



**Community Development
Planning Division**

501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6908

Planning@corvallisoregon.gov

**NOTICE OF DISPOSITION FOR A
PROPERTY LINE ADJUSTMENT**

CASE: PLA16-00002

ORDER NO. 2016-057

REQUEST

The applicant proposes to adjust the common property line between Tax Lots 502 and 6000 (Benton County Assessor Map # 11-5-35 BD). The proposal will result in a transfer of approximately 0.18 acres between the two properties. The total site area is approximately 5.12 acres (Exhibit A).

OWNERS/APPLICANTS

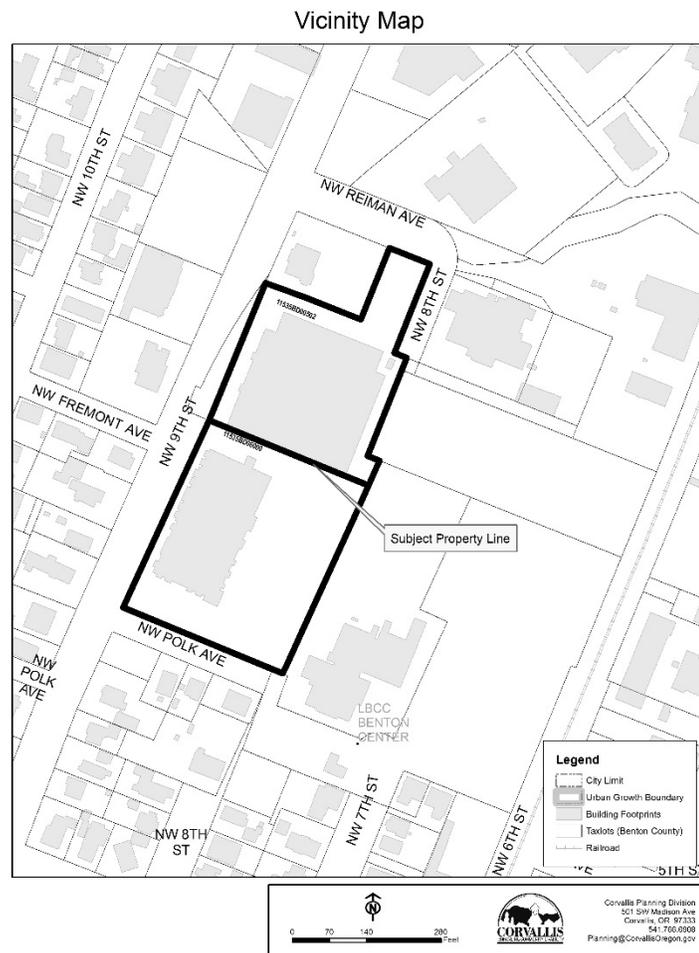
Samaritan Health Services Inc.
3600 NW Samaritan Drive
Corvallis, OR 97330

LOCATION

The subject properties are located at 777 and 815 NW 9th Street. The properties are identified on Benton County Assessor's Map # 11-5-35 BD as Tax Lots 502 and 6000.

EXHIBITS

A. Application, Narrative, and Drawings



BACKGROUND

The subject properties were annexed into the city in 1891 and 1909, and are zoned MUCS (Mixed Use Community Shopping).

CPA78-00007 / Ordinance 78-73 – the comprehensive plan map was amended to change the designation on the subject property from M-1 (light industrial) to Commercial.

LDO84-00014 – approval of a 40-ft. variation from required 60-ft. front setback for Class Reunion restaurant expansion

LDO84-00036 – approval of a 78-space parking variation associated with proposed change of use

LLA03-00018 – adjust property line between Tax Lot 502 and 600 (now Baja Fresh restaurant)

LLA05-00008– second adjustment of property line between Tax Lot 502 and 600 (now Baja Fresh restaurant)

No other previous land use approvals apply to this site.

FINDINGS

Staff has reviewed the request and finds that the applicable review criteria of Corvallis Land Development Code (LDC) Sections 2.14.60.b, c, and d have been met, based on the discussion below.

REVIEW CRITERIA COMPLIANCE

Applicable review criteria from the LDC are provided below, along with an evaluation of the application's compliance with each criterion.

Section 2.14.60 – PROPERTY LINE ADJUSTMENT PROCEDURES

b. A Property Line Adjustment shall be approved if the following criteria have been met:

- 1. The Property Line Adjustment shall not result in creation of an additional unit of land;**

The applicant proposes to adjust the common property line between the subject properties by moving the shared property line (Exhibit A – page 15) approximately 25 feet to the south. Moving the property line as proposed will not create an additional unit of land.

- 2. Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations.**

Tax Lot 6000 will decrease in area from 2.89 acres to 2.71 acres (0.18 acre). While the MUCS zone does not have a minimum lot size requirement, the zone has commercial floor area ratio (FAR) standards as follows:

Minimum FAR: 0.25
Maximum FAR: 1.0

The existing building on Tax Lot 6000 contains approximately 49,271 sq. ft. of gross floor area. The existing building on Tax Lot 502 contains approximately 102,431 sq. ft. of gross floor area. Based on the proposed resultant property sizes, the following FAR calculations apply:

Property	Resultant Property Size	Building Area	Resultant Floor Area Ratio
TL 6000	2.71 acres (118,047.60 sq. ft.)	49,271 sq. ft.	0.42
TL 502	2.41 acres (104,979.60 sq. ft.)	102,431 sq. ft.	0.98

The FAR standards are satisfied. The application includes provisions for a reciprocal parking and access easement, in the area of the property line adjustment. Vehicle parking and access attributed to each property will remain as it currently exists, based on provision of the easement (**see Condition 1**). Therefore, the resultant properties will comply with the applicable development standards of the MUCS Zone.

- 3. The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots;**

Neither property is currently nonconforming in terms of minimum lot area, minimum lot width, and access, nor would any non-conformity be created by the proposed property line adjustment.

- 4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and**

The application includes a tentative property line adjustment survey that identifies existing public utilities. The applicant has not identified any private utilities impacted by the adjusted property line (Exhibit A). If private service laterals cross the new property line, private easements should be established concurrent with recording the property line adjustment survey (**see Condition 2**).

- 5. In addition to applicable lot width requirements, any opposing or parallel side property lines shall be separated by a minimum distance of 15 feet. Existing side property lines that do not meet this standard are allowed to be maintained or adjusted, as long as the Property Line Adjustment does not worsen the non-compliant configuration.**

All opposing and parallel property lines exceed the minimum standard of 15 feet. This criterion is satisfied.

- c. For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, the Property Line Adjustment shall not adjust properties unless each resultant property contains an area unconstrained by Natural Resources or Natural Hazards and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:
1. Properties with public park purposes; and
 2. Privately- or publicly-owned properties completely contained within an area zoned Conservation- open Space.

Tax lot 6000 does not contain natural resources or hazards subject to LDC 2.11, 4.5, 4.12, or 4.13. Tax lot 502 contains a portion of the Dixon Creek protected riparian corridor and floodplain along its north and east boundaries. However, the proposed property line adjustment does not impact the ability of current or future development to comply with the riparian corridor protection provisions in LDC Chapter 4.13. Additionally, the resultant area of Tax lot 502 and its unconstrained area exceeds the Minimum Assured Development Area of the MUCS zone. This criterion is satisfied.

- d. Property Line Adjustments may not create new tracts. Where such tracts are proposed and/or required by this Code, a Land Division is required;

The proposed Property Line Adjustment will not create any new tracts. This criterion is satisfied.

Conclusion on Review Criteria

Based on the above criteria and findings, staff find the proposal, as conditioned, complies with the review criteria in LDC Section 2.14.60. Land Development Code Section 2.14.60(e) provides conditions of approval to ensure that the Property Line Adjustment is properly finalized. The conditions of approval are provided at the end of this Notice of Disposition.

DECISION

Based on the information submitted by the applicant and City staff review, it is the decision of the Planning Division Manager to approve the application, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

1. Reciprocal Access and Parking Easement: With submittal of the boundary survey and draft deeds, the applicant shall provide a draft reciprocal parking and access easement, as depicted on the tentative property line adjustment survey. This easement shall be recorded concurrently with the new property deeds, and a paper or electronic (PDF) copy of the recorded easement shall be provided to the City.

2. Private Utility Easement(s): If existing private service laterals cross the new property line, private easements shall be established concurrent with registering the property line adjustment survey and recording the new deeds.
3. Deeds: Deeds based on a metes and bounds legal description for all adjusted properties from the Property Line Adjustment, shall be recorded with the Benton County Recorder's Office.
4. Boundary Survey: A Certified Boundary Survey Map that reflects the approved Property Line Adjustment shall be reviewed by the City and signed by the Planning Division Manager and the City Engineer. The map shall then be filed with the County Surveyor.
5. The Certified Boundary Survey shall include signature blocks for the Planning Division Manager and City Engineer, and shall reference the City's land use case number PLA16-00002.
6. Copies of the recorded deeds, filed survey map, and easements shall be provided to the City of Corvallis following recording.

October 18, 2016
Date of Decision



Kent Weiss

AIC - Planning Division Manager

APPEALS - EFFECTIVE DATE OF APPROVAL - EXPIRATION

Appeal Deadline / Effective Date of Approval: October 31, 2016

If you wish to appeal this decision, the appeal must be filed within 12 calendar days from the Date of Decision, noted above. When the final day of the appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent working day. All appeals must be submitted in writing to the City Recorder with the appropriate fee (\$250.00), and they must explain the specific grounds for appeal. If you have any questions about the appeal process, contact this office at 766-6908. If no appeal has been filed, this approval is valid for a two-year period from the Effective Date of Approval.

Approval Expiration Date: If the applicant has not filed the Certified Boundary Survey and recorded the deeds and easements by October 31, 2018, the approval shall expire.

RECEIVED

SEP 22 2016



Community Development
Planning Division

City of Corvallis - Planning Division
501 SW Madison Avenue
Corvallis, OR 97333
phone (541) 766-6908
Planning@CorvallisOregon.gov
www.CorvallisOregon.gov/cd-planning

Application for General &
Special Development Activities

STAFF USE ONLY

Case Number(s): PLA 116-2 Date Filed: 9/22/16

Amount: \$100- Receipt #: 1301 Received By: sey

Required Deposit (General: \$100; Special: \$1,000)

Approval(s) Requested

<input type="radio"/> Annexation <input type="radio"/> Major <input type="radio"/> Minor	<input type="radio"/> Planned Development
<input type="radio"/> Comprehensive Plan Amendment	<input type="radio"/> Conceptual Development Plan
<input type="radio"/> Conditional Development Permit	<input type="radio"/> Detailed Development Plan
<input type="radio"/> New	<input type="radio"/> Conceptual & Detailed Development Plan
<input type="radio"/> Master Site Plan (New or Modification)	<input type="radio"/> Modification
<input type="radio"/> Modification	<input type="radio"/> Major <input type="radio"/> Minor
<input type="radio"/> Willamette River Greenway Permit	<input type="radio"/> Nullification
<input type="radio"/> Director's Interpretation	<input checked="" type="radio"/> Property Line Adjustment
<input type="radio"/> Extension of Service	<input type="radio"/> Solar Access Permit
<input type="radio"/> Floodplain Development Permit Variance	<input type="radio"/> Subdivision
<input type="radio"/> LDC Text Amendment	<input type="radio"/> New <input type="radio"/> Residential <input type="radio"/> Non-Residential
<input type="radio"/> Lot Development Option	<input type="radio"/> Modification
<input type="radio"/> Major <input type="radio"/> Minor	<input type="radio"/> Major Replat
<input type="radio"/> Minor Land Partition	<input type="radio"/> Vacation - Right-of-Way / Plat
<input type="radio"/> Minor Replat	<input type="radio"/> Zone Change

Please provide a brief summary of the requested approval:

Project Description: Property line adjustment of 0.18 acres between tax lots 6000 and 502, Map 11-5-35BD

Please attach separate sheet if additional space is needed

Project Name: Samaritan Square Property Line Adjustment

Primary Contact and Owner Information

Applicant's Name

Phone **E-mail**

Mailing Address

Applicant Signature  **Date**
Douglas R. Boysen, Executive V.P., Chief Administrative Officer

Property Owner Name

Phone **E-mail**

Mailing Address

Owner Signature  **Date**
Douglas R. Boysen, Executive V.P., Chief Administrative Officer

 If more than one property owner is involved, provide a separate attachment listing each owner's or legal representative's signature(s).

Project Staff

Developer

Phone **E-mail**

Planner

Phone **E-mail**

Civil Engineer

Phone **E-mail**

Architect

Phone **E-mail**

Landscape Architect

Phone **E-mail**

Geotechnical Engineer

Phone **E-mail**

Other

Phone **E-mail**

Property Description (or general vicinity, side of street, distance to intersection)

Street Address 777 NW 9th Street and 815 NW 9th Street

General Location Description SE corner of the intersection of Reiman Avenue and NW 9th Street

Assessor's Map Number(s) 11-5-358D **Related Tax Lot(s)** 6000,502

Map # **Tax Lot(s) #**

Map # **Tax Lot(s) #**

☛ The Assessor's Map Number (Township, Section/Range) and the Tax Lot Number (parcel) can be found on the property's(ies) tax statement, at the Benton County Assessor's Office, or on-line at: <http://maps.co.benton.or.us/benton/geomoose.html>

Gross Lot Area TL 6000 = 2.89 acres **Net Lot Area** TL 6000 = 2.71 acres
TL 502 = 2.23 acres TL 502 = 2.41 acres

☛ Net Lot Area : Total area of a Development Site, usually expressed in acres and excluding proposed public street rights-of-way and, if a developer desires, excluding public parks, Significant Natural Feature areas dedicated to the public, land dedicated for other public purposes, and/or other areas permanently precluded from development due to development constraints or conservation easements.

Land Use and Natural Features Information

Existing Zone(s) MUCS

Existing Comprehensive Plan Designation(s) Mixed Use Commercial

Not applicable **Natural Hazards Overlay** **Not applicable** **Natural Resources Overlay**

<input type="checkbox"/> 0.2' Floodway <input type="checkbox"/> Landslide Hazards <input type="checkbox"/> 100-Year Floodplain <input type="checkbox"/> Slopes > 10%	<input type="checkbox"/> Riparian Corridor <input type="checkbox"/> Significant Vegetation <input type="checkbox"/> Wetlands - Locally Protected <input type="checkbox"/> Wetlands - Non-Locally Protected
---	---

☛ For more information about land use and natural features information that may apply to your property visit: www.corvallisoregon.gov/propertysearch

Please select any of the following zone overlays or areas that apply to the subject site :

Not applicable <input type="checkbox"/> Historic Preservation Overlay <input type="checkbox"/> Willamette River Greenway <input type="checkbox"/> Planned Development <input type="checkbox"/> North Campus Area	Not applicable <input type="checkbox"/> Downtown Parking Assessment District <input type="checkbox"/> Downtown Residential Neighborhood <input type="checkbox"/> Downtown Pedestrian Core <input type="checkbox"/> University Neighborhoods Overlay
--	---

☛ Please include a discussion in the project narrative indicating how these overlays affect your proposal.

Check the box next to included attachments

- | | |
|--|--|
| <input checked="" type="checkbox"/> Narrative (address all applicable LDC review criteria) * | <input type="checkbox"/> Site Cross Sections |
| <input checked="" type="checkbox"/> Assessor's Map with Applicable Tax Lots Highlighted | <input type="checkbox"/> Architectural Elevations |
| <input type="checkbox"/> Vicinity Map | <input type="checkbox"/> Architectural Floor Plans |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Natural Hazards Map(s) |
| <input type="checkbox"/> Grading Plan | <input type="checkbox"/> Natural Resources Map(s) |
| <input type="checkbox"/> Survey / ALTA | <input checked="" type="checkbox"/> Utilities Plan |
| <input type="checkbox"/> Existing Land Use(s) Map | <input type="checkbox"/> Geotechnical Report / Site Assessment |
| <input type="checkbox"/> Zoning Map(s) if applicable, show proposed change(s) | <input checked="" type="checkbox"/> Electronic Versions of Attachments |
| <input type="checkbox"/> Comprehensive Plan Map(s) if applicable, show proposed change(s) | <input type="checkbox"/> Minimum Assured Development Area Study |
| <input checked="" type="checkbox"/> Tentative Subdivision or Partition Plat | <input checked="" type="checkbox"/> Application Fees (Deposit Only) |
| <input type="checkbox"/> Conceptual Landscape / Irrigation Plans | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Significant Vegetation Management Plan (SVMP) | |
| <input type="checkbox"/> Floodplain Development Variance Materials (refer to LDC 2.11.60.02) | |

* Written narrative is required for all application types. Typical drawings sizes are 24"x 36", 11"x17", or 8.5"x11". Sizes of required drawings will depend on the type and scope of applications involved. Contact staff to verify requirements. On your plans, include the following: property lines, points of access for vehicles, pedestrians, bicycles, topography (show existing and proposed), water courses, all natural features identified on the City's Wetlands, Riparian Corridors, Significant Vegetation, and Natural Hazards Maps, existing and proposed streets and driveways, parking areas, utilities, pedestrian and bicycle paths, existing easements. Please note there are additional specific graphic and narrative requirements for each type of application. Refer to the "Application Requirements" section(s) within the Land Development Code.

Please tell us more about the proposed development and its site

- Are there existing structures on the site ? Yes No **If Yes, please explain.**

Existing buildings previously known as Avery Square and Cannery Mall.
- For your project, please indicate the uses proposed and describe the intended activities:

No proposed change of uses
- Will the project be completed in phases ? Yes No **If Yes, please explain.**
- How will open space, common areas and recreational facilities be maintained?

By the owner
- Are there previous land use approvals on the development site ? Yes No **If Yes, please include a discussion in the project narrative indicating how the prior approvals impact your proposal.**

For more information, contact the Planning Division at (541) 766-6908 or by [e-mail](#).

Please identify any citizen outreach efforts that you have undertaken prior to submitting this application.

(outreach efforts are encouraged, but not required)

- Mailed information regarding the proposed development to adjacent property owners / residents
- Held one or more neighborhood meetings or open houses
- Met individually and/or conferred over the phone with citizens
- Held a project design workshop
- Made site plans available for review.
- Posted the project site with information about the proposal, and where to go for more info
- Canvassed the neighborhood.
- Other (please describe)

Were changes made to the proposal as a result of citizen input? If so, what were they?

- Yes No

Authorization for Staff and Decision Makers to Enter Land

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

- I authorize City staff and decision makers to enter onto the property(-ies) associated with this application
- I do not authorize City decision makers to enter onto the property(-ies) associated with this application

Public Notice Signs

The applicant is responsible for posting public notice signs in at least one conspicuous place along each street frontage of a site 20 days prior to the public hearing date*. Staff will prepare the signs and will let you know when the signs are ready to be picked up from City Hall.

Please indicate who will be responsible for posting any required signs:

Name Lyle Hutchens
Phone 541.757.8991
E-mail lyle@devcoengineering.com

(* failure to post the development site at the appropriate time may make the land use decision vulnerable to appeal)

NARRATIVE

- Project Description

Property line adjustment 0.18 acres between Tax Lots 6000 and 502, Map 11-5-35 BD. Both tax lots are owned by Samaritan Health Services, Inc. and are collectively known as Samaritan Square.

- Applicable LDC criteria from Chapter 2.14

Section 2.14.60 – PROPERTY LINE ADJUSTMENT PROCEDURES

A Property Line Adjustment affects the configuration of existing legally described property ownership boundaries. A Property Line Adjustment will not, by itself, effect changes to the configuration of tax lot boundaries or legally described lot and parcel boundaries created through a Partition or Subdivision plat.

Response: Tax Lots 6000 and 502 were both created by metes and bounds descriptions and not through a partition or subdivision plat.

- a. **An application for a Property Line Adjustment shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30, with the exception that the application shall be exempt from public notice provisions in Section 2.14.30.03 and the review criteria in Section 2.14.30.05;**

Section 2.14.30 – TENTATIVE PARTITION PLAT REVIEW PROCEDURES

Whenever an application is filed for a Partition, it shall be reviewed in accordance with the following procedures.

2.14.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Applications shall be made on forms provided by the Director and shall be accompanied by:

Response: Signed Application form is included herewith.

- a. **Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;**

Response: Included herewith:

Assessors Map – Attachment "A"

Boundary Description – Attachments "B" and "C"

- b. **Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;**

Response: Consent is verified on the accompanying Application form.

- c. **An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;**

Response: An electronic copy of the Application materials is included herewith.

- d. **Graphic: Requirements - The Tentative Plat and other graphics for both Nonresidential and Residential Partitions shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below. The Tentative Plat and other graphics shall not exceed 24 by 36 in. and shall include the following information, as applicable:**

1. **Names of the owner, partitioner, engineer, and surveyor as appropriate;**

Response: Stated on Attachments "B" and "C".

2. **Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application;**

Response: Shown on Attachments "B" and "C".

3. **Sufficient description to define location and boundaries of the area to be partitioned, re-platted, and/or adjusted;**

Response: Shown on Attachments "B" and "C".

4. **Location of existing structures;**

Response: Shown on Attachment "C".

5. Number and type of units proposed when known and appropriate;

Response: Both properties are fully developed, no additional building floor area is contemplated.

6. Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas;

Response: Shown on Attachment "C".

7. Location of all existing and proposed public and private utilities, including water, sewer, and storm drainage;

Response: Public water and sanitary sewer utility locations are shown on Attachments "D" and "E" respectively. There are no available as-constructed drawings to indicate the location of private on-site utilities. However such utility locations are not relevant as no development requiring modification of existing utilities is contemplated with this property line adjustment.

8. Proposed parcel layout indicating dimensions, parcel lines, and lot areas;

Response: Shown on Attachments "B" and "C".

9. Approximate location and width of Watercourses for review in accordance with Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.13 – Riparian Corridor and Wetland Provisions, and Chapter 4.14 – Landslide Hazard and Hillside Development Provisions; and

Response: There are no mapped Natural Features or Natural Hazards on the properties.

10. All areas to be dedicated to the public and their proposed Uses including street rights-of-way, drainageways, easements, and reserve strips.

Response: No dedication or easements to the public are required nor contemplated in this application.

11. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, and provide all Code-required Significant Natural Feature information including but not limited to:

a) All information and preservation plans required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable;

Response: There are no mapped Natural Features or Natural Hazards on the properties.

b) All Jurisdictional Wetlands not already shown as part of “a,” above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 – Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and

Response: Both properties are fully developed. There are no known wetlands on either property.

c) Archeological sites recorded by the State Historic Preservation Office (SHPO).

Response: There are no known archeological sites on the properties.

12. Tentative Plat and Other Graphics –

a) General -

1) Nonresidential Partition Graphics -- Nonresidential Partition graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director’s opinion, would assist in providing a context for the proposed development. The Director may require that an applicant’s graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions; and Minimum Assured Development Area information from Chapter .11 - Minimum Assured Development Area (MADA), if applicable. Additionally, if existing infrastructure is more than 300 ft. from an exterior boundary of the Residential Partition site, the Residential graphics shall extend beyond the required 300 ft. to include said features and all lands between the Residential Partition site and the existing infrastructure.

Response: Neighborhood Features are shown on the Vicinity Map, Attachment “F”. There are no mapped Natural Features or Natural Hazards on the property.

13. **Conceptual Grading Plans - Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Partition exceeds 10 percent and where the Partition abuts existing developed lots, a conceptual grading plan shall be required as follows:**

a) **Nonresidential Partitions - Conceptual grading plans for Nonresidential Partition applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Partition, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the proposal's surface waters will be managed. Additionally, Nonresidential Partition applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria;**

b) **Conceptual Grading Plans - Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the Partition exceeds 10 percent and where the Partition abuts existing developed lots, a conceptual grading plan shall be required as follows:**

Nonresidential Partitions - Conceptual grading plans for Nonresidential Partition applications shall contain adequate information to evaluate impacts to the site and adjacent areas, consistent with Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. If a grading plan is required for a Nonresidential Partition, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the proposal's surface waters will be managed. Additionally, Nonresidential Partition applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria;

Response: Not applicable. There is no building or utility development associated with this request. Both properties have been fully developed under previous land use actions and building permit applications.

13. Where it is evident that the parcel can be further divided, the applicant shall show, either on the Tentative Plat or as an attachment, that the Partition will not preclude efficient division of land in the future;

Response: Both properties are zoned Mixed Use Community Shopping (MUCS) for which there is no minimum or maximum lot size, therefore this request does not preclude any future land division.

14. **Narrative Requirements** -

a) **Phasing** - Statement describing phases of project, if proposed. Phases shall be:

- 1) **For Nonresidential Partitions, substantially and functionally self-contained and self-sustaining with regard to access, parking, transportation facilities, utilities, Green Areas, and drainage without reliance on any uncompleted phase; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project.**

Response: No phasing is proposed.

2) **Designed to Address Compatibility –**

a. For Nonresidential Partitions, addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development.

Response: Both properties have been fully developed under the applicable Land Development Code provisions in place at the time of the existing development. Thus, compatibility of the existing structures and uses is assured by previously approved land use and building permit actions.

b. Explanation of how the proposal complies with the review criteria in Section 2.14.30.05; and

Response: See following responses to LDC 2.14.60.b.

15. **Traffic Impact Study** – A traffic impact study shall be required in accordance with Section 4.0.60.a.

Response: No new or additional traffic generating development is proposed with this Application.

16. **Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.**

Response: There are no mapped Natural Features or Natural Hazards on the properties.

e. Required fees as described in LDC § 1.2.100.01.

Response: The required deposit accompanies this application.

b. A Property Line Adjustment shall be approved if the following criteria have been met:

- 1. The Property Line Adjustment shall not result in creation of an additional unit of land;**

Response: The request begins with two lots of record and concludes with two lots of record.

- 2. Any unit of land reduced in size by the Property Line Adjustment shall comply with all the applicable zoning regulations;**

Response: The MUCS zone does not have any minimum or maximum lot size standard, therefore this Application complies.

- 3. The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots;**

Response: This property line adjustment does not create any lot size or setback nonconformity based upon the MUCS zoning standards. The request does not modify nor restrict any existing pedestrian or bicycle accessway to either property. With the reciprocal vehicle parking and Access Easement as proposed, the quantity of vehicle parking available to each property remains the same, and vehicle access point from the public right-of-way remain unchanged.

- 4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and**

Response: This application has no impact on public utility services to each property, reference Attachments "D" and "E". Access from the public right-of-way is discussed in 3. above.

- 5. In addition to applicable lot width requirements, any opposing or parallel side property lines shall be separated by a minimum distance of 15 feet. Existing side property lines that do not meet this standard are allowed to be maintained or adjusted, as long as the Property Line Adjustment does not worsen the non-compliant configuration.**

Response: Not applicable, proposed lot widths greatly exceed 15 feet.

- c. For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, the Property Line adjustment shall not adjust properties unless each resultant property contains an area unconstrained by Natural Resources or Natural Hazards and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:**

1. **Properties with public park purposes; and**
2. **Privately- or publicly-owned properties completely contained within an area zoned Conservation - Open Space.**

Response: Not applicable, there are no mapped Natural Features or Natural Hazards on either of the properties.

- d. **Property Line Adjustments may not create new tracts. Where such tracts are proposed and/or required by this Code, a Land Division is required; and**

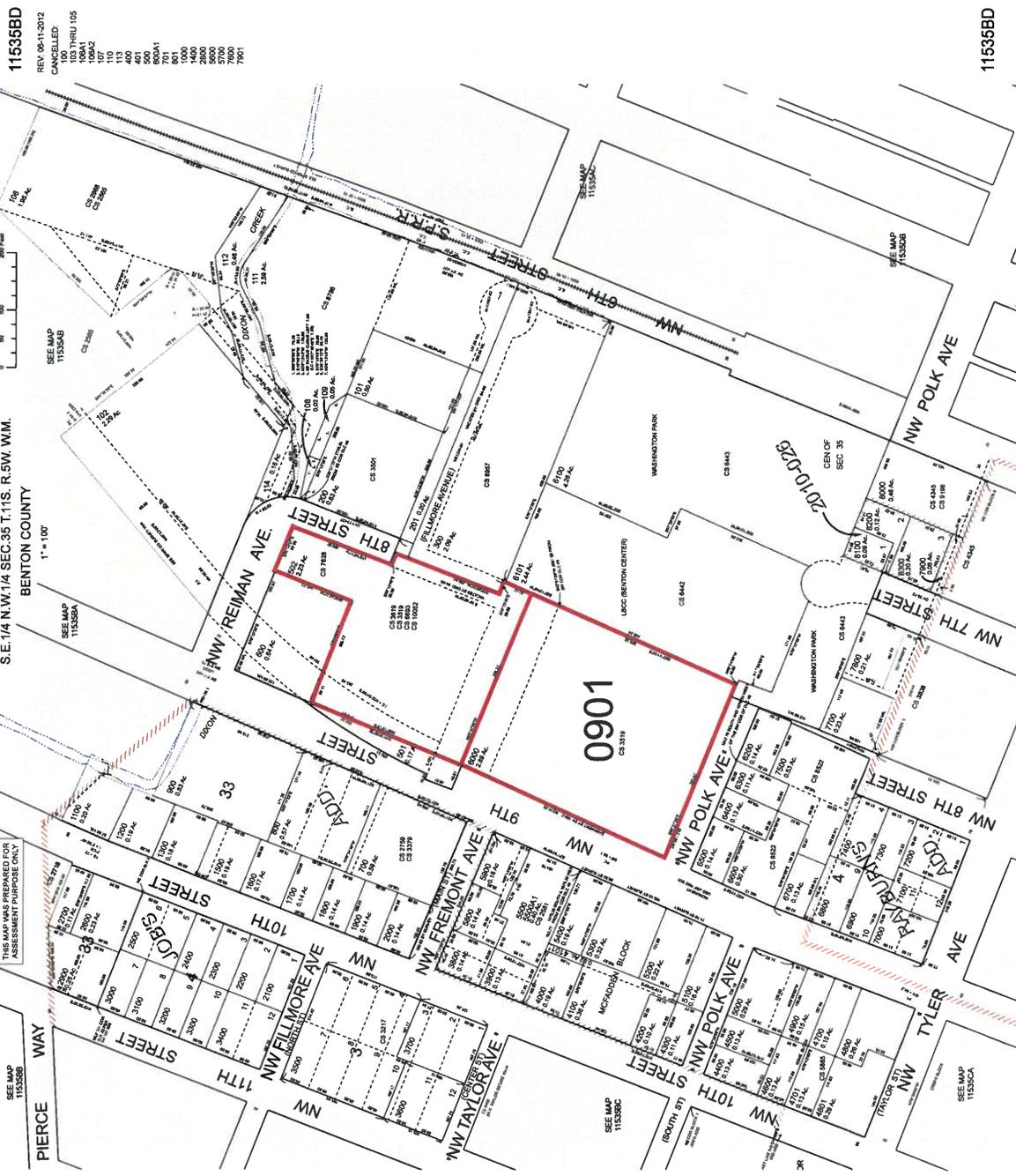
Response: No new tracts are proposed nor required under the Land Development Code.

- e. **Approvals shall be subject to the following minimum Conditions of Approval:**

1. **Deeds based on a metes and bounds legal description for all adjusted properties, from the Property Line Adjustment, shall be recorded with the Benton County Recorder's Office;**
2. **A Certified Boundary Survey map that reflects the approved Property Line Adjustment shall be reviewed by the City and signed by the Director and the City Engineer; The map shall then be filed with the County Surveyor; and**
3. **Copies of the recorded deeds and filed survey map shall be provided to the City following recording.**

Response: The Applicant concurs.

END OF NARRATIVE

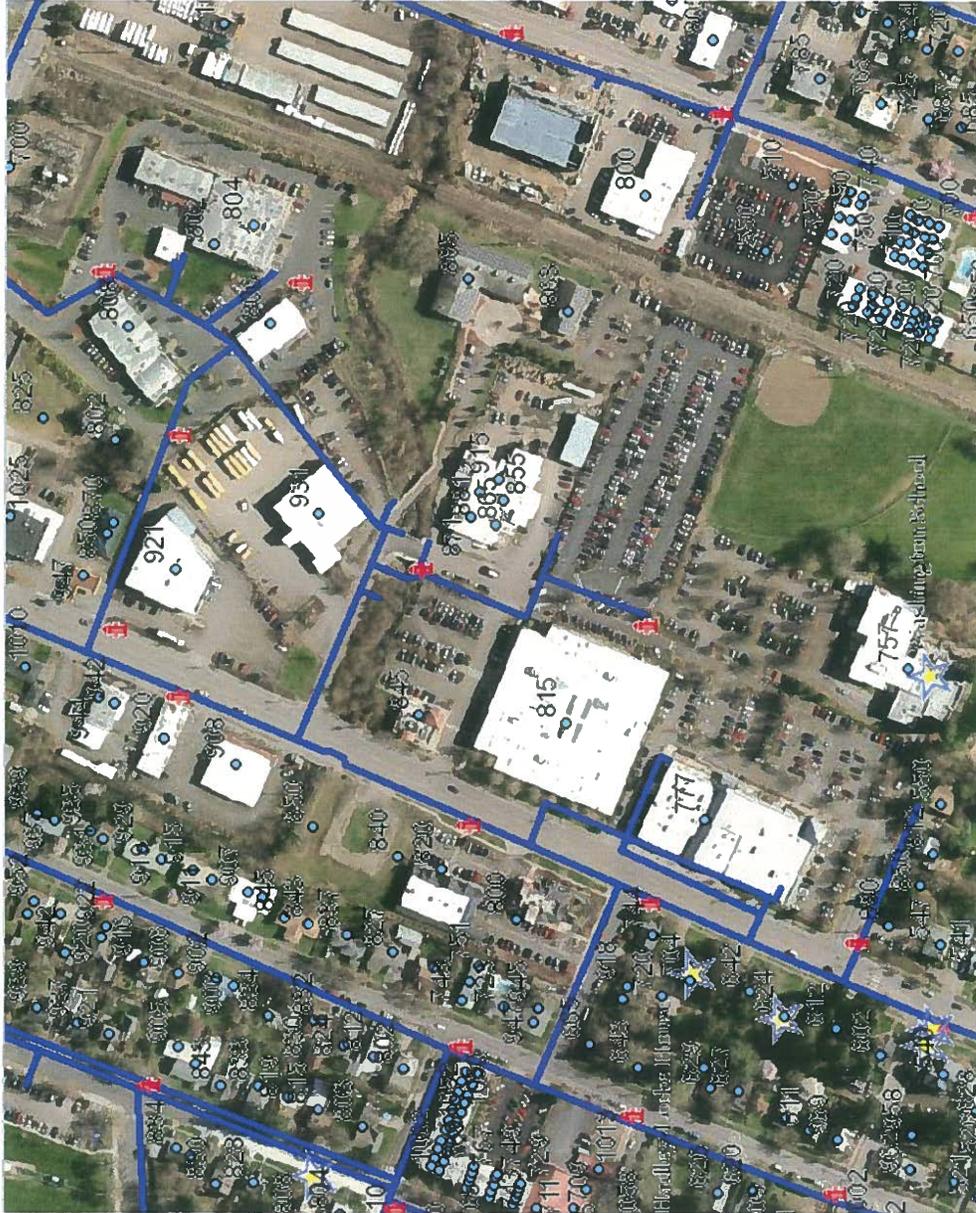


11535BD
 REV 05-11-2012
 CANCELLED:
 100 THRU 105
 106A1
 106A2
 110
 113
 401
 500
 600A1
 701
 1400
 2000
 2700
 5700
 7000
 7001

S.E. 1/4 N.W. 1/4 SEC. 35 T. 11S. R. 5W. WM.
 BENTON COUNTY
 1" = 100'

Tax Map

Attachment "A"



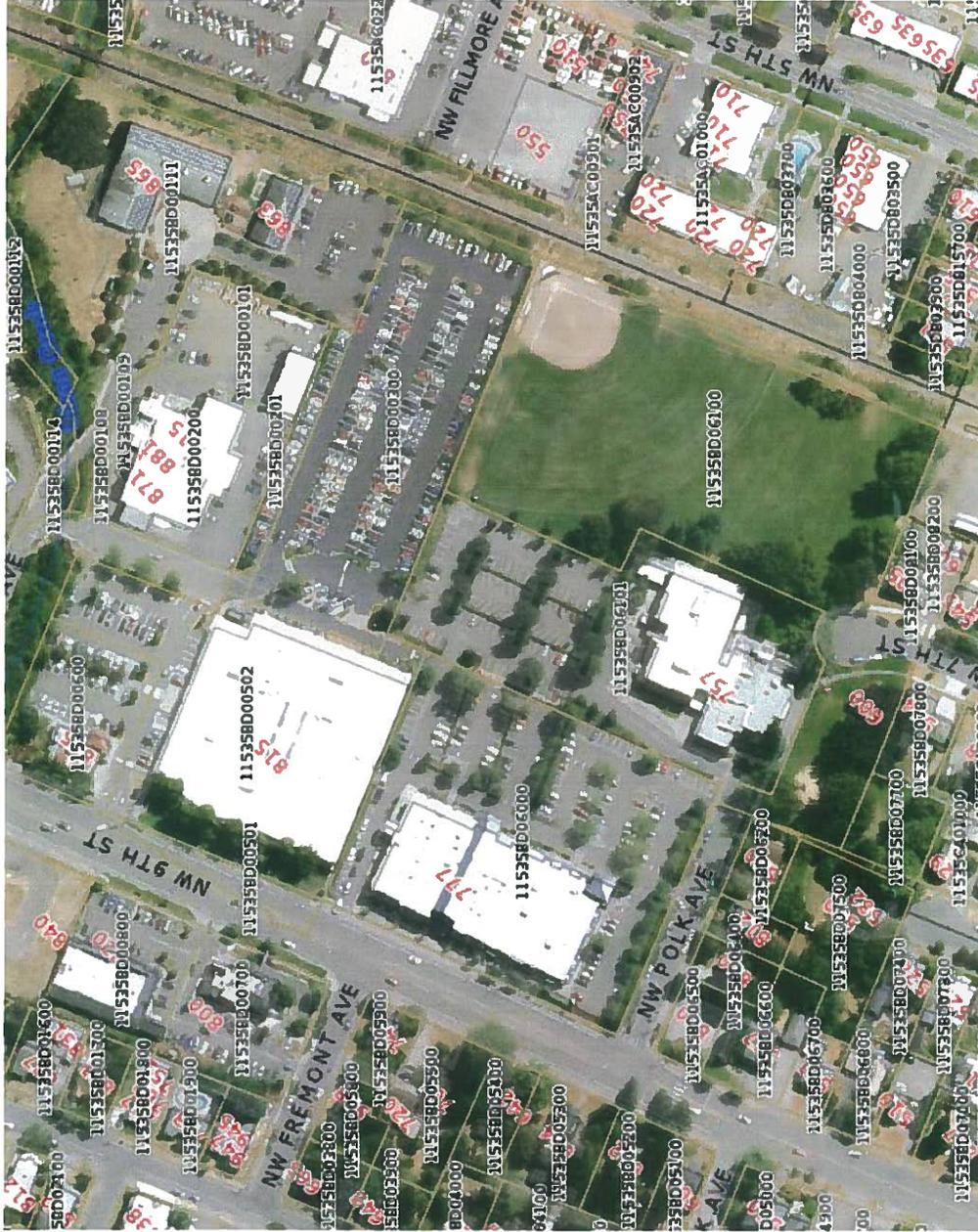
Attachment "D"

Public Utility – Waterlines with Fire Hydrants



Attachment "E"

Public Utility – Storm and Sewer Lines



Vicinity Map

Attachment "F"