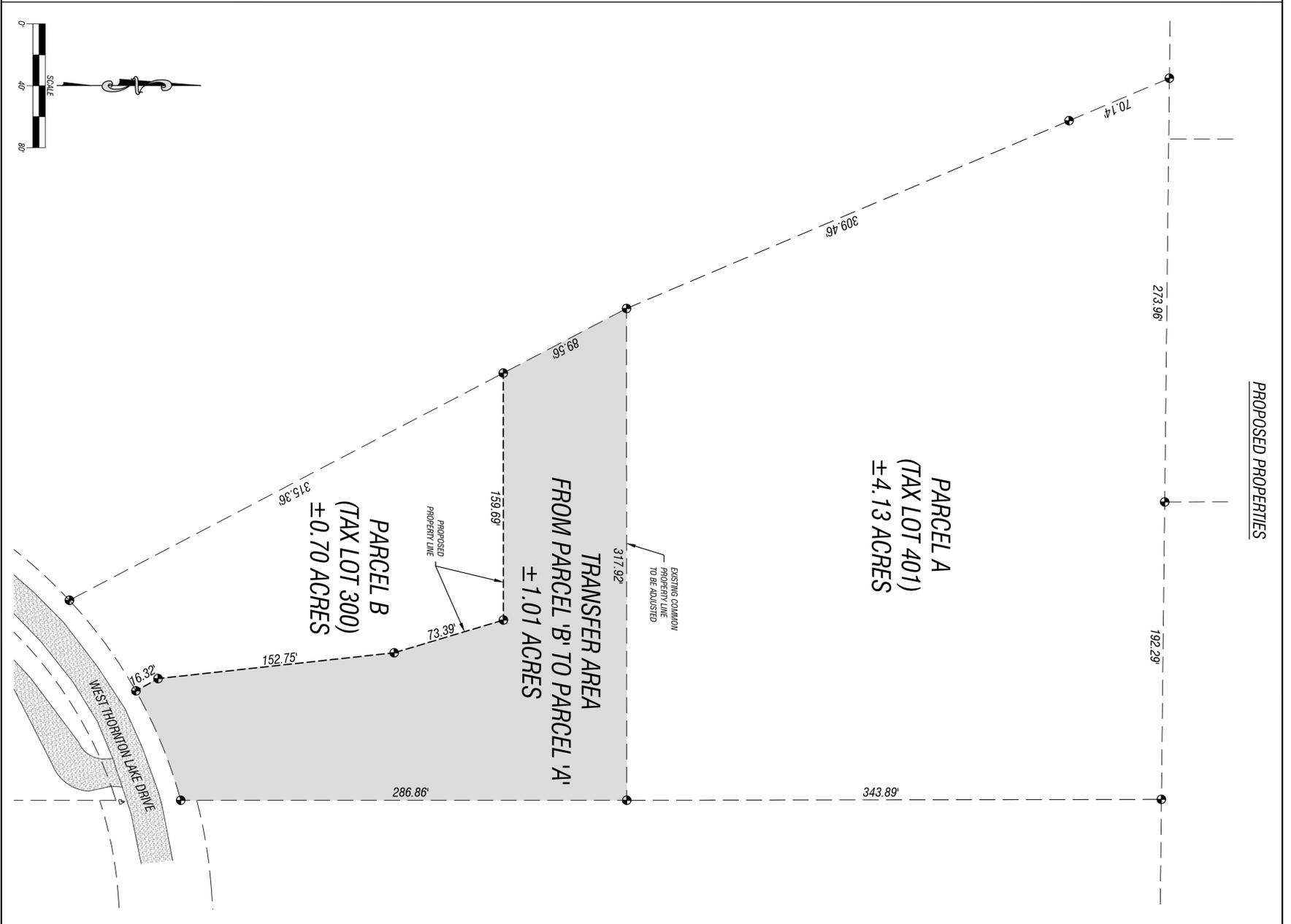
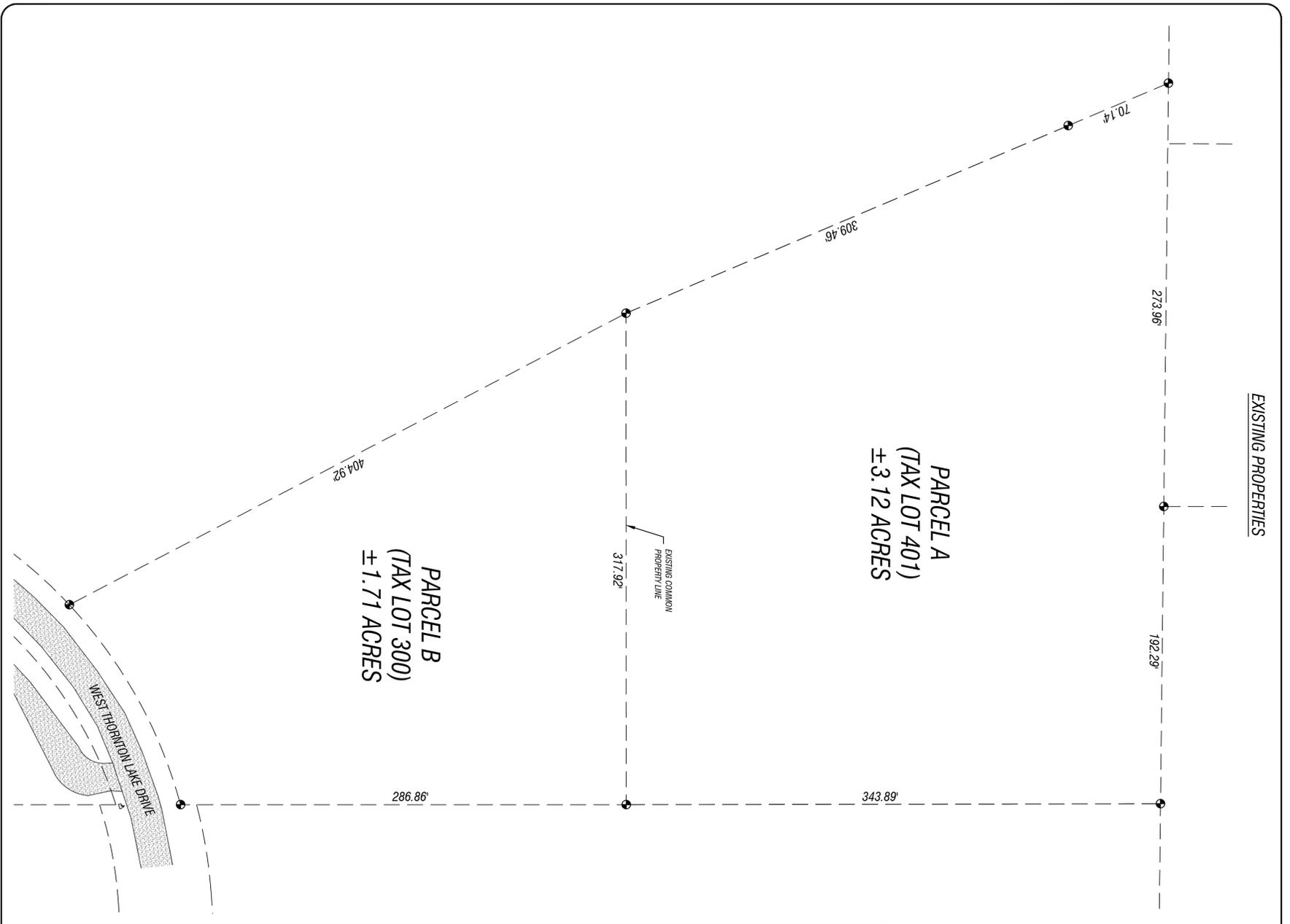
'A' FRAME PLA  
 PREPARED FOR:  
**GARY DAVENPORT**



DATE	11/6/2019
PROJECT	16-009
DWG	16-009.DWG
REVISION	DATE
1	12/31/2019

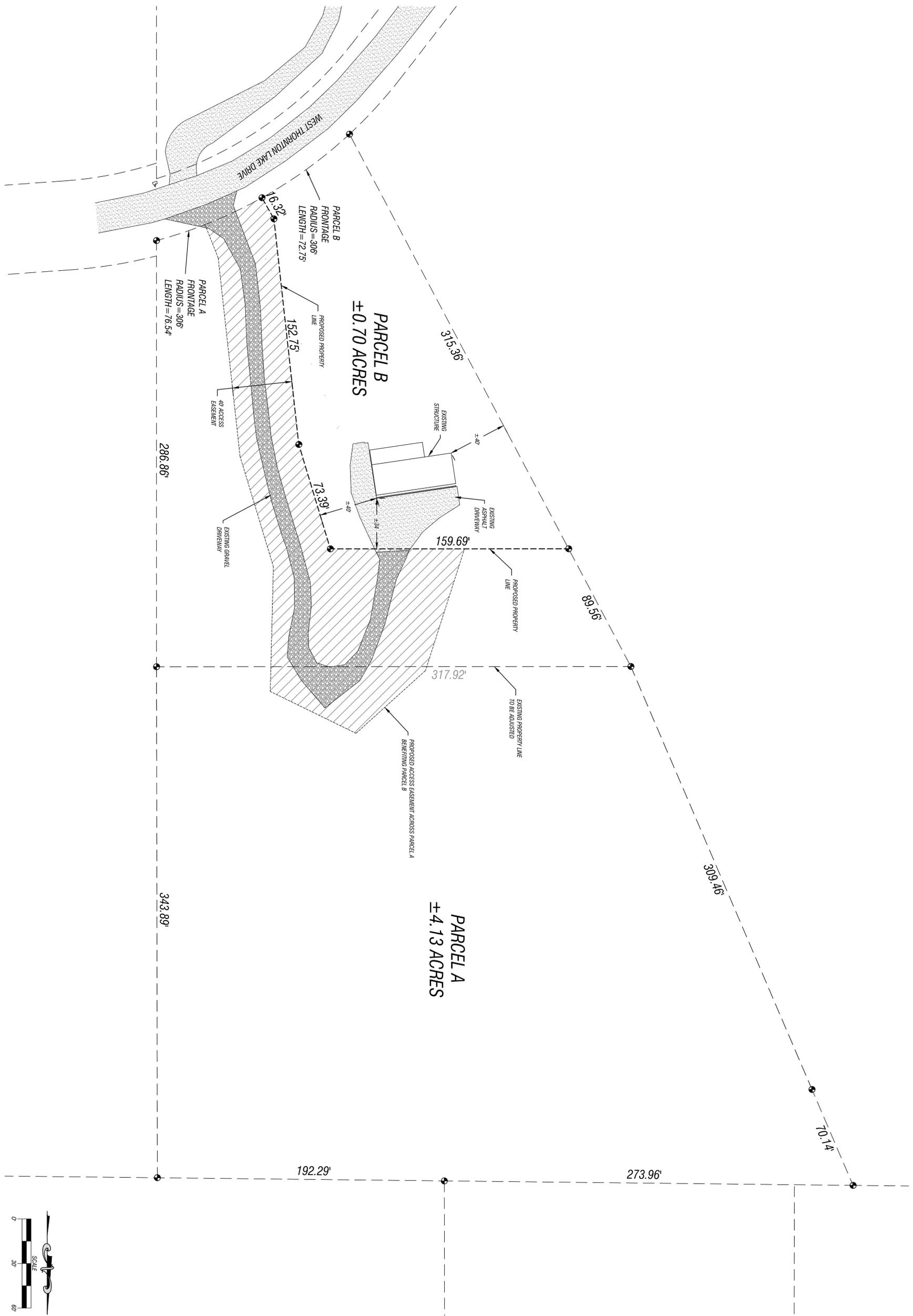
SHEET	PLA.100
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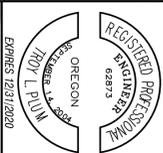
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SHEET	PLA.200		<p><b>'A' FRAME PLA</b></p> <p>PREPARED FOR:</p> <p><b>GARY DAVENPORT</b></p>	<p><b>PROPERTY TRANSFER AREA</b></p>	<p><b>TKP ENGINEERING</b>                  P.O. BOX 374                  Corvallis, OR 97339                  Phone (541) 760-7205                  Fax (866) 861-5704</p>
	DATE				
PROJECT	16-009	DATE	11/8/2019	DATE	11/8/2019
DWG	16-009.DWG	DATE	11/8/2019	DATE	11/8/2019
REVISION		DATE		DATE	

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SHEET PLA.300	DATE 11/8/2019	PROJECT 16-009	DWG 16-009.DWG	REVISION DATE		'A' FRAME PLA PREPARED FOR: <b>GARY DAVENPORT</b>	PROPOSED PROPERTY LINE ADJUSTMENT	 <b>TKP ENGINEERING</b> P.O. BOX 374 Corvallis, OR 97339 Phone (541) 760-7205 Fax (866) 861-5704

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