



**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: March 27, 2020  
FILE NO.: LLA-19-06  
REQUEST: Property Line Adjustment (LLA) between two legal lots: 5455 Summit Street and 5435 Summit Street  
PLANNER: Darren Wyss, Associate Planner

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Planning Manager

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## GENERAL INFORMATION

### OWNER/ APPLICANT:

Kevin Simons  
5455 Summit Street  
West Linn, OR 97068

### SITE LOCATION:

5455 Summit Street  
Proposed Parcel 1

5435 Summit Street  
Proposed Parcel 2

### SITE SIZE CURRENT:

11,944 sq. ft.

28,386 sq. ft.

### SITE SIZE PROPOSED:

29,330 sq. ft.

11,000 sq. ft.

### LEGAL DESCRIPTION:

Lot 4, Block 3  
Serango No. 2 Plat (1979)

Lot 1  
Summit View Plat (1988)

### COMP PLAN DESIGNATION:

Low Density Residential

Low Density Residential

### ZONING:

R-10

R-10

### APPROVAL CRITERIA:

Community Development Code (CDC) Chapter 85 Land Division;  
Chapter 11: R-10 Single Family Residential Detached.

### 120-DAY RULE:

The application became complete on December 18, 2019. The 120-day period therefore ends on April 16, 2020\*.

\* West Linn Engineering expressed concerns with the viability of the Randall Street access during the completeness review. However, the applicant submitted all required materials and was deemed complete per Community Development Code standards. City Engineering and Planning staff met with the applicant on January 14, 2020 to discuss the difficulty with Randall Street access and potential issues with the proposed sanitary sewer connection. At this meeting, it was advised to record an access easement across Proposed Parcel 1 for an alternative access if Randall Street was not feasible because of existing slopes. The applicant left the meeting saying he would weigh the options and get back to staff. The applicant sent an email on February 22, 2020 (six weeks later) advising he would move forward with the Randall Street access and no easement from Summit Street (see Exhibit PD-3).

## PROJECT BACKGROUND

The applicant proposes to adjust the shared property line between the existing lots of record located at 5455 Summit Street (Lot 4, Block 3, Serango No. 2 Plat) and 5435 Summit Street (Lot 1, Summit View Plat). Proposed Parcel 1 contains an existing single-family detached home and a public sanitary sewer line and public utility easement at approximately the location of the existing property line proposed to be adjusted. Proposed Parcel 1 will maintain access and water service from Summit Street and maintain sanitary sewer connection to the aforementioned line. Proposed Parcel 2 is vacant and seeks access from Randall Street. The access point from Randall Street has slopes in excess of the maximum allowed in the West Linn Public Works Standards, so verification of the ability to comply is required prior to plat approval. If compliance cannot be verified, the applicant will take access via an access easement, or other legal instrument, across Proposed Parcel 1 from Summit Street. Proposed Parcel 2 will get water from the existing line in Summit 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 17,386 sq. ft. from one property to the other. Proposed Parcel 1 will be dividable in the future, while Proposed Parcel 2 will not be dividable 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
5455 Summit St. (Proposed Parcel 1)	11,944	28,386
5435 Summit St. (Proposed Parcel 2)	29,330	11,000

The City received public comment from Jim Monroe (see Exhibit PD-3) that addressed two topics. The first comment/topic regarded access from Randall Street for Proposed Parcel 2 and the inadequate front property line width for the R-10 zone. The comment is addressed in Staff Findings 3 and 7 to 12. The second comment/topic was seeking information on construction of the access from Randall Street to Proposed Parcel 2. The property is a legally created lot of record, with legal access to Randall Street. Condition of Approval 3 requires verification the design of the access can meet West Linn Public Works Standards prior to final plat approval. If compliance cannot be verified, the applicant will take access via an access easement, or other legal mechanism, across Proposed Parcel 1 from Summit Street (see Staff Finding 16).

## 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 October 31, 2019, with the following additions:
  - a. An eight-foot public utility easement along Proposed Parcel 1 frontage on Summit Street and Proposed Parcel 2 frontage on Randall 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 Randall 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. If the standards cannot be met, Proposed Parcel 2 shall take access from Summit Street, via an access easement or other legal mechanism allowed in the code.

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



Darren Wyss, Associate Planner

March 27, 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 27th day of March 2020.

Therefore, the 14-day appeal period ends at 5 p.m., on April 10, 2020.

**ADDENDUM**  
**APPROVAL CRITERIA AND FINDINGS**  
**LLA-19-06**

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 29,330 sq. ft. and Proposed Parcel 2 will be adjusted to 11,000 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 Summit Street of 143 feet. Proposed Parcel 2 will have a front lot line width along Randall Street of 30 feet as it was platted per Summit View Plat in 1988 (see Exhibit PD-4). No changes are proposed to the existing front lot line of Proposed Parcel 2. West Linn Community Development Code Chapter 68 allows development of substandard lots. Please see Staff Findings 7 to 12. 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 143 feet. Proposed Parcel 2 will have an average lot width of approximately 80 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 24 feet, rear yard setback of 64 feet, side yard setback (west) of 10.1 feet, and side yard setback (east) of 14.2 feet that will be increased to 100.2 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 11 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. No changes are proposed to the existing 30 feet of property access along Randall Street. 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, 11,000 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 30 feet at Randall Street. The average minimum lot width is approximately 80 feet and the average lot depth is approximately 165 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 a public utility easement across Proposed Parcel 1, by the existing public water line in Summit Street. Sanitary sewer service will connect to the existing public line that crosses Proposed Parcel 1 through a public utility easement. 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.*

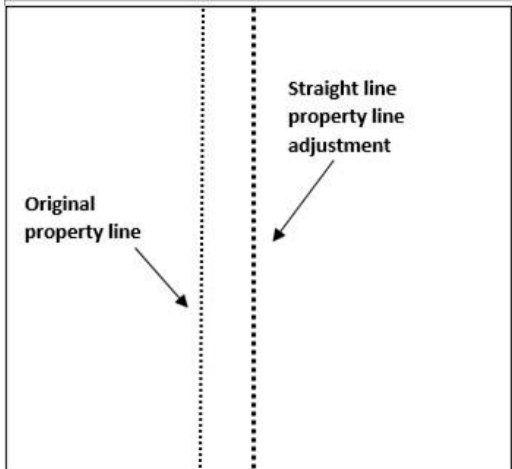
**Staff Finding 13: The proposal adjusts the common property line between two existing lots of record. No additional lots are proposed to be created. The criteria are met.**

- 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.*

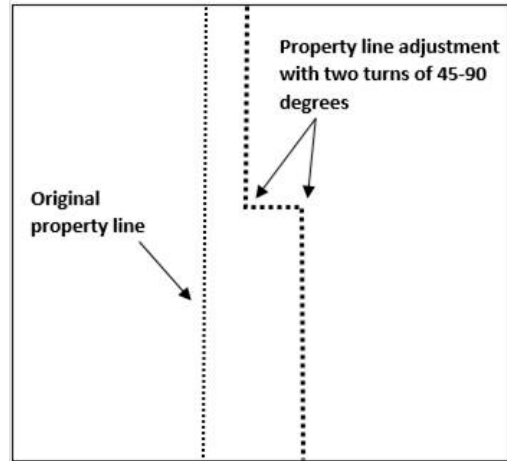
**Staff Finding 14: Proposed Parcel 1 will be adjusted to 29,330 sq. ft. and Proposed Parcel 2 will be adjusted to 11,000 sq. ft. Both proposed parcels are located in the R-10 zone, which requires 10,000 sq. ft. minimum lot size. There are no non-conforming structures. Proposed Parcel 2 has a non-conforming front lot line width of 30 feet, but meets the requirements for development of a non-conforming lot of record per Staff Findings 7 to 12. The proposal does not increase the non-conformity. 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.)*

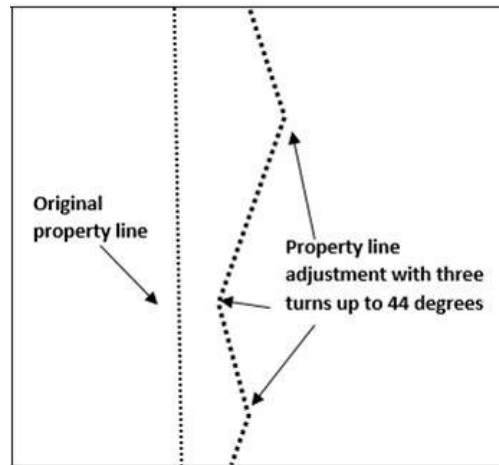




**Figure 1.**



**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 Randall Street. The access point from Randall Street has slopes in excess of the maximum allowed in the West Linn Municipal Code (Public Works Standards), so verification of the ability to comply is required prior to plat approval. If compliance cannot be verified, the applicant will take access via an access easement, or other legal mechanism, across Proposed Parcel 1 from Summit Street per Condition of Approval 1. The proposal does not violate any other applicable site development regulations. 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 frontages of Summit Street and Randall 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. Please see Staff Findings 13 to 17. 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 <b>WYSS</b>	PROJECT NO(S). <b>LLA-19-06</b>	
NON-REFUNDABLE FEE(S) <b>\$ 1000.00</b>	REFUNDABLE DEPOSIT(S)	TOTAL <b>\$ 1000.00</b>

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

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

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> 5435 and 5455 Summit Street	Assessor's Map No.: 2-1E-25BA
	Tax Lot(s): 13000
	Total Land Area: 40,330 Sq. Ft.

**Brief Description of Proposal:**

The property line is being adjusted to increase the size of the property at 5455 Summit Street.

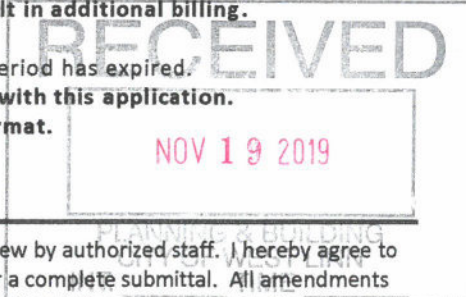
**Applicant Name:** Kevin Simons (please print) Phone: 503-367-5071  
 Address: 5455 Summit Street Email: kevinlsimons@gmail.com  
 City State Zip: West Linn, OR 97068

**Owner Name (required):** Kevin Simons (please print) Phone: 503-367-5071  
 Address: 5455 Summit Street Email: kevinlsimons@gmail.com  
 City State Zip: West Linn, OR 97068

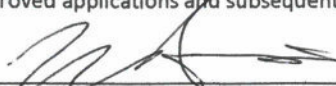
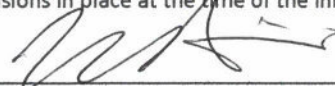
**Consultant Name:** Clinton Stubbs with Northwest Surveying, Inc (please print) Phone: 503-848-2127  
 Address: 1815 NW 169th Place, Suite 2090 Email: clint@nwsrvy.com  
 City State Zip: Beaverton, OR 97006

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- 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.

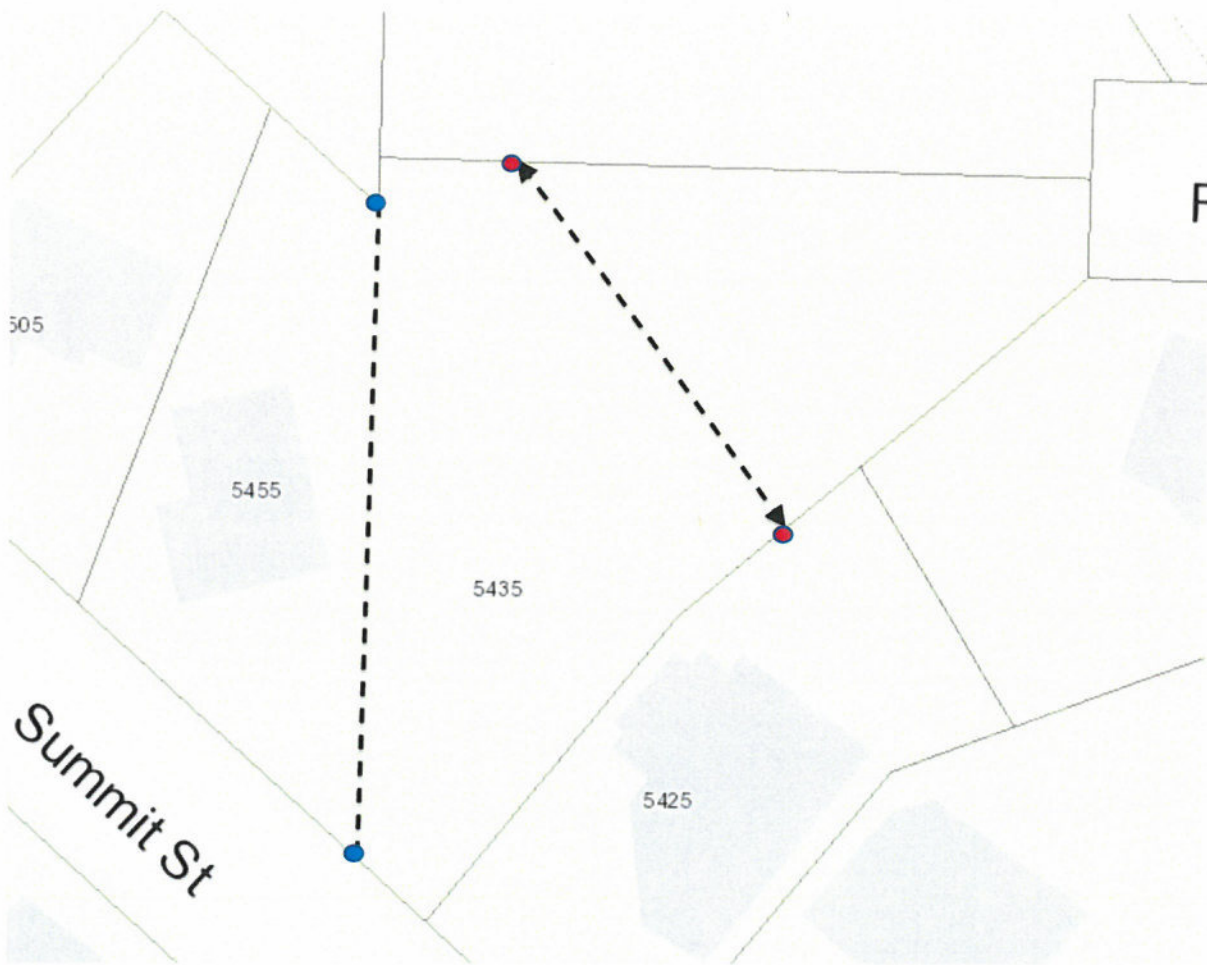
Applicant's signature                      Date 11/10/2019                      Owner's signature (required)                      Date 11/10/2019

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

1. No new lots are being created
2. The lots will maintain R-10 zoning
3. Current and proposed lot lines

a. Current Lot Line ●-----●

b. Proposed Lot Line ●<----->●



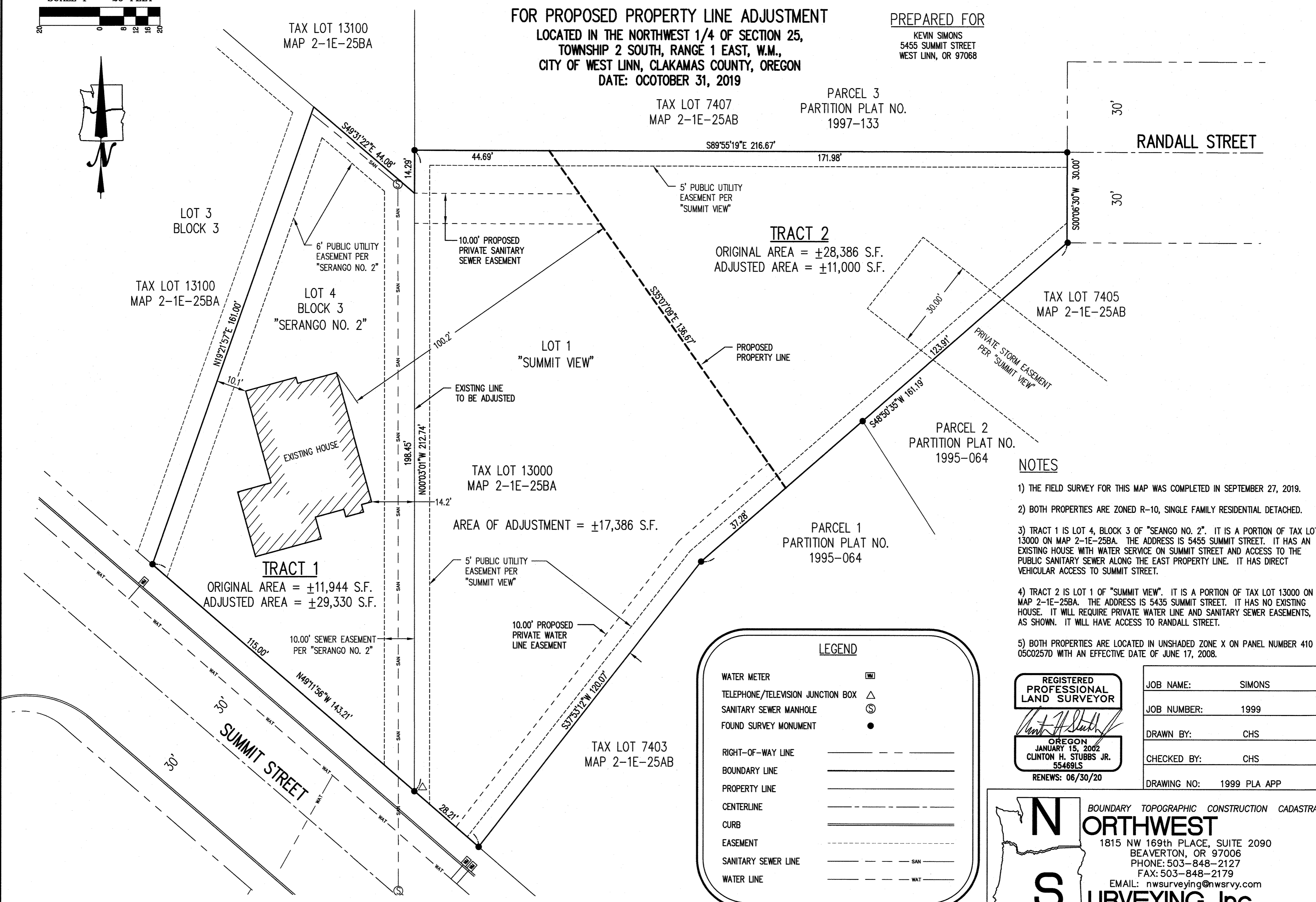
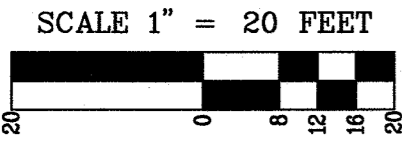
4. The property line adjustment does not create a lot or parcel that violates applicable site development regulations.

5. The proposed property line adjustment does not adversely affect existing easements or existing utilities.

# EXHIBIT MAP

FOR PROPOSED PROPERTY LINE ADJUSTMENT  
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 25,  
 TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M.,  
 CITY OF WEST LINN, CLAKAMAS COUNTY, OREGON  
 DATE: OCTOBER 31, 2019

PREPARED FOR  
 KEVIN SIMONS  
 5455 SUMMIT STREET  
 WEST LINN, OR 97068



PARCEL 3  
 PARTITION PLAT NO.  
 1997-133  
 TAX LOT 7407  
 MAP 2-1E-25AB

TRACT 2  
 ORIGINAL AREA = ±28,386 S.F.  
 ADJUSTED AREA = ±11,000 S.F.

TRACT 1  
 ORIGINAL AREA = ±11,944 S.F.  
 ADJUSTED AREA = ±29,330 S.F.

AREA OF ADJUSTMENT = ±17,386 S.F.

### NOTES

- 1) THE FIELD SURVEY FOR THIS MAP WAS COMPLETED IN SEPTEMBER 27, 2019.
- 2) BOTH PROPERTIES ARE ZONED R-10, SINGLE FAMILY RESIDENTIAL DETACHED.
- 3) TRACT 1 IS LOT 4, BLOCK 3 OF "SEANGO NO. 2". IT IS A PORTION OF TAX LOT 13000 ON MAP 2-1E-25BA. THE ADDRESS IS 5455 SUMMIT STREET. IT HAS AN EXISTING HOUSE WITH WATER SERVICE ON SUMMIT STREET AND ACCESS TO THE PUBLIC SANITARY SEWER ALONG THE EAST PROPERTY LINE. IT HAS DIRECT VEHICULAR ACCESS TO SUMMIT STREET.
- 4) TRACT 2 IS LOT 1 OF "SUMMIT VIEW". IT IS A PORTION OF TAX LOT 13000 ON MAP 2-1E-25BA. THE ADDRESS IS 5435 SUMMIT STREET. IT HAS NO EXISTING HOUSE. IT WILL REQUIRE PRIVATE WATER LINE AND SANITARY SEWER EASEMENTS, AS SHOWN. IT WILL HAVE ACCESS TO RANDALL STREET.
- 5) BOTH PROPERTIES ARE LOCATED IN UNSHADED ZONE X ON PANEL NUMBER 410 05C0257D WITH AN EFFECTIVE DATE OF JUNE 17, 2008.

LEGEND	
WATER METER	Ⓜ
TELEPHONE/TELEVISION JUNCTION BOX	△
SANITARY SEWER MANHOLE	Ⓢ
FOUND SURVEY MONUMENT	●
RIGHT-OF-WAY LINE	---
BOUNDARY LINE	---
PROPERTY LINE	---
CENTERLINE	---
CURB	---
EASEMENT	---
SANITARY SEWER LINE	--- SAN ---
WATER LINE	--- WAT ---

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Clinton H. Stubbs Jr.*  
 OREGON  
 JANUARY 15, 2002  
 CLINTON H. STUBBS JR.  
 55469LS  
 RENEWS: 06/30/20

JOB NAME:	SIMONS
JOB NUMBER:	1999
DRAWN BY:	CHS
CHECKED BY:	CHS
DRAWING NO:	1999 PLA APP

**N**ORTHWEST  
**S**URVEYING, Inc.  
 BOUNDARY TOPOGRAPHIC CONSTRUCTION CADASTRAL  
 1815 NW 169th PLACE, SUITE 2090  
 BEAVERTON, OR 97006  
 PHONE: 503-848-2127  
 FAX: 503-848-2179  
 EMAIL: nwsurveying@nwsrvy.com

Clackamas County Official Records **2019-036405**  
Sherry Hall, County Clerk 06/26/2019 09:51:01 AM  
D-D Cnt=1 Str=75 TIFFANY  
\$10.00 \$16.00 \$10.00 \$62.00 \$98.00

**RECORDING REQUESTED BY:**



4800 SW Meadows Rd., Ste 300  
Lake Oswego, OR 97035

**GRANTOR'S NAME:**  
Kevin Simons and Michelle Simons

**GRANTEE'S NAME:**  
Kevin Simons and Michelle Simons

**AFTER RECORDING RETURN TO:**  
Kevin Simons and Michelle Simons  
5455 Summit Street  
West Linn, OR 97068

**SEND TAX STATEMENTS TO:**  
Kevin Simons and Michelle Simons  
5455 Summit Street  
West Linn, OR 97068

APN: 00383132  
5455 Summit Street, West Linn OR 97068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Kevin Simons and Michelle Simons, who acquired title as Michelle McClenathan, Grantor, conveys to Kevin Simons and Michelle Simons, as tenants by the entirety, Grantee, the following described real property, situated in the County of Clackamas, State of Oregon,

**PARCEL I:**

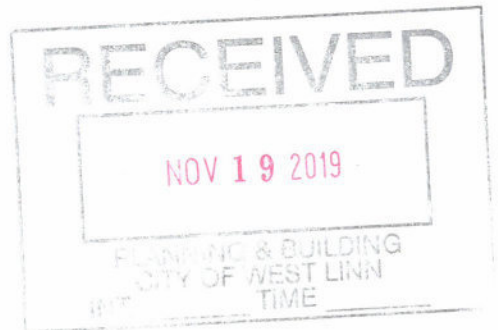
Lot 4, Block 3, SERANGO NO. 2, in the City of West Linn, County of Clackamas and State of Oregon.

**PARCEL II:**

Lot 1, SUMMIT VIEW, in the City of West Linn, in the County of Clackamas and State of Oregon.

The true consideration for this conveyance No Dollars And No/100 Dollars (\$0.00). (See ORS 93.030).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.



TICOR TITLE  
Courtesy Only-Not Examined  
TT ACC 1906-7

## PD-2 COMPLETENESS LETTER





CITY OF  
**West Linn**

December 18, 2019

Kevin Simons  
5455 Summit Street  
West Linn, OR 97068

SUBJECT: LLA-19-06 application for property line adjustment between 5455 and 5435 Summit Street

Kevin:

You submitted this application on November 19, 2019. The Planning and Engineering Departments has found the application to be **complete**. The City now has 120 days to exhaust all local review. That period lapses on April 16, 2019.

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 503-742-6064, or by email [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Darren Wyss  
Associate Planner

## PD-3 EMAIL COMMUNICATIONS

**From:** [Kevin Simons](#)  
**To:** [Wyss, Darren](#)  
**Subject:** Re: lot line adjustment application  
**Date:** Saturday, February 22, 2020 5:56:23 AM  
**Attachments:** [1999 Simons PLA Application Map 10-31-19.pdf](#)

---

Hi Darren,

We have decided to move forward with our original plan for access the proposed lot from Randall St. The attached is update with the 10ft water easement along the south side of the property as requested.

Please let me know if you need 3 copies, or anything additional to finalize the review process.

Best regards,

Kevin Simons  
503.367.5071

On Thu, Jan 9, 2020 at 9:43 AM Wyss, Darren <[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)> wrote:

Thanks Kevin. We are available at 1:30pm on Tuesday the 14<sup>th</sup>. See you then.

---

**From:** Kevin Simons [mailto:[kevinlsimons@gmail.com](mailto:kevinlsimons@gmail.com)]  
**Sent:** Thursday, January 9, 2020 6:20 AM  
**To:** Wyss, Darren <[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)>  
**Subject:** Re: lot line adjustment application

Hi Darren,

There are now some scheduling conflicts on Wed. Tues is still available at any time if the planning/engineering folks can make a time work that day?

Best regards

Kevin Simons  
503.367.5071

On Jan 8, 2020, at 3:59 PM, Kevin Simons <[kevinlsimons@gmail.com](mailto:kevinlsimons@gmail.com)> wrote:

Hi Darren,

I'm available at any time Tues or Wed next week.

Best regards

Kevin Simons

503.367.5071

On Jan 8, 2020, at 3:10 PM, Wyss, Darren  
<[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)> wrote:

Kevin,

The City is in the process of reviewing your application for a lot line adjustment and would like to sit down and talk about a couple of issues/options for you to consider before the decision is finalized. These are focused on access and sanitary sewer service. Do you have time next week to meet with Planning/Engineering staff? If yes, send me a couple of days/times that would work for you. Thanks.

**Darren Wyss**  
*Associate Planner*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-742-6064

[Click to Connect!](#)

Please consider the impact on the environment before printing a paper copy of this email.  
This e-mail is subject to the State Retention Schedule and may be made available to the public

--

Kevin Simons  
1.503.367.5071

**From:** [Wyss, Darren](#)  
**To:** ["JAMES MONROE"](#)  
**Bcc:** [Pepper, Amy](#)  
**Subject:** RE: LLA-19-06  
**Date:** Thursday, March 12, 2020 4:34:29 PM

---

Jim,

LLA-19-06 is still under review. Chapter 68 of the Community Development Code outlines the necessary requirements for a substandard lot of record. The lot of record subject to the proposed property line adjustment was legally platted with 30 feet of frontage on Summit Street and Randall Street, which meets the requirement for a substandard lot of record. The applicant is choosing to take access from Randall Street, which is a public street in a platted right-of-way. Let me know if you have further questions. Thanks.

---

**From:** JAMES MONROE [mailto:jmonroe@comcast.net]  
**Sent:** Sunday, March 8, 2020 4:27 PM  
**To:** Wyss, Darren  
**Subject:** LLA-19-06

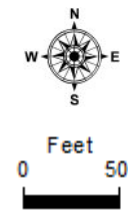
**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Darren, as I understand, the Lot Line Adjustment has been approved. What is the explanation as concerns the driveway access from Randall St.? According to city codes there is to be 35' of frontage and the property line on Randall is only 30'. Please advise plan for access construction.

Thank you, Jim Monroe  
2664 Randall St.  
503-789-7579  
[jmonroe@comcast.net](mailto:jmonroe@comcast.net)

## PD-4 EXISTING RECORDED PLATS/PROPERTY MAPS

# Aerial Photo



Scale 1:1,200 - 1 in = 100 ft  
Scale is based on 8-1/2 x 11 paper size

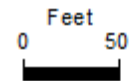
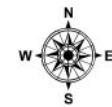


Map created by: DWYSS  
Date Created: 27-Mar-20 01:25 PM

**WEST LINN GIS**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.

# Zoning



Scale 1:1,200 - 1 in = 100 ft  
Scale is based on 8-1/2 x 11 paper size



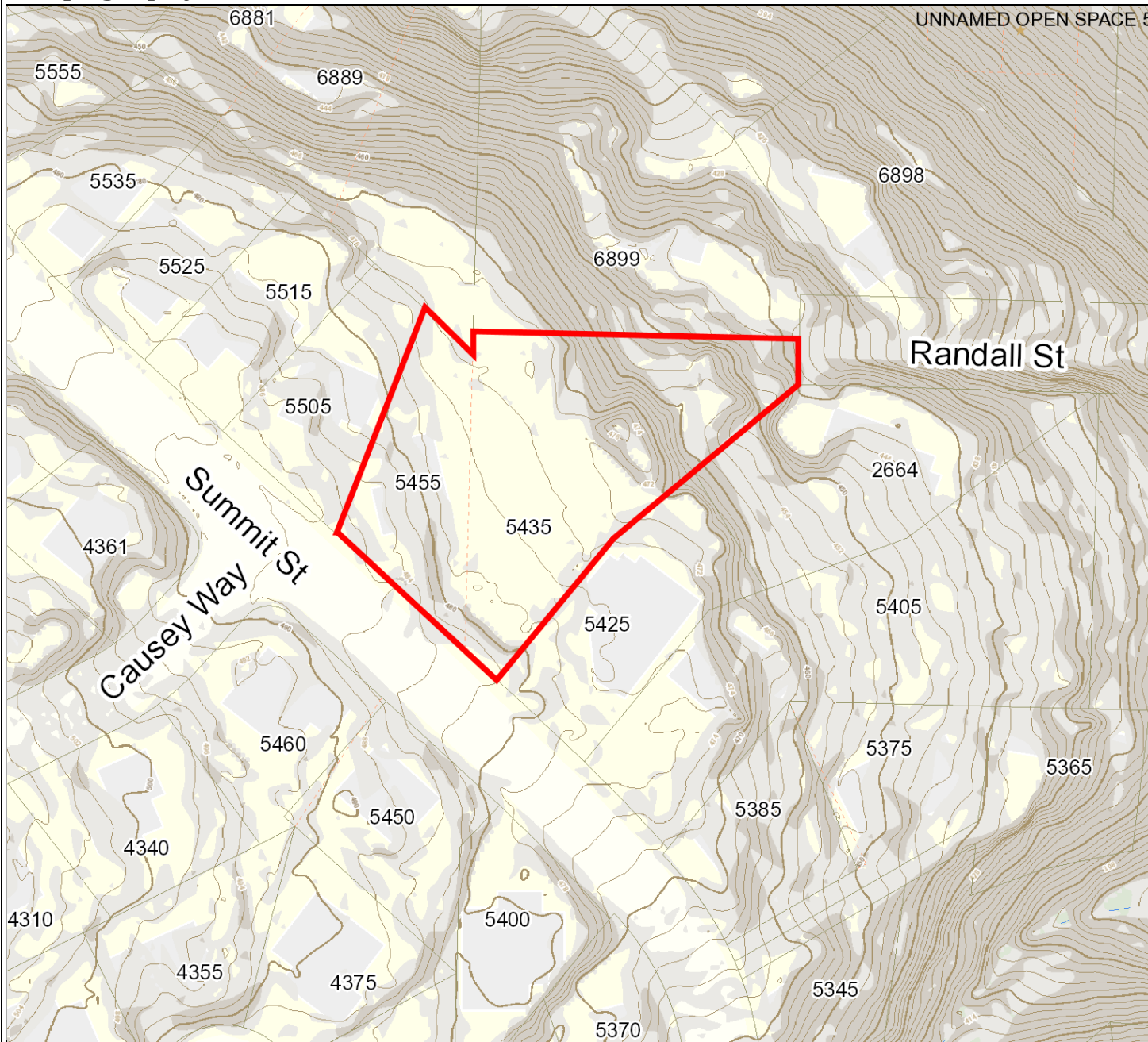
Map created by: DWYSS  
Date Created: 27-Mar-20 01:22 PM

**WEST LINN GIS**

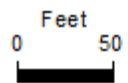
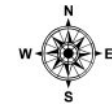
DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



# Topography



- 2-Foot Contours
- Slopes 10-25%
- Slopes 25% plus



Scale 1:1,200 - 1 in = 100 ft  
Scale is based on 8-1/2 x 11 paper size

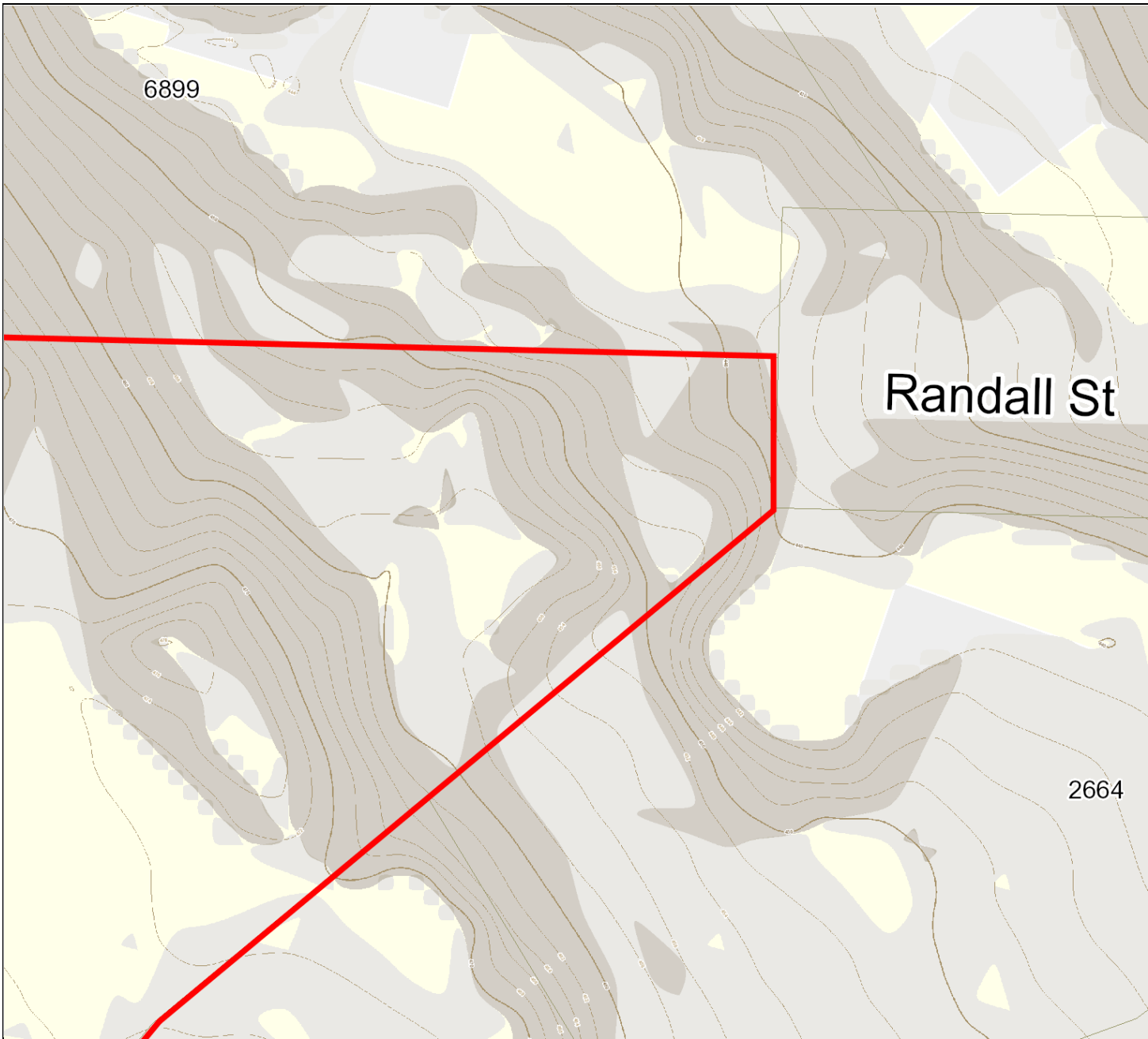


Map created by: DWYSS  
Date Created: 27-Mar-20 01:29 PM

**WEST LINN GIS**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.

# Randall Street Access



— 2-Foot Contours

█ Slopes 10-25%

█ Slopes 25% plus



Scale 1:360 - 1 in = 30 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: DWYSS  
Date Created: 27-Mar-20 01:31 PM

**WEST LINN GIS**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



**"SERANGO NO. 2"**STATE OF OREGON }  
COUNTY OF CLACKAMAS } S.S.

I, RONALD G. TATONE, HEREBY CERTIFY THAT I AM THE SURVEYOR OF "SERANGO NO. 2", A SUBDIVISION PLAT RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, CLACKAMAS COUNTY PLAT RECORDS; THAT INTERIOR MONUMENTATION WHICH WAS DELAYED AT THE TIME OF SAID RECORDING IS NOW COMPLETE AND IN COMPLIANCE WITH APPLICABLE STATUTES; THAT ALL INTERIOR MONUMENTS CONSIST OF 5/8"x3/4" LONG IRON RODS, WITH ALUMINUM CAPS STAMPED "ZAROSINSKI-TATONE, L.S.1349" AND DRIVEN TO GROUND SURFACE, EXCEPT WHERE OTHERWISE DESCRIBED UPON THE PLAT.

DATED THIS 11<sup>th</sup> DAY OF APRIL, 1980

Ronald G. Tatone  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1349

UPON NOTICE OF THE ABOVE MENTIONED INTERIOR MONUMENTATION, I HAVE DIRECTED A FIELD INSPECTION AND HAVE FOUND THEM TO BE PROPERLY PLACED.

Walter E. Milne  
CLACKAMAS COUNTY SURVEYOR

**SECONDARY SURVEYOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT ALL MONUMENTATION DESIGNATED UNDER THE LEGEND AS IRON ROD SET AND REFERRED TO IN NOTE 3 AS POST MONUMENTATION CORNERS, WILL BE SET ON OR BEFORE, OCTOBER 1, 1979.

Ronald G. Tatone  
RONALD G. TATONE, L.S.

SUBSCRIBED AND SWORN BEFORE ME THIS 24<sup>th</sup> DAY OF October, 1978

Ronald H. Russell MY COMMISSION EXPIRES June 13, 1981  
NOTARY PUBLIC FOR THE STATE OF OREGON.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Ronald G. Tatone  
OREGON  
SEP. 23, 1977  
RONALD G. TATONE  
1349



# SUMMIT VIEW

LOCATED IN THE SAMUEL SHANNON D.L.C. NO. 70  
IN THE NORTH 1/2 OF SEC. 25, T.2 S., R.1 E., W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

## ANDY PARIS & ASSOCIATES

16877 S.W. CANYON DRIVE  
LAKE OSWEGO, OREGON 97034  
PH: 636-3341

### SURVEYOR'S CERTIFICATE:

I, HAROLD P. SALO, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ADJOINING MAP TO BE KNOWN HENCEFORTH AS "SUMMIT VIEW" LOCATED IN THE SAMUEL SHANNON D.L.C. NO. 70, IN THE NORTH 1/2 OF SECTION 25, T.2 S., R.1 E., OF THE WILLAMETTE MERIDIAN IN THE CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, THAT AT THE INITIAL POINT OF SAID SURVEY I SET A 2 INCH IRON PIPE, 36 INCHES LONG, 6 INCHES BELOW THE SURFACE OF THE GROUND, AT A POINT IN THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED RECORDS AS FEE NO. 69-1432, SAID POINT ALSO BEING IN THE EAST LINE OF LOT 9, BLOCK 6, OF "SERANGO NO. 1, SAID INITIAL POINT BEARS NORTH 00° 00' 40" WEST FROM THE INITIAL POINT OF "SERANGO NO. 2", 14.29 FEET.

FROM SAID INITIAL POINT; THENCE SOUTH 00°00'40" EAST ALONG THE EAST BOUNDARY OF "SERANGO NO. 1" AND "SERANGO NO. 2", 517.51 FEET TO THE MOST SOUTHWESTERLY CORNER OF THE GEORGE L. HIBBARD TRACT, FEE NO. 69-1432; THENCE LEAVING THE EAST LINE OF "SERANGO NO. 2", NORTH 37°56'24" EAST ALONG THE SOUTHERLY BOUNDARY OF SAID HIBBARD TRACT, 351.36 FEET TO A 5/8" IRON ROD; THENCE CONTINUING ALONG SAID HIBBARD TRACT, SOUTH 89°58'04" EAST, 199.42 FEET TO A 5/8" IRON ROD; THENCE CONTINUING ALONG SAID HIBBARD TRACT, NORTH 00°13'28" EAST, 209.74 FEET TO THE SOUTHERLY LINE OF RANDALL STREET, DESCRIBED IN DEED BOOK 255, PAGE 290, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTH 89°53'30" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID RANDALL STREET, 199.91 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°06'30" EAST ALONG THE WEST LINE OF SAID RANDALL STREET, 30.00 FEET TO A 5/8" IRON ROD; THENCE LEAVING SAID WEST LINE, NORTH 89°53'30" WEST, 216.52 FEET TO THE INITIAL POINT AND PLACE OF BEGINNING. CONTAINING 2.842 ACRES, MORE OR LESS.



SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF November, 1988  
MY COMMISSION EXPIRES 3/21/92  
NOTARY PUBLIC FOR THE STATE OF OREGON.



### DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GEORGE L. HIBBARD DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF "SUMMIT VIEW" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS BEING OF THE DIMENSIONS SHOWN AND ALL STREETS OF THE WIDTHS THEREIN SET FORTH, AND THAT HE DOES HEREBY DEDICATE TO THE USE OF THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREETS SHOWN ON SAID MAP.

GEORGE L. HIBBARD  
DEENA L. KILLENBECK  
NOTARY PUBLIC - OREGON  
My Commission Expires 3/21/92

### ACKNOWLEDGEMENT

STATE OF OREGON  
COUNTY OF CLACKAMAS

BE IT REMEMBERED, THAT ON THIS 16 DAY OF November, 1988, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR THE STATE OF OREGON, PERSONALLY APPEARED GEORGE L. HIBBARD, WHO AFTER FIRST BEING DULY SWORN, DID ACKNOWLEDGE TO ME THAT HE IS THE PERSON NAMED AND DESCRIBED IN THE FOREGOING INSTRUMENT AND THAT HIS SIGNATURE ON SAID INSTRUMENT IS HIS FREE ACT AND DEED.

DEENA L. KILLENBECK  
NOTARY PUBLIC FOR THE STATE OF OREGON  
MY COMMISSION EXPIRES 3/21/92

Ed Deidreid  
COUNTY COMMISSIONER  
DATE 12/23/88

Bob Harlan  
COUNTY COMMISSIONER  
DATE 12/23/88

Harlene Hooley  
COUNTY COMMISSIONER  
DATE 12/23/88

### APPROVALS:

*Timothy Lee Conser* DATE 11/21/88  
CHAIRMAN WEST LINN PLANNING COMM.

*John A. Buel* DATE 12/12/88  
WEST LINN CITY ADMINISTRATOR

PURSUANT TO O.R.S. 92.095, I HEREBY CERTIFY THAT ALL TAXES HAVE BEEN PAID THRU 6-30-89

*George E. Molin* DATE 12-30-88  
ASSESSOR & TAX COLLECTOR

*Pat Brass* DATE 12-30-88  
DEPUTY

*Antonia C. Lowley* DATE 30 Dec 1988  
DEPUTY

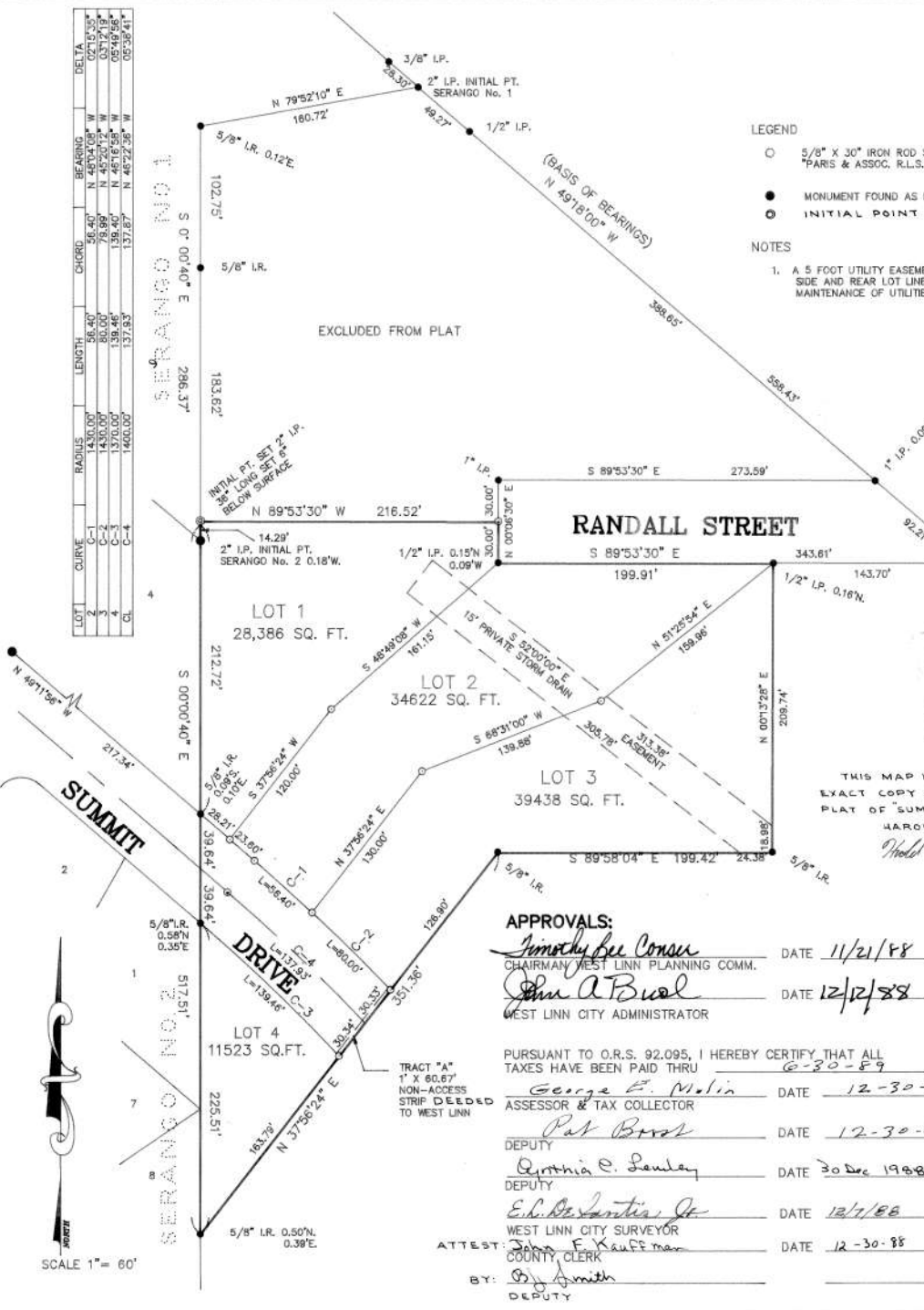
*E.H. Berlantia, Jr* DATE 12/1/88  
WEST LINN CITY SURVEYOR

ATTEST: *John F. Kauffmann* DATE 12-30-88  
COUNTY CLERK

BY: *Sty Smith*  
DEPUTY

THIS MAP IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT OF "SUMMIT VIEW" HAROLD P. SALO R.L.S. 2264  
*Harold P. Salo*

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
1	C-1	1430.00'	56.40'	56.40'	N 45°04'00" W	02°15'35"
2	C-2	1430.00'	56.40'	56.40'	N 45°04'00" W	02°15'35"
3	C-3	1430.00'	56.40'	56.40'	N 45°04'00" W	02°15'35"
4	C-4	1430.00'	56.40'	56.40'	N 45°04'00" W	02°15'35"



SCALE 1" = 60'