



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Building & Planning 541-917-7550

Expedited Land Division – Tentative Plat

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee (subject to change every July 1); Varies; staff will contact you for payment after submittal.

Partition (PA) – Expedited land division that will result in a maximum of three parcels:

- Tentative Plat Type N/A [standard]

Subdivision (SD) – Expedited land division that will result in four or more lots:

- Tentative Plat Type N/A [not a cluster or planned development]
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- All applications and materials must be submitted online through Accela at <http://www.albanyoregon.gov/permits>. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify all applicable information is included. An incomplete application will delay the review process.

TENTATIVE PLAT SUBMITTAL CHECKLIST:

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- GENERAL INFORMATION** about the site and development.
- URBAN CONVERSION PLAN.** If this Land Division request results in any parcels or lots that are divisible again in the future, or there is an undeveloped remainder, submit a separate map that shows how the rest of the site can be developed to City standards with City services.
- REVIEW CRITERIA RESPONSES.**
On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Expedited Land Division complies with each of the following review criteria. (ADC 11.610(1)) Each criterion must have at least one finding of fact and conclusion statement.

Criterion (a): The middle housing development complies with the Oregon residential specialty code and the applicable ADC middle housing regulations, including but not limited to, the provisions in the base zone and in Sections 8.110-8.175. The applicant shall submit approved building permits demonstrating that existing structures comply with the Oregon Residential Specialty Code and ADC middle housing regulations when the parent parcel contains one or more structures that a proposed property line intersects or bisects the building, or the parent parcel contains one or more structures that the roof overhang or exterior walls will be located within 3 feet of the proposed property lines.

Criterion (b): Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.

Criterion (c): Easements will be provided as necessary for each dwelling unit on the site for:

- i. Locating, accessing, replacing, and servicing all utilities;
- ii. Pedestrian access from each dwelling unit to a private or public road;
- iii. Any common use areas or shared building elements;
- iv. Any dedicated driveways or parking; and
- v. Any dedicated common area.

Criterion (d): Exactly one dwelling unit will be located on each resulting lot (referred to as middle housing child lots), except for lots or tracts used as common areas, on which no dwelling units will be permitted.

Criterion (e): Buildings or structures on a resulting child lot will comply with applicable building codes provisions relating to new property lines.

Criterion (f): Notwithstanding the creation of new child lots, structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.

Criterion (g): Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to ADC 12.140 and 12.200.

TENTATIVE PLAT SUBMITTAL

11.610(2) In addition to the items listed in ADC 11.210, an application for a middle housing land division shall include the following:

- A description of the manner in which the proposed division complies with each of the provisions of subsection (1) of this section, including copies of approved building permits and other evidence necessary to demonstrate:
- How buildings or structures on a resulting child lot will comply with applicable building codes provisions related to new property lines; and
- Notwithstanding the creation of new lots, how structures or buildings located on the newly created child lots will comply with the Oregon Residential Specialty Code.
- In addition to the items listed in ADC 11.210(1) – (20), copies of a plat showing the following details:
- Separate utility connections for each dwelling unit, demonstrating compliance with approval criterion 11.610(1)(b).
- Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion 11.610(1)(c).
- Copies of all required easements in a form approved by the City Attorney.

11.610(3) Tentative Plat Conditions of Approval.

- (a) The City may attach conditions of approval of a tentative plat for a middle housing land division to:
 - i. Prohibit further division of the resulting child lots.
 - ii. Require that a notation appear on the final plat indicating:
 - The approval was given under ORS Chapter 92.
 - The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the middle housing land division.
 - Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.
 - iii. Ensure that improvements associated with review criteria in ADC 11.610 are provided.

- (b) In accordance with ORS Chapter 92, the City shall not attach conditions of approval requiring that a child lot require driveways, vehicle access, parking, or minimum or maximum street frontage.
- (c) The tentative approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

OTHER PERMITS, APPLICATIONS, PLANS, OR REPORTS THAT MAY BE REQUIRED:

- FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (/FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required.
- NATURAL RESOURCE IMPACT REVIEW.** If any of the property is within one of Albany’s Significant Natural Resource Overlay Districts (/SW, /RC, /HA), refer to ADC Sections 6.260-6.470 to determine if a Natural Resource Impact Review may be required.
- HILLSIDE DEVELOPMENT GEOTECHNICAL REPORT.** If any of the property is within this Hillside Development (/HD) overlay, refer to ADC Sections 6.170-6.235 to determine if the /HD standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards, and provide a geotechnical report or engineer’s certification on the site.
- MITIGATION PLAN.** If the project is proposed within any of Albany’s Significant Natural Resources overlay districts (/SW, /RC, /HA), a mitigation plan may be required. See ADC Sections 6.400 and 6.410 or Mitigation Supplement.

GENERAL INFORMATION ABOUT THE SITE AND DEVELOPMENT

- Submit answers to the following proposal questions (separately or on this sheet):
 - Current address(es) of the property(ies) to be divided: _____
 - Assessor’s Parcel Map No(s)._____ Tax Lot No(s). _____
 - Assessor’s Parcel Map No(s)._____ Tax Lot No(s). _____
 - Assessor’s Parcel Map No(s)._____ Tax Lot No(s). _____
 - Comprehensive Plan Map designation: _____ Zoning Map designation: _____
 - Current zoning and use(s) of the property: _____
 - Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

<u>Current Uses</u>	<u>Zoning</u>
North _____	_____
South _____	_____
East _____	_____
West _____	_____
 - Gross land area of the property(ies) to be divided: _____
 - Net land area (gross land minus land to be dedicated to the public): _____
 - Average Lot Size: _____ Percent of lots less than zone minimum lot size: _____
 - Lot and Block arrangement. Please explain how the lot and block arrangement requirements in ADC Section 11.090 are met. What is the average block length? _____
 - Phases. If the development is proposed in phases, indicate how many phases are proposed and clearly outline and label the boundaries of each of the proposed phases on the tentative plat. (See ADC 11.300(1)(j)). Proposed number of phases: _____
 - Proposed timing of the final plats for each phase: _____

- URBAN CONVERSION PLAN.** If this Land Division request results in any parcels or lots that are divisible again in the future, or there is an undeveloped remainder, submit a separate map that shows how the rest of the site can be developed to City standards with City services.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

LAND DIVISION PURPOSE AND PROCEDURE

Procedure (ADC 11.620).

1. An expedited or middle housing land division is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.
2. A tentative subdivision plat that is reviewed concurrently with a Planned Development or a Cluster Development is subject to the Type III procedure.
3. A final subdivision or partition plat is reviewed through the Type I procedure.

EXAMPLE OF FINDINGS OF FACT

Criteria for Findings of Fact:

An Expedited Land Division will be approved if the approval authority finds the application conforms with the criteria found in Section 11.610 of the ADC, and with applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. In its review, the City must consider both the positive and negative elements of the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

Format for Findings of Fact:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information, such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

Example:

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

Fact: The proposed Land Division divides all land area within the subdivision boundary into 11 lots, so there is no remainder. None of the proposed lots is large enough to divide further at the current zoning category. The developer does not own any of the adjacent properties.

Conclusion: There is no remainder of land to consider with this application.