



COMMUNITY DEVELOPMENT

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

Staff Report

Replat to Adjust Common Property Line Between Two Properties

RL-12-18

February 8, 2019

Summary

A Tentative Replat application is required to adjust property lines on previously platted lots. This application is a request to adjust common property lines between two existing parcels, two of which were created with the recording of Partition Plat 2018-009 on February 21, 2018 (see file PA-05-17/PP-2018-009). The purpose for the replat is to adjust the south property line of Property “A” approximately 82 feet to the south. The property owners are listed below. The surveyor is Jason Cota, with K&D Engineering, of Albany, Oregon. The properties are zoned Residential Single Family (RS-10) and are known as Benton County Assessor’s Map No.; 10S-04W-35DA Tax Lot 6100 & 6300 (Attachment A). The applicant’s written findings and Tentative Replat are included as Attachments B – C in this staff report.

Staff Decision

Approval of the submitted Tentative Replat application with the following conditions.

- Condition 1** Prior to final plat approval, the applicant shall include a sunset clause on the final plat that states the 25-foot-wide temporary private access easement across the west portion of Property “A” (2986 Gibson Hill Road) to Gibson Hill Road will terminate upon Property “B” (Tax Lot 6300) gaining access of required width to a future public street or access easement.
- Condition 2** Prior to final plat approval, the applicant shall include a sunset clause on the final plat that states the 25-foot-wide temporary emergency access easement across the west portion of Property “A” (2986 Gibson Hill Road) to Gibson Hill Road will terminate upon Property “B” (Tax Lot 6300) gaining access of required width to another approved emergency vehicle access easement from a future public street or access easement.
- Condition 3** Prior to final plat approval, the applicant must record private utility easements for any private utilities that cross adjacent parcels.

The approval expires three years from the date of tentative plat approval. The final plat must be recorded with the Benton County Records Division (ADC 11.065) unless an extension is approved by the City and the County Surveyor’s Office.

Appeals

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files with LUBA a Notice of Intent to Appeal not later than 21 days after the Director's Notice of Decision is mailed.

Application Information

Proposal:	Replat to adjust a common property line between Parcel 1 and 3 of Partition Plat 2018-009
Review Body:	Staff (Type I-L review)
Report Prepared by:	Laura LaRoque, Project Planner
Property Owners:	<ol style="list-style-type: none"> 1. Jeffrey and Olga Shannon; 1516 East First Court, Deer Park, WA 99006 2. Adan and Eileen Martinez; 2986 Gibson Hill Road NW, Albany, OR 97321
Surveyor/Representative:	Jason Cota, K & D Engineering Inc.; 276 NW Hickory Street, Albany, OR 97321
Address/Location	2986 Gibson Hill Road NW, Albany, OR 97321
Map/Tax Lot:	Benton County Assessor's Map No.; 10S-04W-35DA Tax Lots 6100 & 6300
Zoning:	Residential Single Family (RS-10) District
Existing Land Use:	Single family residence and residential accessory structure on proposed Property "A". A residential accessory structure on proposed property "B".
Neighborhood:	North Albany
Surrounding Zoning:	North: RS-10 (Single Family Residential) District East: RS-10 South RS-10 West RS-10
Surrounding Uses:	North: Single-family residences and residential accessory structures East: Single-family residences and residential accessory structures South Single-family residences and residential accessory structures West Undeveloped
Prior History:	T-25-16: Tree Removal permit to remove hazardous tree behind house located at 2986 Gibson Hill Road. PA-05-17: Land Division (Tentative Partition Plat) to create three parcels from one existing parcel. See Partition Plat 2018-009.

Notice Information

A Notice of Filing was mailed to property owners identified within 100 feet of the subject properties on January 18, 2019. At the time the comment period ended on February 1, 2019, the Albany Planning Division had not received any written comments.

Analysis of Development Code Criteria

Section 11.180 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.

Findings of Fact and Conclusions

- 1.1 The underlying zoning district of the subject lots is RS-10 (Residential Single Family). The RS-10 zoning district is intended primarily for lower density, single-family, residential development. The average minimum lot size is 10,000 square feet with a minimum lot width of 65 feet and a minimum lot depth of 100 feet. Maximum lot coverage in the RS-10 district is 50 percent. Lot coverage for single-family detached development only includes the area of the lot covered by buildings or structures.
- 1.2 In any single-family, residential land division, lots and blocks shall conform to standards listed in ADC 11.090 and other applicable provisions of the Code. Standards relevant to this proposed replat are addressed below.
- 1.3 ADC 11.090(1) states that lots must be arranged such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all proposed lots in compliance with the requirements of the Code. No new lots are proposed. The purpose for the replat is to adjust the south property line of Property "A" (Tax Lot 6100) approximately 82 feet to the south while still maintaining lot standards (Attachment C). Once the common property line is adjusted, there will be no foreseeable difficulties in securing building permits.
- 1.4 According to ADC 11.090(2), when lots are more than double the minimum area designated by the zoning district, those lots must be arranged to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan may be required in conjunction with submittal of tentative subdivision or partition plat. This replat application is not creating new lots through a subdivision or partition plat; therefore, an urban conversion plan will not be required.
- 1.5 ADC 11.090(3) states that double frontage lots shall be avoided except when necessary to provide separation of residential developments from streets of collector or arterial street status or to overcome specific disadvantages of topography and/or orientation. The proposed replat will not result in the creation of a double-frontage lot.

Property "A" (Tax Lot 6100) has approximately 104 feet of frontage on Gibson Hill Road. The residence on the property presently has access to Gibson Hill Road. No new access points are proposed for Property "A" in this replat application.

Presently, Tax Lot 6300 has a 25-foot-wide temporary private access easement, 25-foot-wide emergency vehicle access easement, and 10-foot-wide private utility easement to Gibson Hill Road. The applicant proposes an extension of these easements across the west portion of Property "A" to Gibson Hill Road. No new access points are proposed for Property "B" in this replat application.

- 1.6 Block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate lot size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves. The proposed replat does not propose to create new blocks, additional lots, cul-de-sacs, double-frontage lots, or flag lots. Therefore, the block standards under ADC 11.090 are not applicable.
- 1.7 ADC 11.090(6) states that off-street pedestrian pathways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a public street connection is not feasible. Both lots will continue to have direct access to a public street, and no off-street pedestrian pathways are proposed or required with this replat.
- 1.8 The RS-10 zone district has a minimum 20-foot front yard setback. The minimum required interior yard setback is five feet for single-story dwellings and eight feet for dwellings with two or more stories. The required interior yard setback is three feet for accessory structures with walls eight feet or shorter and five feet for accessory structures with walls taller than eight feet. Approval of this replat will not prevent future development from meeting all required setbacks.

Conclusions

- 1.1 The proposal is to relocate the common property line between Tax Lots 6100 (Property “A”) and 6300 (Property “B”).
- 1.2 As conditioned, Property “B” will retain a 25-foot private access easement, 25-foot emergency access easement, and 10-foot private utility easement across the west portion of Property “A” to Gibson Hill Road.
- 1.3 Once the two common property lines are adjusted, there will be no foreseeable difficulties in securing building permits.
- 1.4 The proposed replat will not result in the creation of a double-frontage lot.
- 1.5 To the satisfaction of ADC 11.090(6), no off-street pedestrian pathways are proposed or required with this replat.
- 1.6 ADC 11.090(8) does not apply because the proposed tentative replat does not include any new blocks, additional lots, cul-de-sacs, double-frontage lots, or flag lots.
- 1.7 This criterion is satisfied without conditions.

Conditions

- Condition 1** Prior to final plat approval, the applicant shall include a sunset clause on the final plat that states the 25-foot-wide temporary private access easement across the west portion of Property “A” (2986 Gibson Hill Road) to Gibson Hill Road will terminate upon Property “B” (Tax Lot 6300) gaining access of required width to a future public street or access easement.
- Condition 2** Prior to final plat approval, the applicant shall include a sunset clause on the final plat that states the 25-foot-wide temporary emergency access easement across the west portion of Property “A” (2986 Gibson Hill Road) to Gibson Hill Road will terminate upon Property “B”

(Tax Lot 6300) gaining access of required width to another approved emergency vehicle access easement from a future public street or access easement.

Condition 3 Prior to final plat approval, the applicant must record private utility easements for any private utilities that cross adjacent parcels.

Criterion 2

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact

- 2.1 The proposed replat will move the common property lines between Property “A” (Tax Lot 6100) and abutting Property “B” (Tax Lot 6300) approximately 82 feet to the south, as shown on the Tentative Replat (Attachment C). Currently, Property “A” is 0.33 acres (14,452 square feet), and Property “B” is 1.19 acres (51,755 square feet). When the lot lines are adjusted, Property “A” will have .48 acres (20,744 square feet), and Property “B” will have 1.04 acres (45,433 square feet).
- 2.2 All the property owned by the applicants is included in the area to be replatted. There is no remainder of property to be considered.

Conclusions

- 2.1 The above criterion is satisfied; there will be no remainder of property to consider.

Criterion 3

Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Findings of Fact

- 3.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 3.1 The abutting properties to the north, east, and south of the subject property are developed. The adjacent properties to the north have access to Gibson Hill Road, a public right-of-way. The adjoining properties to the south and east have access to Pulver Lane, also a public right-of-way. Properties west of the subject property have access to Gibson Hill Road.

Conclusions

- 3.1 All of the adjoining land has access to public streets.
- 3.2 This criterion is met.

Criterion 4

The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

Findings of Fact

- 4.1 The site is located at 2986 Gibson Hill Road and a property known as Benton County Assessor's Map No.; 10S-04W-35DA Tax Lot 6300 (Attachment A). Property "A" has frontage on Gibson Hill Road and is developed with a single-family home and residential accessory building. Property "B" has access to Gibson Hill Road and is developed with one residential accessory building, but no residence.
- 4.2 Gibson Hill Road is classified as a minor arterial and is partially constructed to city standards. Improvements include: a 35-foot pavement width and bike lanes, but no curb, gutter or sidewalk. The right-of-way width is 60 feet.
- 4.3 Property "A" currently contains one single family home on one parcel and generates about 10 vehicle trips per day.
- 4.4 If proposed Property "B" is developed with a single-family home in the future, the development will add about 10 additional weekday vehicle trips on the street system.
- 4.5 Albany's Transportation System Plan (TSP) does not identify any capacity problems adjacent to the development.
- 4.6 No new streets are proposed with the development.

Conclusions

- 4.1 The proposed replat does not create additional lots nor leave any remaining amount of land.
- 4.2 No new street plan is being proposed.
- 4.3 Albany's TSP does not identify any safety or congestion issues adjacent to the site.
- 4.4 This review criterion is satisfied.

Criterion 5

The location and design allow development to be conveniently served by various public utilities.

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an 8-inch public sanitary sewer main in Gibson Hill Road. The existing residence at 2986 Gibson Hill Road is currently connected to the public sewer system. The undeveloped subject property (no address – Tax Lot 6300) does not have an existing sewer service but has access to the public sewer main via a private utility easement.

Water

- 5.2 City utility maps show a 24-inch public water main in Gibson Hill Road. The existing residence at 2986 Gibson Hill Road is currently connected to the public water system. The undeveloped subject property (no address – Tax Lot 6300) does not have an existing water service but has access to the public water main via a private utility easement.

Storm Drainage

- 5.3 City utility maps show that Gibson Hill Road is served by a system of ditches and culverts. Properties near Gibson Hill Road typically discharge roof drainage to the ditch system adjacent to the road. The

undeveloped subject property (no address – Tax Lot 6300) has access to the Gibson Hill drainage system via a private utility easement.

Conclusions

- 5.1 After replatting the parcels the resultant parcels will have access to public sewer, water, and storm drainage service.
- 5.3 This criterion is satisfied without conditions.

Criterion 6

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact

- 6.1 Article 6: Hillside Development. *Comprehensive Plan Plate 7: Slopes*, shows that there are no areas of steep slopes on the subject property. The elevations on the property range from 294 feet to 302 feet (NGVD, 1929). The property slopes generally from the highest point at the southeast corner downward toward the northwest corner of the site.
- 6.2 ADC 6.170 through 6.230 includes Hillside Development standards. ADC 6.180 says that the Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan. The Hillside Development standards do not apply to the proposed replat.
- 6.3 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C-0195H, dated December 8, 2016, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain.
- 6.4 Article 6: Wetlands. *Comprehensive Plan Plate 6:* does not show wetlands on the property. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map dated 1994, does not show wetlands on the property.
- 6.5 Article 4: Airport Approach. According to Figure 4-1 of the Albany Development Code, the subject property is not located within the Airport Approach District.
- 6.6 Article 7: Historic Districts. *Comprehensive Plan Plate 9: Historic Districts* shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 There are no areas containing steep slopes on the subject property.
- 6.2 There are no floodplains on the subject property, according to FEMA/FIRM Community Panel No. 41043C-0195H, dated December 8, 2016.
- 6.3 The site has no special purpose districts that require conditions of approval to mitigate.
- 6.4 The property is not located within the Airport Approach District.
- 6.5 There are no known historical or archaeological sites on the property.
- 6.6 This criterion is satisfied without conditions.

Overall Conclusion – Conditions of Approval

As proposed, the application for a Tentative Replat to relocate a common property line between Tax Lots 6100 (Property “A”) and 6300 (Property “B”) satisfies all the applicable review criteria with adherence to the following conditions of approval.

- Condition 1** Prior to final plat approval, the applicant shall include a sunset clause on the final plat that states the 25-foot-wide temporary private access easement across the west portion of Property “A” (2986 Gibson Hill Road) to Gibson Hill Road will terminate upon Property “B” (Tax Lot 6300) gaining access of required width to a future public street or access easement.
- Condition 2** Prior to final plat approval, the applicant shall include a sunset clause on the final plat that states the 25-foot-wide temporary emergency access easement across the west portion of Property “A” (2986 Gibson Hill Road) to Gibson Hill Road will terminate upon Property “B” (Tax Lot 6300) gaining access of required width to another approved emergency vehicle access easement from a future public street or access easement.
- Condition 3** Prior to final plat approval, the applicant must record private utility easements for any private utilities that cross adjacent parcels.

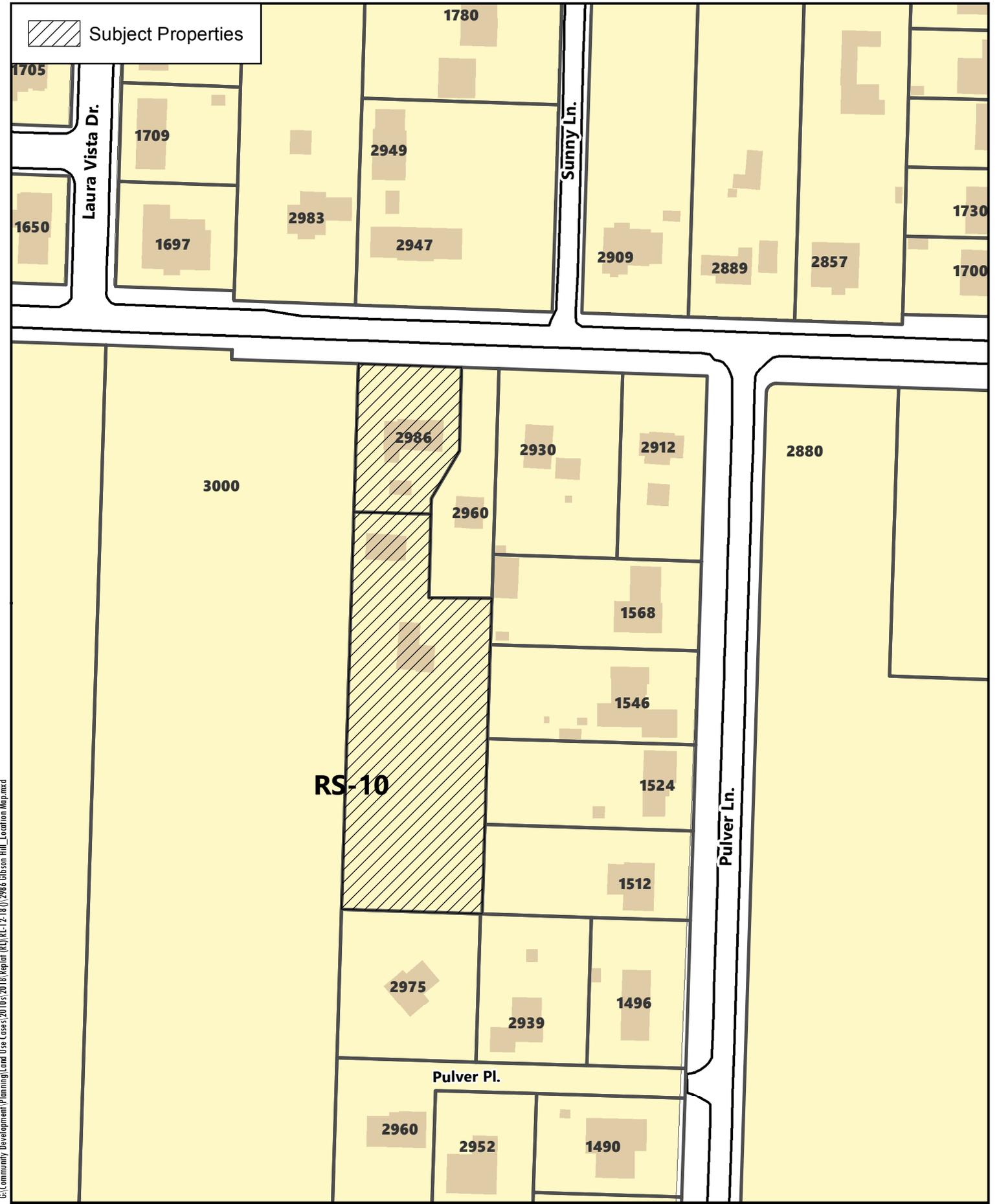
Attachments

- A. Location Map
- B. Applicant’s Findings
- C. Tentative Replat

Acronyms

ADC	Albany Development Code
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LUBA	Land Use Board of Appeals
ORS	Oregon Revised Statute
NAVD 1988	North American Vertical Datum of 1988 ¹
NGVD 1929	National Geodetic Vertical Datum of 1929 ¹
RL	Replat File Designation
RS-10	Single Family Residential Zoning District-10,000 sq. ft.

¹ The conversion factor from NGVD 1929 to NAVD 1988 in Albany is +3.38 feet.



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 Subject Properties



Date: 1/7/2019 Map Source: City of Albany

2986 Gibson Hill Road

Location / Zoning Map

Review Criteria / Written Response
Re-Plat / Property Line Adjustment Application
for
Jeff Shannon
Adam Martinez
located at
2986 Gibson Hill Rd. NW
Tax Lots 6100 & 6300 (Map 10S-4W-35DA)

Project Overview:

The Applicant proposes to re-plat Parcels 1 and 3 of Partition Plat 2018-009 to adjust the common boundary line. The subject Parcels were created by an approved partition per City Planning Case PA-05-17.

Review Criteria:

1. *The proposal meets the development standards of the underlying zoning district and applicable lot and block standards of this Section.*

Response:

The applicant requests a re-plat to adjust the boundary lines of existing Parcels 1 & 3 of Partition Plat 2018-009. The Parcels are located in a RS-10 (residential low density) zone. The proposed parcels exceed the 10,000 sf minimum size.

Conclusion:

The proposed re-plat re-configures 2 existing Parcels and meets the development standards for a RMS-10 zone.

2. *Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.*

Response:

The applicant requests a re-plat to adjust the boundary of two existing legal parcels. No further development is proposed at this time. The adjusted parcels are large enough to be further developed in the future (see attached urban conversion plan). Further development of proposed parcel 2 is dependant on the adjoining property to the west being developed.

Conclusion:

The proposed re-plat will adjust the common boundary line of two existing parcels with no remainder. The proposed adjusted parcels could be divided in the future but is dependant on the development of the adjoining property to the west which would provide a new driveway access.

3. *Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.*

Response:

The adjoining property to the west has road access to Gibson Hill. The adjoining properties to the east have road access to Gibson Hill and Pulver Lane. The adjoining property to the south has road access to Pulver Place.

Conclusion:

The proposed re-plat will not adversely affect development and access of adjoining land.

4. *The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*

Response:

No public streets are planned or required for the proposed re-plat. The northerly parcel will continue to use the private driveway to access Gibson Hill Rd. The southerly parcel will access Gibson Hill Rd. with a temporary private driveway easement over the northerly parcel.

Conclusion:

The subject properties and all adjoining lands have access to public streets. No new streets are proposed by this application.

5. *The location and design allows for development to be conveniently served by various public utilities.*

Response:

The existing residence located on the northerly parcel is already served with public sewer and water. The southerly parcel will be served with water and sewer by connecting to the existing mains located in Gibson Hill Rd. A private utility easement will be created over property A (north parcel) to serve Property B (south parcel), as shown on the tentative plat.

Conclusion:

The northerly parcel is an existing residence already served by public utilities. Services for the southerly parcel will be installed at time of development as shown on the tentative plat. A private utility easement will be created over northerly parcel to serve the southerly parcel.

6. *Activities and developments within special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources) and 7 (Historic), as applicable. .*

Response:

The subject properties are not located within the Airport Approach District or the Historic District. There are no City of Albany identified wetlands on the subject properties.

Conclusion: Addressing Article 4 and Article 7 is not applicable.

FOR
JEFF SHANNON

LOCATED IN
TAX LOT 6100 + 6300, MAP 10435D

IN THE
SE 1/4 SEC. 35 T. 10 S., R. 4 W., W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

NOVEMBER 6, 2018

ENGINEER/SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OREGON 97321
(541) 928-2583

LEGEND:

- ⊙ EXISTING MANHOLE
- ⊕ EXISTING FIRE HYDRANT
- ☼ EXISTING TREE - TYPE/DIAMETER INCHES
- X — EXISTING FENCE
- — — EXISTING STORM DRAIN
- — — EXISTING SEWER MAIN
- — — EXISTING WATER MAIN

PROPERTY "A"

TAX LOT:
TAX LOT 6100 [105-4W-35DA]

SITE ADDRESS:
2986 GIBSON HILL RD. NW
ALBANY, OREGON 97321

ZONING:
RS-10 - RESIDENTIAL SINGLE FAMILY
(5 UNITS PER ACRE)

CURRENT USE:
EXISTING RESIDENCE

PROPERTY "B"

TAX LOT:
TAX LOT 6300 [105-4W-35DA]

SITE ADDRESS:
NO ADDRESS ASSIGNED

ZONING:
RS-10 - RESIDENTIAL SINGLE FAMILY
(5 UNITS PER ACRE)

CURRENT USE:
UN-DEVELOPED

PROPERTY STATISTICS

PROPERTY "A"
EXIST. 14,452 S.F.
+ ADJ. 6,322 S.F.
NEW 20,774 S.F.

PROPERTY "B"
EXIST. 51,755 S.F.
- ADJ. 6,322 S.F.
NEW 45,433 S.F.

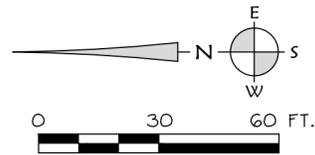
PROPERTY OWNERS:

PROPERTY "A"
TAX LOT 6100 [105-4W-35DA]

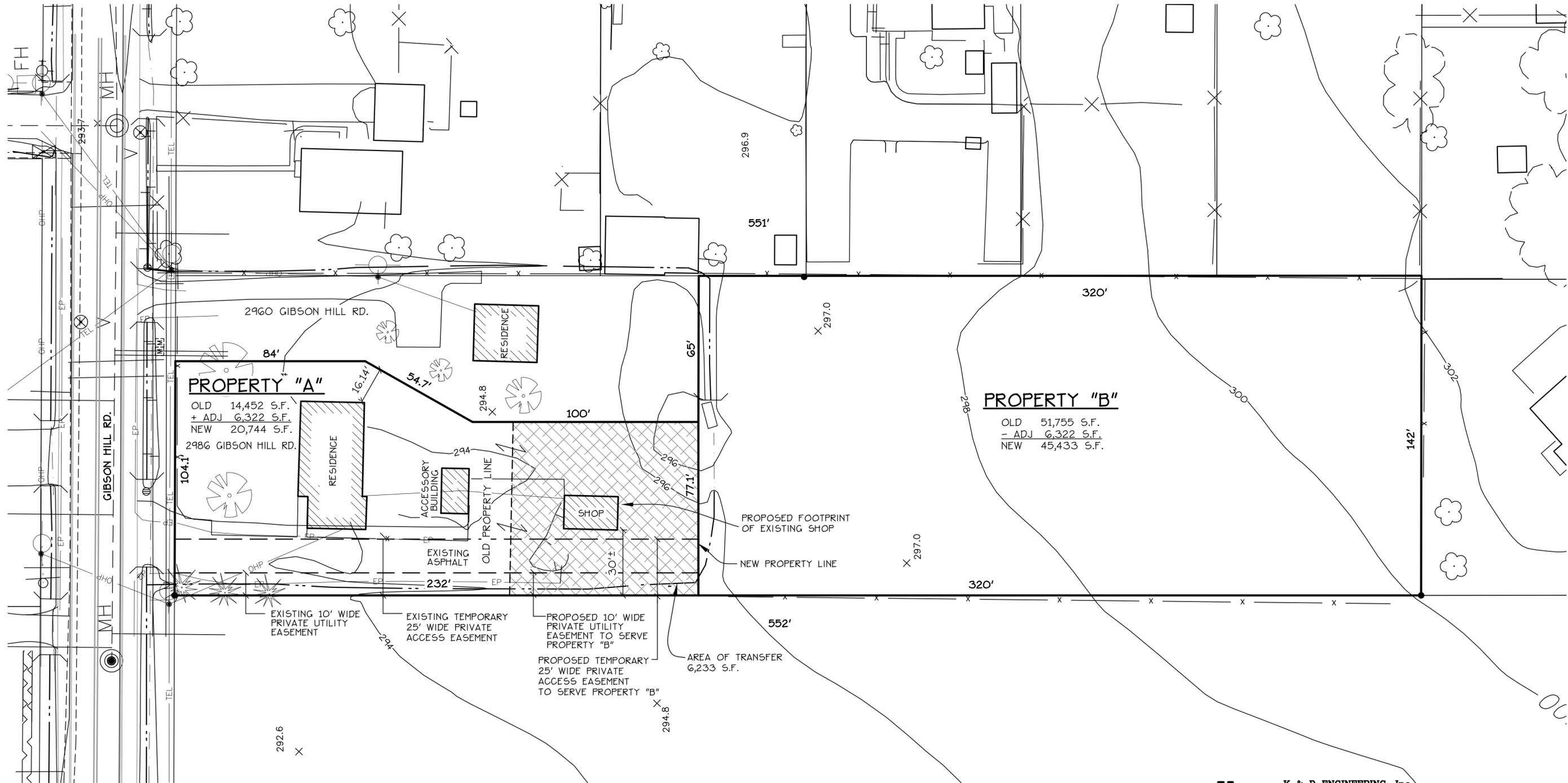
ADAM J. + EILEEN MARTINEZ
2986 GIBSON HILL RD. NW
ALBANY, OREGON 97321

PROPERTY "B"
TAX LOT 6300 [105-4W-35DA]

JEFFREY + OLGA SHANNON
1516 EAST FIRST COURT
DEER PARK, WA. 99006



SCALE: 1" = 30'



PROPERTY "A"
OLD 14,452 S.F.
+ ADJ. 6,322 S.F.
NEW 20,744 S.F.
2986 GIBSON HILL RD.

PROPERTY "B"
OLD 51,755 S.F.
- ADJ. 6,322 S.F.
NEW 45,433 S.F.