



## COMMUNITY DEVELOPMENT

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

# Middle Housing 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 must be submitted online through Accela at <http://www.albanyoregon.gov/permits>. Please call 541-917-7550 if you need assistance.
- 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 (see page 5).
- 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 Middle Housing Land Division complies with each of the following review criteria. (ADC 11.610) Each criterion must have at least one finding of fact and conclusion statement.

**Criterion 1:** *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.* To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and ADC middle housing regulations.

**Criterion 2:** *Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.*

**Criterion 3:** *Easements will be provided as necessary for each dwelling unit on the site for:*

- Locating, accessing, replacing, and servicing all utilities;*
- 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 4:** *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 5:** *Buildings or structures on a resulting child lot will comply with applicable building codes provisions relating to new property lines.*

**Criterion 6:** *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 7:** *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.*

The City may attach conditions of approval of the 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.

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## TENTATIVE PLAT REQUIREMENTS

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed land division site.
- Names and addresses of the owner(s), developer(s), surveyor, and engineer, as applicable.
- Date plat was drafted and north arrow.
- Scale of the tentative plat. (Use 1 inch = 20 - 60 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 200 feet.) Plat must be clearly readable and measurable.
- Total gross and net land areas of the entire site. (“Net” is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Label and show the area of any land to be dedicated to the public; include purpose and square footage of the area to be dedicated.
- Label and show the lengths of all *existing* and *proposed* property lines, lot/parcel sizes, and lot and block numbers.
- Indicate existing zoning and uses on the subject property and on adjacent property within 100 feet, including the location of all existing structures and other impervious surfaces to remain on the property.
- Label and show the approximate dimensions, net square footage, and proposed identification number of each lot/parcel.
- Label and show the locations of all existing driveways (and surface type), structures, wells, septic tanks and drain fields, and distances between them and the existing and proposed property lines and each other. Indicate what is to be removed, moved, and/or retained.

- Label and show the locations of all public improvements to be constructed as part of the development of the site (e.g., streets, sidewalks, and utilities).
- Label and show the location on the site and in the adjoining streets or property all *existing* and *proposed* sanitary sewers, storm drain facilities (including post-construction stormwater quality facilities, detention facilities, and supporting calculations), and water mains and services, culverts, ditches, and drainpipes, and all other utilities such as electric, gas, and telephone conduits with invert elevations of sanitary and storm sewers at points of proposed connections.
- Label and show the locations, widths, and names of all *existing* or *platted* adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as city boundary lines.
- Label and show the locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any plan approved by the City or proposed with this application.
- Label and show the locations, widths, ownership, and purpose of all *existing* and *proposed* easements on the site and on adjoining properties.
- Label and show existing and proposed contour (topography) lines showing proposed excavations, fills and grading, and drawn at the following intervals:
  - a. One-foot intervals for ground slopes less than five percent.
  - b. Two-foot intervals for ground slopes between five and ten percent.
  - c. Five-foot intervals for ground slopes exceeding ten percent.

Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.

- Label and show special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berms, bus stands, etc.). Sufficient detail regarding proposed improvements shall be submitted so they may be checked for compliance with the objectives of these regulations, state laws, and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the tentative plat, the additional details shall be submitted at least 30 days prior to approval of the final plat.

**Additional Plat information.** The following may not apply to every site. If an item does apply, show the information on the proposed Tentative Plat, and check the box. Write “NA” in the box if the item does not apply to this proposal, and attach a short explanation.

- Label and show the width, direction, and flow of all watercourses on the site.
- Label and show areas within the 100-year floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Label and show location of the following significant natural resources:
  - Label and show location of the following significant natural resources: 1) Significant Wetlands identified on the City’s Local Wetlands Inventory; 2) Riparian Corridors on the City’s Riparian Inventory; 3) Significant Wildlife Habitat, if known; 4) existing channels or drainage ways as shown on the most current version of the City of Albany Storm Water Master Plan; and 5) slopes greater than 12 percent.
  - Label and show location of the following natural features: 1) non-significant wetlands identified on the City’s Local Wetlands Inventory and other wetlands; 2) trees over 25 inches in circumference (approximately 8 inches in diameter) measured 4½ feet above the mean ground level from the base of the trunk; and 3) springs; and 4) trees proposed for protection and method of protection.

- Label and show proposed final plat phase lines.
- If the project is a subdivision, give the Tentative Plat a name. Check with the appropriate County to see if the desired name is available for use. The City and the County will coordinate on the approval of the final street names allowed.
- If any, label sites allocated within the plat for multiple unit dwellings, shopping centers, churches, industry, parks, schools, playgrounds, and public or semi-public buildings.

**VICINITY INFORMATION.** Provide the following information on the Tentative Plat or a separate map:

- Current zoning, names of owners of record, uses, and location of structures on all properties within the plat area and contiguous to the plat.
- All existing subdivisions, streets, and tract lines of acreage parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
- How proposed streets and alleys in the proposed land division may connect with existing or proposed streets and alleys in adjacent properties for the most advantageous development of the neighborhood. If adjacent sites have future development potential, to support the design layout for your plat, show how public facilities may be extended onto and within the adjacent properties. Check the City Transportation Master Plan for future street patterns.
- PUBLIC UTILITY PLANS.** Submit a full-sized copy of preliminary water, sewer, and storm sewer plans and systems. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.
  - **Preliminary Water Plans**
  - **Preliminary Sanitary Sewer Plans**
  - **Preliminary Storm Sewer Plans**
 Include detention calculations demonstrating the proposed detention facility is correctly sized, and how the Storm Drain Control structure will function.

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### 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.

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### 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). \_\_\_\_\_

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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. (This relates to review criterion 1.)

**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

**Process (ADC 11.150).** Difference between Partitions and Subdivisions. A subdivision relates to the division of land into four or more lots within a calendar year. A partition relates to the division of land into two or three parcels within a calendar year. A partition does not include the three exclusions set forth in ORS 92.010 (7), including property line adjustments as described in Section 11.100 of this article.

**Explanation of Process (ADC 11.160).** Partitions and subdivisions are reviewed at two stages. A tentative plat is reviewed primarily for design aspects, such as connections to existing and future streets, preservation of natural features, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The tentative plat need not be prepared by a surveyor. The final plat is reviewed for conformance to the tentative plat as approved (with or without conditions) and applicable state or county laws or rules. The final plat must be prepared by a licensed land surveyor and is the instrument by which the land division is recorded.

### **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.
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## EXAMPLE OF FINDINGS OF FACT

### Criteria for Findings of Fact:

A Land Division will be approved if the approval authority finds the application conforms with the criteria found in Section 11.180 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.