



**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: January 15, 2016

FILE NO.: LLA-16-01

REQUEST: Lot Line Adjustment (LLA) between two lots: 18822 Old River Road and adjacent unaddressed property to the east.

PLANNER: Peter Spir, Associate Planner

Planning Manager 

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GENERAL INFORMATION

- OWNER:** Jeff Parker
1800 Blankenship Road #200
West Linn, OR. 97068
- APPLICANT:** Same
- SITE LOCATION:** Two lots at the southeast corner of Old River Road and Robinview Drive. Lot 1 is 18822 Old River Road. Lot 2 is the adjacent unaddressed property to the east (Tax Lot 3000 of Assessor's Map 21E13CB).
- SITE SIZE:** Lot 1: 32,826 sq. ft.: Tax Lot 3001 of Assessor's Map 21E13CB (18822 Old River Road)
Lot 2: 42,606 sq. ft.: Tax Lot 3000 of Assessor's Map 21E13CB.
- LEGAL DESCRIPTION:** Tax lots 3001 and 3000 of Assessor's Map 21E13CB
- COMP PLAN DESIGNATION:** Low Density Residential
- ZONING:** R-10 (single family residential, 10,000 square foot minimum lot size)
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 85 Land Division; Chapter 11: R-10.
- 120-DAY RULE:** The application became complete on January 14, 2016. The 120-day period therefore ends on May 12, 2016.

EXECUTIVE SUMMARY

This lot line adjustment (LLA) involves two lots (tax lots 3000 and 3001), all owned by the applicant. No additional lots are being created by the LLA. The LLA will move the common lot line to allow for a more functional building envelope(s) on the westernmost lot (tax lot 3001). The LLA meets the standards of the land division chapter and the dimensional standards and other provisions of the underlying R-10 zone.

DECISION

The Planning Manager (designee) approves this application (LLA-16-01), based on: 1) the findings submitted by the applicant, which are incorporated by this reference; 2) supplementary staff findings included in the Addendum; and, 3) by the condition of approval below:

Condition of Approval

1. The existing detached garage shall be removed prior to recording this lot line adjustment.

The provisions of the Community Development Code Chapter 99 have been met.

Peter Spir

PETER SPIR, Associate Planner

January 15, 2016

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Manager shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 15th day of January 2016.

Therefore, the 14-day appeal period ends at 5 p.m., on February 1, 2016.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
LLA-15-05**

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

**Chapter 11
SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet.

Staff Response 1: Currently, both lots exceed 10,000 square feet which is the minimum lot size for the R-10 zone. The proposed lot sizes, after the LLA, will be 33,128 square feet (Lot 1), 42,304 square feet (Lot 2).

Both lots will exceed the minimum front lot line width of 35 feet and the average minimum lot width of 50 feet. Specifically, lot 1 will have a front lot line width of 209 feet and average lot line width of 200 feet. Lot 2 will have a front lot line width of 69 feet and average width of 144 feet. The criteria is met.

5. Except as specified in CDC [25.070](#)(C) (1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
- b. For an interior side yard, seven and one-half feet.
- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter [41](#) CDC shall apply.

7. The maximum lot coverage shall be 35 percent.

8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

9. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter [66](#) CDC.

10. The sidewall provisions of Chapter [43](#) CDC shall apply. (Ord. 1175, 1986; Ord. 1298, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 2, 2013; Ord. 1622 § 24, 2014)

Staff Response 2: The setbacks, building height, lot coverage, FAR and sidewall provisions will be satisfied at such time that building permits are applied for. The existing house meets all the setbacks and other provisions of the R-10 zone, both with the existing and proposed lot lines. The existing garage will not meet the setbacks as a result of this lot line adjustment. Therefore, the garage must be removed per condition of approval 1 prior to recording this lot line adjustment. The criteria is met.

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the line adjustment.

Staff Response 3: This LLA comprises two lots. With this LLA decision, there will still be two lots. No additional lots have been created. The criteria is met.

2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district.

Staff Response 4: The proposed lot sizes, after the LLA, will be 33,128 square feet (Lot 1) and 42,304 square feet (Lot 2) which will exceed 10,000 square feet which is the minimum lot size of the R-10 zone. The criteria is met.

3. Reducing the lot or parcel size shall not violate the site development regulations for that district. For example, the property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC [85.200\(J\)](#) (7).

Staff Response 5: The re-alignment of the lot lines which has the net effect of adding 302 square feet to lot 1 from lot 2 will not compromise future development or densities of either lot. Any future development of these lots will be reviewed under the applicable criteria at such time that a development permit application is submitted to the City. The criteria is met.

4. *The property line adjustment is as defined by ORS Chapter [92](#).*

92.192 Property line adjustment; zoning ordinances; lot or parcel size. (1) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment approved by a city or county must comply with applicable zoning ordinances after the adjustment.

(2) Subject to subsection (3) of this section, for properties located entirely outside the corporate limits of a city, a county may approve a property line adjustment in which:

(a) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

(b) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(3) On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment under subsection (2) of this section may not be used to:

(a) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard. [2008 c.12 §2]

Staff Response 6: The provisions of ORS 92 are met by this LLA application. ORS 92.010 Definitions for ORS 92.010 to 92.192 defines LLA or property line adjustment as follows:

(12) “Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

This LLA meets the ORS definition in that the existing lot lines are being relocated and no additional parcel is created. All lots meet the dimensional standards of the underlying R-10 zone. The criteria is met.

5. The lot line adjustment will not affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are dedicated or any required utility relocations are paid for by the applicant.

Staff Response 7: There are no easements along the common lot line between lots 1 and 2.

6. Any appeal must be filed in accordance with CDC [99.240](#).

Staff Response 8: This only applies to appeals and is therefore not applicable.

B. The provisions of CDC [85.070](#) shall also apply to lot line adjustments.

Staff Response 9: The provisions of CDC section 85.070 “ADMINISTRATION AND APPROVAL PROCESS” are satisfied by this application and by the applicant’s proof of ownership. The application is being processed in agreement with the provisions of CDC Chapter 99. The criteria is met.