



TO: Tangent Planning Commission  
FROM: Creed A. Eckert, City Planner  
DATE: October 4, 2018  
RE: Elder Drainage Easement Vacation

On June 4 of this year, the City received a request from Mr. Eric Elder, of 32929 Old Church Road, Tangent, for property line adjustment to combine subdivision lots 17 and 18 of the Old Church Estates subdivision. The subject properties are referred to as Linn County Tax Assessor's map T12S, Range 3W, Section 7CA, Tax lots 1100 and 1200, and are located at the northeast corner of the intersection of Old Church Road and Arrowhead Way. The proposal at that time included releasing, or vacating, a drainage easement which was originally intended to provide storm water drainage between the two parcels and potential individual home sites. This easement is centered upon the property boundary requested to be removed by the property line adjustment (please see Attachment A, Applicant's Replat Map). The applicant subsequently rescinded this request to vacate the drainage easement, and the property line adjustment was approved by the City Manager on August 14, 2018.

LDC Section 2.313 provides the following procedural guidance for processing a request for property line adjustment:

**"SECTION 2.313 DECISION PROCESS**

- (1) A Property Line Adjustment does not require a Limited Land Use Decision or Notifications. The City Administrator may consider a Property Line Adjustment at any time following submittal of the application.**
- (2) If the proposed Property Line Adjustment is consistent with City land use standards, the City Administrator may approve the map as submitted, approve with conditions or deny the request for noncompliance.**
- (3) If the application requires a Variance or the establishment or relocation of an Easement, or requires interpretation or the exercise of policy, the decision shall be placed before the Planning Commission which shall hold a public hearing in conformance with the Quasi-judicial Public Hearings requirements of Section 3.500."**

The initial request was approved under Section 2.313(1) and (2), above, utilizing the decision criteria found at LDC 2.312. Subsequently, following joint communication between the applicant, City Planner and the City Engineer, and in part at the request of City Staff, the applicant elected to renew his request for vacation of the drainage easement. LDC Section 2.3.13(3), above, requires a public hearing before the planning commission for a property line adjustment that involves "*the establishment or relocation of an easement*". For this reason, this matter was scheduled for your consideration tonight.

The decision criteria which are required to be satisfied for approval of a property line adjustment in the City of Tangent include:

**"SECTION 2.312                    DECISION CRITERIA**

**...(1)    *The adjustment will not create an additional unit of land.***

**(2)        *The adjustment will not create a land-locked parcel.***

**(3)        *The existing unit of land reduced in size by the adjustment complies with applicable City Ordinances and this Code and will not create a non-conforming lot or non-conforming development.***

**(4)        *The adjustment shall comply with any previous Conditions of Approval attached to the properties to be adjusted.***

**(5)        *The adjustment shall comply with all state and county recording requirements.*"**

Findings of Fact available in the record support the City Manager's prior approval, in August of this year, of the property line adjustment, and the conclusion that the property line adjustment was consistent with the above applicable decision criteria.

The LDC has the following to say regarding Vacations:

**"SECTION 2.900                    VACATIONS**

***Where it is determined that a proposed Vacation shall not be injurious to the City or abutting properties, it may be appropriate to vacate all or parts of a public right-of-way, easements or other public places.***

...(3) ***Decision Criteria. A Vacation request may be approved if the reviewing body finds that the applicant has shown that all of the following review criteria are met:***

***(a) The proposed Vacation is consistent with the relevant Comprehensive Plan policies and with any adopted street plan, transportation plan or public facility plan."***

The proposed vacation poses no conflict with any of the above referenced city plans or policies.

***"(b) The proposed Vacation will not adversely impact adjacent areas or the land use plan of the City."***

City staff have not identified and are unaware of any potential or likely adverse impacts of approval upon adjacent areas or the general land use plan of the city.

The City Engineer has reviewed the proposed vacation and determined that the affected properties appear to be more than adequately served by drainage easements on every remaining property boundary. Elimination of the subject easement is not considered to pose any risk in terms of leaving a parcel or any area un-served by adequate urban-level drainage facilities.

***"(c) The proposed Vacation will not have a negative effect on access between public rights-of-way, existing or future properties, public facilities or utilities."***

No impacts upon access for the consolidated properties or any adjacent or nearby property would result from approval.

***"(d) The proposed Vacation will not have a negative effect on traffic circulation or emergency service protection and is not part of the Tangent Transportation System Plan."***

No impact upon transportation or the ability to provide emergency services would result from approval. The TSP does not affect the subject property with any future proposed facilities.

***"(e) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety."***

None of the above are applicable to the vacated easement because it is located in the middle of what is now a consolidated parcel of land, viewable at Attachment A, and is separate from the existing driveway, bearing just ten feet of frontage on Arrowhead Way; as such, no landscaping, access, or fire and life safety issues are pertinent to the request or affected land area.

***"(f) The proposed vacation will not create a landlocked property or adversely affect access to large properties."***

The subject property fronts on Old Church Road on the west and Arrowhead Way on the south. Vacation would only affect the subject property, and access and drainage to adjacent parcels would not be impacted.

***"(g) The proposed Vacation will not have an adverse impact on economy of the area."***

No impact upon the economy of the area is anticipated in the event of approval of this Vacation request.

***"(h) The public interest, present and future, will be best served by approval of the proposed Vacation."***

The subject easement is a private drainage amenity situated between what was once envisioned to be two individually owned parcels of land in the Old Church Estates Subdivision. Now that these two parcels are owned by a single private party, and have in fact been consolidated into one parcel of land, the public has no interest in whether this private easement is maintained of record, or is released as requested by the applicant and as has been advised by the City Engineer.

Public notice of this hearing and vacation request was provided in a manner consistent with the LDC requirements for quasi-judicial proceedings including a public hearing. The City has not received any citizens' or agency comments concerning this matter as of this writing.

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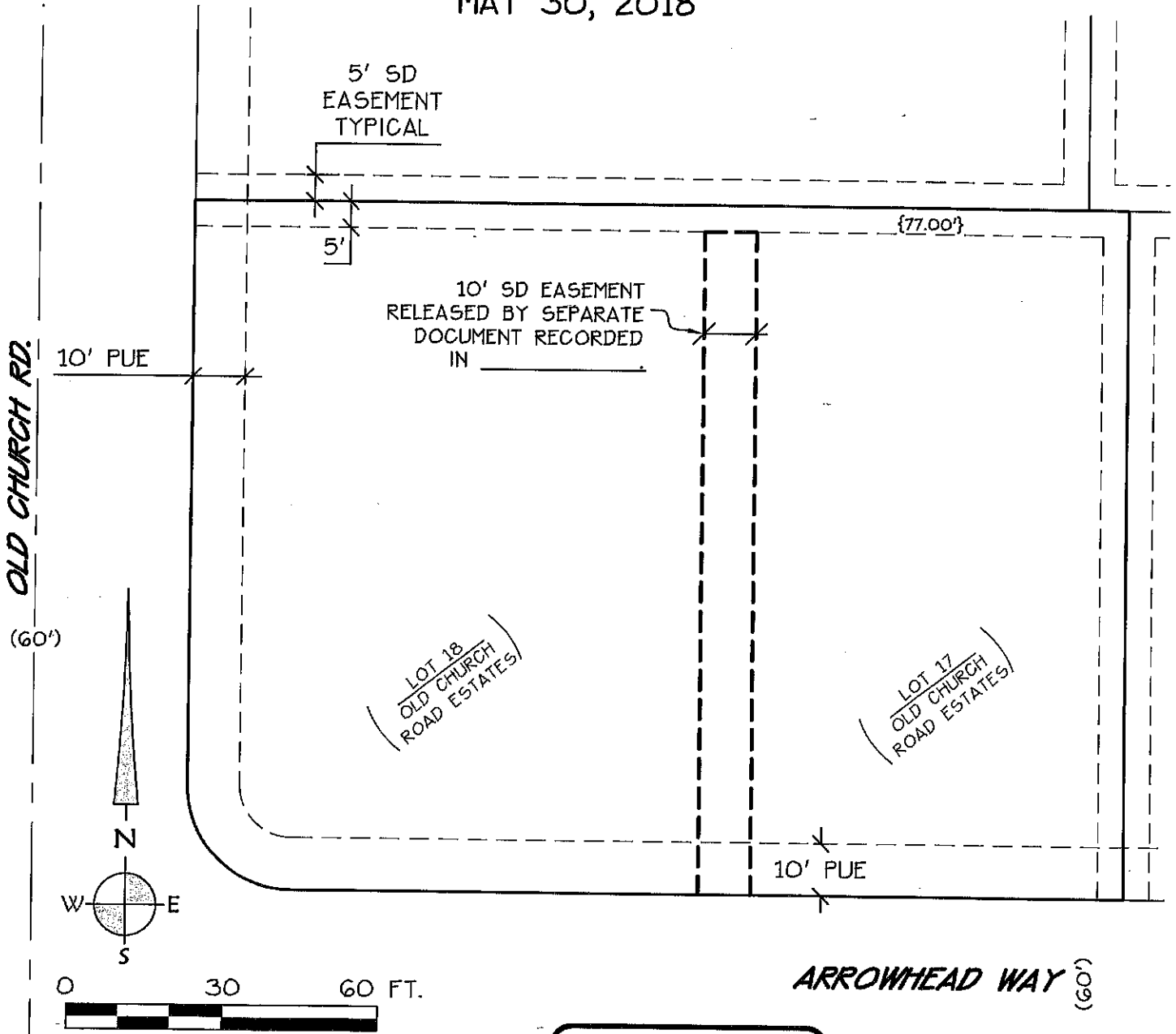
The balance of LDC 2.900 relates to vacation of public rights of way, and requires a public hearing before the City Council, following a recommendation from the Planning Commission. The City Manager has determined that this extent of procedure and expense to the applicant is not commensurate with the scope and level of impact of this drainage easement vacation request, which by nature is not comparable to the scope and level of potential impacts of a request to vacate a public right of way. Consequently, this matter will be decided by the Tangent Planning Commission following a public hearing and strict adherence to the procedures of LDC Section 3.500 for Quasi-Judicial Public Hearings, unless it is the determination of the planning commission to forward the matter, with a recommendation, to the City Council for a final decision.

Staff recommends the commission adopt the above findings of compliance with the decision criteria for a Vacation in approving the applicant's request.

ATTACHMENTS      A. Applicant's Replat map  
                          B. Vicinity Map  
                          C. Application for Lot Line Adjustment

Attachment D

**EXHIBIT MAP**  
 FOR  
**ERIC ELDER**  
 LOCATED IN THE  
**SW 1/4 OF SEC. 07, T. 12 S., R. 3 W., W.M.**  
 IN THE  
**CITY OF TANGENT, LINN COUNTY, OREGON**  
 MAY 30, 2018



**K & D**

**K & D ENGINEERING, Inc.**  
 278 N.W. Hickory Street P.O. Box 725  
 Albany, Oregon 97321  
 (541) 928-2583

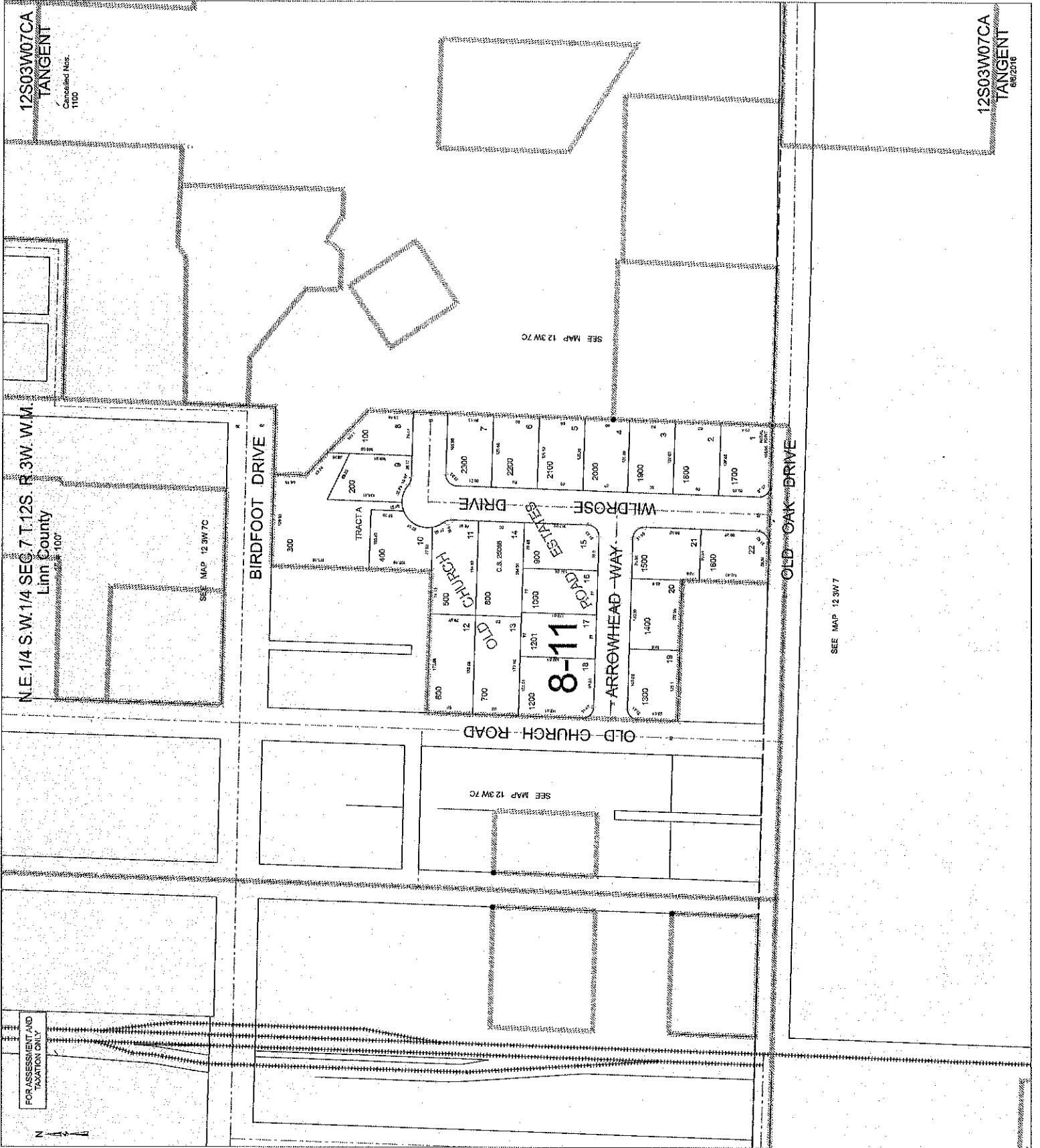
Date: 5/29/2018 Time: 16:56  
 Scale: 1"=1(P5)  
 File: dwg\2016\16-41\16-41\_ex.dwg (George)

**REGISTERED**  
**PROFESSIONAL**  
**LAND SURVEYOR**

OREGON  
 JULY 9, 2002  
**JOE J. COTA**  
 #58561LS

Renewal: 12/31/19

# Attachment B



JUN 4 2018

BY: \_\_\_\_\_

APPLICATION FOR LOT LINE ADJUSTMENT REVIEW

Date \_\_\_\_\_

Fee: \$ 308.00

APPLICANT(S) INFORMATION

Name: ERIC ELDER

Address: 32929 OLD CHURCH RD. TANGENT, OR 97389

Primary Phone: 541-905-7038 Message Phone: \_\_\_\_\_

Interest in Property (Owner, Purchaser, Agent, etc.):

OWNER

SUBJECT PROPERTY INFORMATION

Street Address: 32929 OLD CHURCH RD.

Assessor's Map: 125-3W-07CA Tax Lot: 1200 Zoning: RS-10

Existing Structures:

HOUSE, GARAGE

Current Use(s) of the Property:

RESIDENTIAL

Describe the Proposed Use or Development:

THE APPLICANT PROPOSES A PROPERTY LINE ADJUSTMENT TO REMOVE/VACATE THE COMMON BOUNDARY LINE BETWEEN TWO LOTS, AS SHOWN ON THE TENTATIVE MAP. THE APPLICANT ALSO REQUESTS THAT THE CITY RELEASES ~~TO~~ THE STORM DRAIN EASEMENT ALONG THE LINE THAT WILL BE VACATED BY THIS PROPERTY LINE ADJUSTMENT.

Applicants are encouraged to review the underlying zone standards, such as building height, lot coverage, or landscaping prior to submittal.

Required Application Information

Applications for Lot line adjustments require a site plan which shall be drawn to scale on 8



1/2 x 11 inch or 11 x 17 inch black/white reproducible sheets for copying and distribution. Larger drawings may be submitted for presentation and City review. Drawings shall indicate clearly and with full dimensioning the following information, as applicable, for all existing and proposed development. It is understood that some of the requested information may not apply to every application. (X) out the number of non-applicable information.

- (1) The names of the owner(s) and applicant if different.
- (2) The property address or geographic location and the Assessor Map number and Tax Lot number.
- (3) The date, scale and northpoint.
- (4) A vicinity map showing properties within the notification area and roads. An Assessor Map, with all adjacent properties, is adequate.
- (5) Lot dimensions.
- (6) The location, size, height and uses for all existing and proposed buildings. (7) Yards, open space and landscaping.
- (8) Walls and fences: location, height and materials.
- (9) Off-street parking: location, number of spaces, dimensions of parking area and internal circulation patterns.
- (10) Access: pedestrian, vehicular, service, points of ingress and egress. (11) Signs: location, size, height and means of illumination.
- (12) Loading: location, dimension, number of spaces, internal circulation. (13) Lighting: location and general nature, hooding devices.
- (14) Street dedication and improvements.
- (15) Topographic features including existing and proposed grades, trees, and vegetation. (16) Water systems, drainage systems, sewage disposal systems and utilities.
- (17) Drainage ways, water courses, flood plain and wetlands.
- (18) The number of people that will occupy the site including family members, employees or customers.

All uses shall comply with the applicable standards and regulations of local, state or federal agencies having regulatory jurisdiction. City approval of a land use application, shall be conditional upon evidence being submitted to the City indicating that the proposed activity has been approved by the regulatory agencies having jurisdiction on an issue.

- (22) Such other data as may be necessary to permit the deciding authority to make the required findings.

**Decision Criteria:** After an examination of the Site and prior to approval, the City Manager must make the following findings:

- (a) That the proposed development or use does not conflict with the City's Comprehensive Plan.
- (b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.
- (c) That the proposed development or use does not have an adverse impact on pedestrian, bicycle and vehicular safety.
- (d) That proposed signs or lighting will not, by size, location, color or operation, have an have an adverse impact on traffic, limit visibility or have an adverse impact on adjacent properties.
- (e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use.
- (f) That the proposed development or use does not have an adverse impact on drainage-ways and required drainage facilities are provided that have the capacity to serve the proposed development or use.
- (g) That emissions and potential nuisance characteristics from the proposed development or use will not have an adverse impact on adjacent properties and potential adverse impacts on adjacent properties have been mitigated to the maximum extent possible.
- (h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

Eric J. ERQ  
Applicant

5/31/18  
Date

\_\_\_\_\_  
Property Owner Signature (If different than applicant)

\_\_\_\_\_  
Date