



**PLANNING AND DEVELOPMENT**

**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: May 4, 2020  
FILE NO.: LLA-19-05  
REQUEST: Property Line Adjustment (LLA) between two legal lots at 1340 9<sup>th</sup> street.  
PLANNER: Chris Myers, Associate Planner

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Planning Manager

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## GENERAL INFORMATION

<b>OWNER/ APPLICANT:</b>		
Gordon Redman 1340 9 <sup>th</sup> Street West Linn, OR 97068		
<b>SITE LOCATION:</b>	1340 9 <sup>th</sup> Street Proposed Parcel 1	1340 9 <sup>th</sup> Street Proposed Parcel 2
<b>SITE SIZE CURRENT:</b>	30,000 sq. ft.	14,793 sq. ft.
<b>SITE SIZE PROPOSED:</b>	20,000 sq. ft.	24793 sq. ft.
<b>LEGAL</b>		
<b>DESCRIPTION:</b>	31E02AB06200	31E02AB06300
<b>COMP PLAN</b>		
<b>DESIGNATION:</b>	Low Density Residential	Low Density Residential
<b>ZONING:</b>	R-10	R-10
<b>APPROVAL</b>		
<b>CRITERIA:</b>	Community Development Code (CDC) Chapter 85 Land Division; Chapter 11: R-10 Single Family Residential Detached.	
<b>120-DAY RULE:</b>	The application became complete on January 16, 2020. The 120-day period therefore ends on May 15, 2020.	

## PROJECT BACKGROUND

The applicant proposes to adjust the shared property line between the existing lots of record located at 1340 9<sup>th</sup> Street. Proposed Parcel 1 contains an existing single-family detached home and a public sanitary sewer line and Proposed Parcel 1 will maintain access and water service from 9<sup>th</sup> Street and maintain sanitary sewer connection to the aforementioned line. Proposed Parcel 2 is vacant and seeks access from 9<sup>th</sup> Street. Proposed Parcel 2 will get water from the existing line in 9<sup>th</sup> Street via recorded easement and sanitary sewer service from the aforementioned line via recorded easement. No additional lots are being created by the property line adjustment. The adjustment will move the common property line to allow for an exchange of 10,000 sq. ft. from one property to the other. Proposed Parcel 1 will be dividable in the future,

as will Proposed Parcel 2 under current zoning. The adjustment meets the standards of the land division chapter and the dimensional standards and other provisions of the underlying R-10 zone.

	Before Adjustment	After Adjustment
1340 9 <sup>th</sup> Street (Proposed Parcel 1)	30,000	20,000
1340 9 <sup>th</sup> Street (Proposed Parcel 2)	14793	24793

**PUBLIC COMMENT:**

No public comment received.

**DECISION**

The Planning Manager (designee) approves this application (LLA-19-06), 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 conditions of approval below:

Conditions of Approval

1. The final plat shall conform to the Exhibit Map dated December 26, 2019 with the following additions:
  - a. An eight-foot public utility easement along Proposed Parcel 1 frontage on 9<sup>th</sup> Street and Proposed Parcel 2 frontage on 9<sup>th</sup> Street; and
  - b. All easements shall be designated as public utility easements; and
  - c. Prior to final plat approval, the applicant shall submit a site plan prepared by a licensed engineer showing all available information necessary to verify that access from 9<sup>th</sup> Street is feasible in compliance with adopted City standards including, but not limited to: elevations for proposed building footprint, including garage location and driveway slope.

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

*Chris Myers*

\_\_\_\_\_  
Chris Myers, Associate Planner

May 5, 2020  
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 5th day of May 2020.

Therefore, the 14-day appeal period ends at 5 p.m., on May 15, 2020.

**ADDENDUM**  
**APPROVAL CRITERIA AND FINDINGS**  
**LLA-19-05**

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

*I. Chapter 11 Single-Family Residential Detached, R-10*

*11.030 Permitted Uses*

*1. Single-family detached residential unit.*

*(...)*

**Staff Finding 1: Proposed Parcel 1 contains an existing, detached single-family home. Proposed Parcel 2 is vacant with the opportunity for one detached single-family home to be constructed. The criteria are met.**

*11.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions*

*1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*

**Staff Finding 2: Proposed Parcel 1 will be adjusted to 30,000 sq. ft. and Proposed Parcel 2 will be adjusted to 24793 sq. ft. The criteria are met.**

*2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*

**Staff Finding 3: Proposed Parcel 1 will have a front lot line width along 9th Street of 100 feet. Proposed Parcel 2 will have a front lot line width along 9<sup>th</sup> Street of 100 feet. The criteria are met.**

*3. The average minimum lot width shall be 50 feet.*

*4. Repealed by Ord. 1622.*

**Staff Finding 4: Proposed Parcel 1 will have an average lot width greater than 200 feet. Proposed Parcel 2 will have an average lot width of approximately 200 feet. The criteria are 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.*

**Staff Finding 5: Proposed Parcel 1 contains an existing single-family home with current front yard setback of approximately 95 feet, rear yard setback of approximately 40 feet, side yard setback (north) of 12 feet, and side yard setback (south) of 70 feet that will decrease to 25 feet after the adjustment. Proposed Parcel 2 is currently vacant and setbacks will be checked for compliance during the building permit application process. The criteria are met.**

- 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 maximum 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.*

**Staff Finding 6: Proposed Parcel 1 contains an existing single-family home and after adjustment will have a lot coverage of 10.8 percent and a 0.104 floor-area-ratio. No changes are proposed to the current access, building height or sidewalls. Proposed Parcel 2 is currently vacant and building height, lot coverage, floor-area-ratio, and sidewall provisions will be checked for compliance during the building permit application process. The criteria are met.**

## *II. Chapter 68 Non-Conforming Lots, Lots of Record*

### *68.040 Status*

*A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 25 CDC, may be developed for a use allowed within the applicable zone provided:*

- 1. *The lot is 5,000 square feet or greater in size; except in the R-5, R-4.5 and R-2.1 zones in which case the minimum lot sizes shall be 4,500, 4,000 and 4,000 square feet, respectively; and*
- 2. *All single-family dwellings shall have a hard-surface paved driveway at least 10 feet wide.*

**Staff Finding 7: Proposed Parcel 2 is zoned R-10, 24,793 square feet in size, and will be required to have a minimum 10 foot wide hard-surface paved driveway during building permit application process for a future single-family detached home. The criteria are met.**

3. All applicable code provisions including lot dimensional requirements are met except for single-family detached or attached dwellings in the R-10, R-7, R-5, R-4.5, R-3 and R-2.1 zones where the following lot dimensional requirements shall apply:

- a. The minimum front lot line shall be 30 feet.
- b. The average minimum lot width shall be 35 feet.
- c. The minimum average lot depth shall be 80 feet.

**Staff Finding 8: Proposed Parcel 2 is zoned R-10 and has a front lot line width of 100 feet at 9<sup>th</sup> Street. The average minimum lot width is approximately 100 feet and the average lot depth is approximately 200 feet. The criteria are met.**

- d. The minimum front yard shall be 18 feet except for steeply sloping lots in which case the provisions of CDC 41.010 shall apply.
- e. The minimum interior side yard for the principal structure including all protrudances shall be three feet.
- f. The minimum side yard abutting street shall be 13 feet.
- g. The minimum rear yard shall be 15 feet.

**Staff Finding 9: Proposed Parcel 2 is currently vacant and setbacks will be checked for compliance during the building permit application process. The criteria are met.**

4. Variances have been granted under the provisions of Chapter 75 CDC for Class II variances.

**Staff Finding 10: No variances for Proposed Parcel 2 have been granted nor are any requested. The criteria are met.**

5. The following improvement standards are satisfied:
- a. Streets. The streets shall have a hard, all-weather surfacing of either asphaltic concrete or Portland cement, laid over a sub-base of not less than six inches of crushed rock. Said street shall be at least 12 feet in width or not less than the width of the existing street improvements onto which the proposed improvements will connect. The improvements shall extend through the driveway.

**Staff Finding 11: Proposed Parcel 2 is currently vacant and compliance with street improvement standards found in the West Linn Municipal Code will be checked during the building permit application process. The criteria are met.**

- b. Water. The City Engineer shall review the proposal and require a system that will deliver adequate domestic use and acceptable protection facilities and flows. The City shall participate in costs when oversizing pipes above six inches in diameter is required.
- c. Power, phone, cable, gas. Each utility shall address its own requirements as needed. The City strongly suggests underground power, phone, and cable where field conditions allow. Street lights shall be the City's option.

*d. Sanitary sewer. Each developed lot or parcel shall be connected to the sanitary sewer at developer cost.*

**Staff Finding 12: Proposed Parcel 2 will be served via the existing public water line in 9<sup>th</sup> Street. Sanitary sewer service will connect to the existing public line in 9<sup>th</sup> Street. The designs will be reviewed for compliance with West Linn Municipal Code Standards during the building permit application process. Private utility connections and street light needs will be reviewed during the building permit application process. All new easements shall be designated as public utility easements on the final plat per Condition of Approval 1. Subject to the Conditions of Approval, the criteria are met.**

*III. Chapter 85 General Provisions*

*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 Finding 13: The proposal adjusts the common property line between two existing lots of record. No additional lots are proposed to be created. The criteria are 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. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.*

**Staff Finding 14: Proposed Parcel 1 will be adjusted to 30,000 sq. ft. and Proposed Parcel 2 will be adjusted to 24,793 sq. ft. Both proposed parcels are located in the R-10 zone, which requires 10,000 sq. ft. minimum lot size. There are no non-conforming structures. The criteria are met.**

*3. Property line adjustments shall be either:*

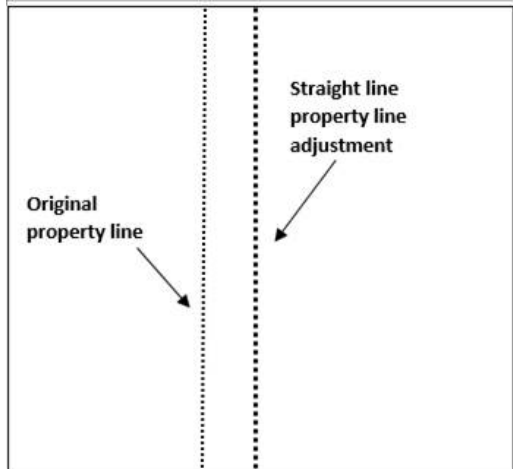
*a. A straight line (see Figure 1 example);*

*b. A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or*

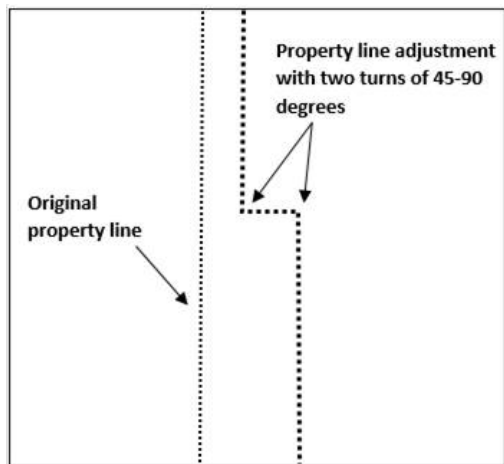
*c. A maximum of three turns less than 45 degrees (see Figure 3 example).*

*(The following figures are only intended as examples.)*

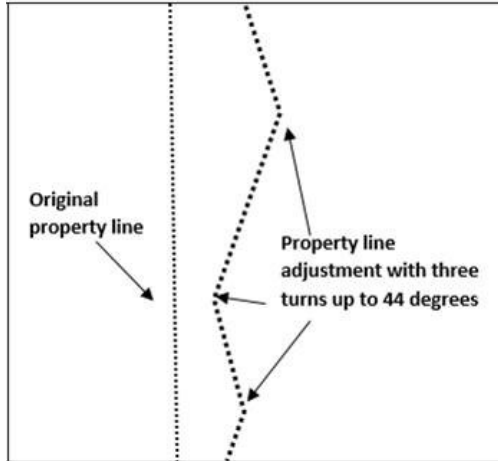




**Figure 1.**



**Figure 2.**



**Figure 3.**

**Staff Finding 15: The proposal adjusts the common property line between two existing lots of record in a straight line. The criteria are met.**

4. *The property line adjustment shall not create a lot or parcel that violates applicable site development regulations.*

**Staff Finding 16: Proposed Parcel 2 is vacant and seeks access from 9<sup>th</sup> Street. Subject to the Conditions of Approval, the criteria are met.**

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

**Staff Finding 17: The proposal does not adversely affect any existing easements or utilities. The applicant will record new public utility easements for water and sanitary sewer service to Proposed Parcel 2, as well as new eight-foot public utility easements along the frontage of 9<sup>th</sup> Street per Condition of Approval 1. Subject to the Conditions of Approval, the criteria are met.**

6. *Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060(B)(2)(e).*

**Staff Finding 18: The proposal meets all standards for a property line adjustment and does not require a variance. The criteria are met.**

7. *Any appeal must be filed in accordance with CDC 99.240.*

B. *The provisions of CDC 85.070 shall also apply to property line adjustments.*

**Staff Finding 19: The applicant understands the process and right to appeal the decision. The provisions of CDC section 85.070 "ADMINISTRATION AND APPROVAL PROCESS" are satisfied by this application and by the applicant's provided proof of ownership (see Exhibit PD-1) for the two lots of record subject to the proposal. The application is being processed in agreement with the provisions of CDC Chapter 99. The criteria are met.**

## **PD-1 APPLICANT SUBMITTAL**



## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S). <b>LLA-19-05</b>	
NON-REFUNDABLE FEE(S) <b>\$1,000.-</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$1,000.-</b>

**Type of Review** (Please check all that apply):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX)<br><input type="checkbox"/> Appeal and Review (AP) *<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Easement Vacation<br><input type="checkbox"/> Extraterritorial Ext. of Utilities<br><input type="checkbox"/> Final Plat or Plan (FP)<br><input type="checkbox"/> Flood Management Area<br><input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review<br><input type="checkbox"/> Legislative Plan or Change<br><input checked="" type="checkbox"/> Lot Line Adjustment (LLA) */**<br><input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Pre-Application Conference (PA) */**<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses *<br><input type="checkbox"/> Time Extension *<br><input type="checkbox"/> Variance (VAR)<br><input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change |
|--|---|---|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> <b>1340 9th St West Linn OR 97068</b>	<b>Assessor's Map No.:</b> Tax Lot(s): <b>31E02AB06300</b> Total Land Area: <b>31E02AB0620</b>
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**Brief Description of Proposal:**  
*move property line between Both properties to be close to equal*

<b>Applicant Name:</b> <i>Gordon Redman</i> <small>(please print)</small> <b>Address:</b> <i>1340 9th St</i> <b>City State Zip:</b> <i>West Linn OR 97068</i>	<b>Phone:</b> <i>503-519-0892</i> <b>Email:</b> <i>1340@comcast.net</i>
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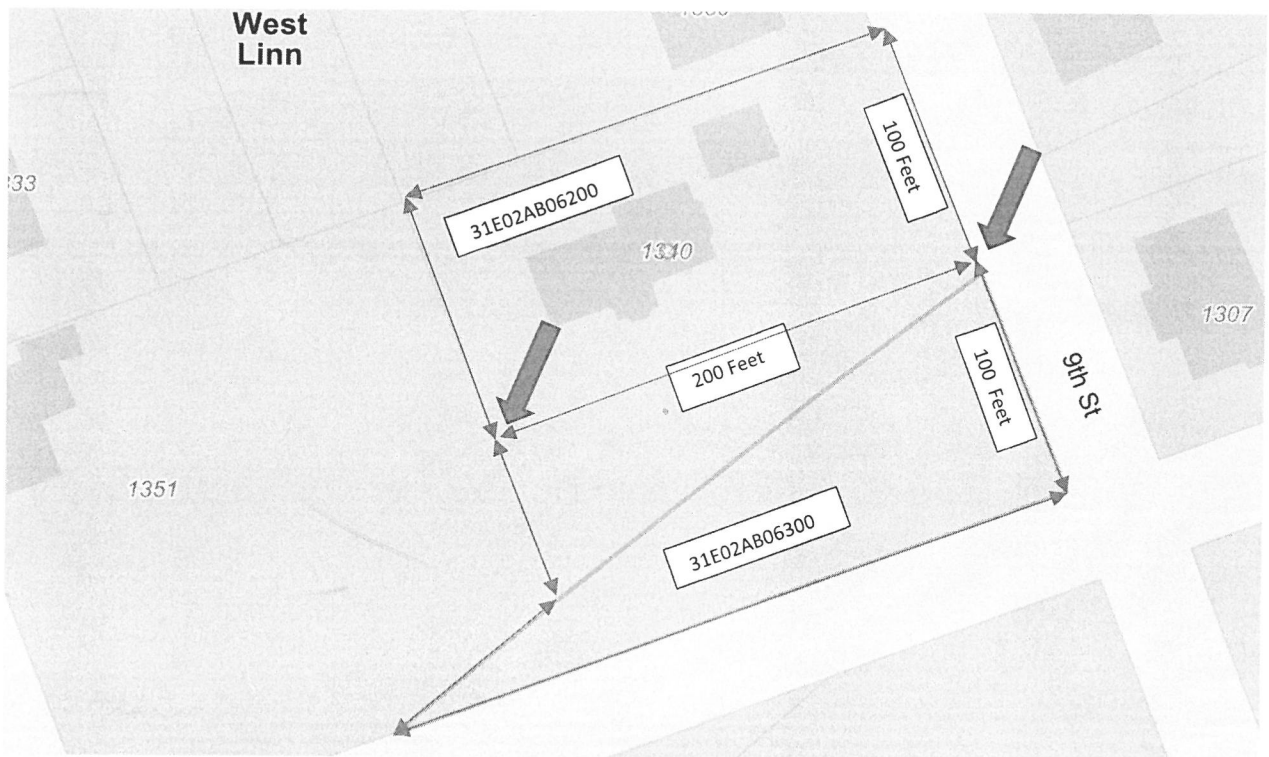
<b>Owner Name</b> (required): <small>(please print)</small> <b>Address:</b> <i>Same As Above</i> <b>City State Zip:</b>	<b>Phone:</b> <b>Email:</b>
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<b>Consultant Name:</b> <small>(please print)</small> <b>Address:</b> <b>City State Zip:</b>	<b>Phone:</b> <b>Email:</b>
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1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
  2. The owner/applicant or their representative should be present at all public hearings.
  3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
  4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
**One (1) complete set of digital application materials must also be submitted on CD in PDF format.**  
**If large sets of plans are required in application please submit only two sets.**
- \* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

	<i>11-08-19</i>		<i>11-08-19</i>
Applicant's signature	Date	Owner's signature (required)	Date



The two large arrows indicate where the new boundary between the two properties will be. This will make it 100 ft x 200 ft for 31E02AB06300. The bottom land will be slightly larger.

Gordon & Tabatha Redman 503.519.0892 Owners of both properties

## **PD-2 COMPLETENESS LETTER**



CITY OF  
**West Linn**

February 12, 2020

Gordon Redman  
1340 9<sup>th</sup> Street  
West Linn, OR. 97068

SUBJECT: LLA-19-05 application to move the property line between

Dear Gordon:

You submitted this application on January 16, 2020. The Planning and Engineering Departments find that this application is **complete**. The City now has 120 days to exhaust all local review. That period lapses on **June 11, 2020**.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted. It signals that staff believes you have provided the necessary information for the Planning Manager to render a decision on your proposal.

The Planning Manager decision is pending. No notice is required per CDC 99.080(E). Any appeal of the Planning Manager decision will be heard by the City Council.

Please contact me at 503-742-6062, or by email at [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Chris Myers  
Associate Planner